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# THE

# QUARTERLY REGISTER

## January–June 1926.

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# Chronicle of Events

## January 1926.

2 Jan. '26 Second Session of the Provincial Trade Union Conference at Bombay, Rai Sahib Chandrika Prosad presided.
Indian Chemical Society Meeting under Sir P. C. Ray's presidency at Bombay—Sir P. C. Ray gave his opinion that Lavoisior was the discoverer of Oxygen.

3 Jan. '26 Railway Board's Annual Report on Indian Railways showing a net profit Rs. 12·12 crores published.

4 Jan. '26 Annual Meeting of the Indian Science Congress under the Presidency of Mr. Albert Howard at Bombay.
Ninth Session of the Indian Economic Conference at Bombay—Prof. C. J. Hamilton presided.

7 Jan. '26 Workers' Meeting at Madras under Major Graham Pole's Presidency resolved to start Indian Fabian Society to carry on a Socialistic propaganda.
Rai Bahadur Sadananda Dowera's Resolution on the transfer of Sylhet to Bengal passed in Assam Council.

9 Jan. '26 All-India Trade Union Congress at Madras under the Presidentship of Mr. V. V. Giri protested strongly against the South African Asiatic Bill.
Sikh Members of the Punjab Council resolved not to accept Ministry as long as the Gurdwara prisoners were not unconditionally released.

11 Jan. '26 Messrs. Khaparde, Kane, Kantikar and Aney resigned membership of C. P. Swaraj Party.

12 Jan. '26 Baroda celebrated Jubilee of H. H. Maharaja Sayaji Rao Gaekwar.

13 Jan. '26 Gaekwar of Baroda remitted land revenue arrears and abolished Cotton Excise Duty and introduced telephones for all towns as Jubilee concessions.

14 Jan. '26 Viceroy nominated Official and Non-Official members to the Council of State. The Non-officials included Sir D. Wacha, K. C. Ray, Major Akbar Khan, Raja Nawab Ali Khan, Raja Harnam Sing, Raja Charanjit Sing and Maharaja of Burdwan.
Sirdar Jogendra Singh appointed Minister of Agriculture, Punjab.
Non-Burman Offenders' Expulsion Bill received the assent of Viceroy.
Members of the South African Deputation, Messrs. J. W. Godfrey, V. C. Pather and A. A. Mirza arrived at Madras.
Madras Presidency Students' Conference met under the Presidency of Mr. B. C. Pal.

16 Jan. '26 Bombay Citizens' meeting under H. H. Aga Khan's presidentship—protest against South African legislation.
Bombay Swarajists statement not to contest the by-elections published.

20 Jan. '26 Lord Reading opened the Assembly at Delhi—regretted that Indian leaders had not made a response to Birkenhead's gesture.
Lahore High Court acquitted 8 and upheld the conviction of 42 men in the Babar Akali Case.

23 Jan. '26 Maharaja of Baroda's banquet in honour of the Viceroy and Lady Reading—The Maharaja claimed the restoration of original sovereignty or ancient privileges—The Viceroy promised careful and impartial consideration.
Nagpur citizens in a public meeting strongly protested against South African legislation.

26 Jan. '26 29 Akali leaders including Sirdar Bahadur Sirdar Mahatab Singh acquitted on giving undertaking to work out the Gurudwara Act.
Mr. T. C. Goswami's amendment demanding open trial of all political detenues carried in the Assembly by 53 to 45 votes.

28 Jan. '26 Nagpur Congress Committee passed vote of 'no confidence' in its President Dr. Cholkar.

29 Jan. '26 Mr. Ramchandra Rao presiding over the Conference of National Prohibitive Party urged Prohibition as a National ideal.
Moderate Conference in Albert Hall Calcutta pleaded for a common platform.

30 Jan. '26 Indian Chamber of Commerce inaugurated in Calcutta.

31 Jan. '26 Lucknow citizens in public meeting under the presidency of Hon. Raja Sir Rampal Singh protested against the South African Class Areas Bill.

## February 1926.

2 Feb. '26 Home Member heckled in the Assembly about Mr. Colman (A. C. I. D. officer of the Punjab) succeeding Prof. Rushbrook Williams as the Director of Public Information, Govt. of India.

3 Feb. '26 Calcutta citizens in a meeting at Town Hall under Lord Bishop's presidency protested against the anti-Indian legislation of the South African Government. The Lord Bishop declared his sympathy with the Indian settlers and characterised the Bill as contrary to the principle of humanity and justice.
"Trading Taxation Bill" passed in the Assembly.
Government demand for increased salary for two members of the Judicial Committee of the Privy Council defeated in the Assembly by 50 against 40 votes.

4 Feb. '26 Mr. Biswanath Dass sentenced to 6 months' rigorous imprisonment and fined Rs. 5,000 for drawing Rs. 2,110 for khaddar propaganda, thereby causing wrongful loss to Government.

8 Feb. '26 Trade Union Bill and Contempt of Court Bill passed in the Assembly.
Amendment for reduction of the Ry. demand of 68 lacs by 37 lacs by Mr. M. K. Acharya carried by 50 to 49 votes in the Assembly.
Madras Council President over-ruled by the Governor on adjournment motion of South African Bill.
The Viceroy welcomed the members of the new Council of State at Delhi and announced the formation of a Royal Indian Navy.

10 Feb. '26 Criminal Code Amendment Bill introduced in the Assembly by 52 votes to 45.

12 Feb. '26 Mr. Amarnath Dutta's Bill for repealing the Bengal Regulation discussed in the Assembly—Mr. Donovan delivered a most provocative speech—Lala Lajpat Rai ridiculing his enthusiasm remarked: "An Irish Bureaucrat is a different commodity from an Irishman in Dublin."
All Hindus found guilty and convicted in the Panipath riot case by Mr. Waugh, Special Magistrate.

13 Feb. '26 Surma Valley Conference at Habigunj—Mr J. M. Sen-Gupta presided.

14 Feb. '26 Responsive Co-operators—Conference at Akola. Mr. M. R. Jayakar presided.
Mr. Godfrey of the South African deputation interviewed by a "Free Press" representative said: "We had an interesting interview with Mahatmaji who expressed his willingness to go to South Africa if necessity arose."

16 Feb. '26 Repeal of the Burma Expulsion of Offenders' Act carried in the Assembly by 69 votes to 33, the European non-officials voting with Indian officials.
Lunacy Act passed in the Assembly.

17 Feb. '26 Bengal Village Self-Government Bill thrown out in the Bengal Council.

18 Feb. '26 President's arbitary ruling in Bengal Council—Swarajists and Nationalists walk out in protest.
Mr. Sorabji's appeal to Viceroy for a demand for Round Table Conference for South Africa.
Sir Charles Innes presented Railway Budget in the Assembly—wagon orders placed with Indian firms.
Mr. Sethna's resolution in the Council of State for the immediate appointment of a Royal Commission lost.
Sir Abdur Rahim's amendment on electoral rules moved in the Bengal Council without due notice carried.
Land Revenue Sales Act passed in the Behar Council.

19 Feb. '26 First sitting of the Indian Industrial Congress at Delhi.
Mr. Donald presented annual budget in the Bengal Council—increase of 4 lacs in police grants.
Mr. Amar Nath Dutta's Bill to repeal Bengal Regulation not taken into consideration in the Assembly by 49 votes to 46.
Gokhale anniversary meeting at Bombay—Sir Stanley Reed presided.

20 Feb. '26 **Mr. Subhas Chandra Bose and other detenues at Mandalay Jail resorted to hunger strike** as a protest against Government refusal for Durga Puja, Swaraswati Puja and other holy festival allowances.
Sir J. C. Bose elected President of the Indian Science Congress at Lahore.

22 Feb. '26 Assam Governor opened the Winter Session of the Assam Council at Shillong.
Resolution on the Compulsory Physical Culture for students between the ages 12 and 16 passed in the Bengal Council.
Mr. L. P. Bhopatkar elected Leader of the Swarajya Party in the Bombay Council.

23 Feb. '26 "Forward" of Calcutta brought to light Lt.-Col. Mulvany's evidence before the Indian Jail Committee about the treatment to political prisoners in or about 1915 and on the questionable manner in which reports regarding them were drawn.
Demand for the Railway Board thrown out in the Assembly by 51 votes to 48.
Salary of the President raised to one thousand in the Assam Council.
Assam Council rejected by 19 to 10 votes the resolution proposing transfer of Cachar to Bengal.

24 Feb. '26 Report on Bengal's Public Health for 1924 published; terrible infant mortality and malaria's heavy toll.
Motion for removal of President defeated in the Bengal Council.
Calcutta Corporation recorded its emphatic protest against the Government's attitude in the matter of the treatment of Sj. Subash Chandra Bose and other detenues in Mandalay Jail which forced them to resort to hunger strike.
Motion for a reduction of 20 lacs in respect of cost of Lee Concessions to Railway officers carried in the Assembly by 60 votes to 46.

25 Feb. '26 A Censure motion—by way of a cut of one thousand Rupees protesting against the slow Indianisation of the services carried by 58 against 45 votes in the Assembly.
Reduction of third class passengers' fares carried by 53 against 41 in the Assembly.
Mr. T. C. Goswami's adjournment motion about the hunger-strike among the state prisoners in Mandalay Jail carried by 57 to 40 votes in the Assemby—All non-official members including a number of nominated members voted in its favour.
Bengal Council President held adjournment motion on hunger strike of Mandalay prisoners out of order.

Citizens of Rangoon at a public meeting under the Presidentship of U. Paw Tun, sympathised with the Bengal detenus' hunger-strike in Mandalay Jail.

26 Feb. '26 Report of the Taxation Enquiry Committee published.
Calcutta citizens recorded their deep indignation at the inhuman treatment meted out to Bengal's "flowers" at Mandalay Jail—Sir P. C. Roy presided.

27 Feb. '26 Maharaja Holkar of Indore abdicated in favour of his son.
Working Committee of the All-India Spinners' Association met in the Satyagraha Asram.

28 Feb. '26 Calcutta observed spontaneous and complete "hartal" in honour of her noble sons behind the prison bars at Mandalay.

## March 1926.

1 Mar. '26 Two hundred and ninety-four Associations declared unlawful by the Burma Government.
Sir Alexander Muddiman made a statement on hunger-strike at Mandalay Jail and informed the Assembly that the Telegraphic communication of Lala Lajpat Rai and Mr. T. C Goswami appealing to the prisoners to give up hunger-strike had been communicated by him to the prisoners.
Sir Basil Blackett presented budget in the Assembly—The total surplus amounted to rupees three hundred five lacs.
An Indian archaeological fund started with a Government grant of 50 lacs.

2 Mar. '26 Adjournment motion on hunger-strike of Political prisoners disallowed by Burma Govt.
Contempt of Courts Bills passed in the Council of State—the Swarajists opposing it.
Mr. Rama Rao moved the circulation of the Medical Education Bill in the Council of State.

3 Mar. '26 Calcutta Corporation's address to Rt. Hon. Mr. V. S. Sreenivas Sastri—Mr. Sastri paid tribute to the self-sacrifice of Subhas Chandra Bose which sounded like a chapter of romance to him and concluded that "we shall never be wanting in public spirit and courage necessary to stand shoulder to shoulder with all those in the country by whatever designation they may be called in political parlance in upholding the rights of the citizens none too many and none too sure."
Fifth Baroda State Subject's Conferenc eunder the presidency of Mr. Sane demand full responsible Government.

4 Mar. '26 State-prisoners break fast in Mandalay Jail.
Swarajists and Independents abstained from attending the Assembly at Delhi.

5 Mar. '26 Members walked out in protest against unfair attitude of Government in Burma Council—the House adjourned.

6 Mar. '26 Mr. Y. M. Kale, Swarajist elected President C. P. Council defeating Sir S. K. Chitnobis.
**The All-India Congress Committee on a motion of Mr. Sreenivas Iyengar passed a resolution calling upon the Swarajists to withdraw from the Assembly and the Councils** after voting against the first demand of grant in the Assembly on the 8th March.

8 Mar. '26 Swarajists headed by Pandit Motilal Nehru walked out from the Assembly—President Mr. Patel adjourned the unrepresentative House.
Swarajist members walked out from the Council of State, from the Behar Legislative Council, from the Assam Legislative Council, from the Punjab Legislative Council. Bombay Swarajists abstained from attending the Council.

9 Mar. '26 Ministers' salaries thrown out in the C. P. Council by 38 votes to 15—the Swarajists withdraw.

10 Mar. '26 Pandit Motilal Nehru resigned membership of the Skeen Committee.
Burma Council adjourned, movers of resolution absent.

11 Mar. '26 U. P. Swarajists walk out from the Council.
Mr. Jinnah's motion for the early appointment of a Royal Commission defeated in the Assembly.

12 Mar. '26 Sir A. C. Chatterjee and Mr. L. J. Kershaw appointed to represent the Government of India at the International Conference at Geneva. Mr. R. N. Gilchrist and J. E. P. Currey to be advisers. Sir Arthur Froom to represent the employees, Mr. M. Daud and S. Chogahjan to be advisers.

13 Mar. '26 Independents issued manifesto abstaining from attending the Bengal Council according to Cawnpore Congress mandate.
Raja Narendra Nath presided over the 9th session of Hindu Mahasabha at Delhi—dwelt on the need of physical regeneration and the removal of stigma of untouchability.
Ulemas of Bengal and Assam under the presidency of Moulana Idris condemned the views of Sir Abdur Rahim in his address as Chairman of the Reception Committee of the Jamiatul-Ulema-I Hind that Bengali should not be made the medium of instructions and held that Bengali is the mother tongue of the Mussalmans of the province and its adoption as medium would contribute to the educational progress.

14 Mar. '26 All-India Cantonments Conference at Ambala—demand of more franchise and more reforms.

15 Mar. '26 Swarajist members walked out from the Bengal Council—Independents excepting three abstained from attending.
Council of State reversed the Assembly's decision refusing to enhance the salaries of the two Privy Council members.
Eighth session of the Agarwala Marwari Conference at Delhi—Seth Jamnalal Bojaj presided.

16 Mar. '26 Madras Nationalists and Swarajists headed by the Nationalist leader C. V. S. Narasingha Raju walked out of the Council.
Abolition of the Cotton Excise Duty passed in the Assembly. Finance Bill passed.

17 Mar. '26 Mr. J. K. Munshi's censure motion on Government about political prisoners in Burma carried by 38 to 33 votes in the Burma Council.

20 Mar. '26 Convocation of the Bihar Vidyapith at Patna under the presidency of Mr. Rajagopalchari.
Pt. Motilal Nehru presiding over the Benares District Conference said that the walkout from the Councils was not a dodge but a protest and mother India was not a selling commodity.

22 Mar. '26 Chittaranjan Seva Sadan opened for patients in Calcutta.

25 Mar. '26 Communal fracas at Fatepur. Arya Samaj procession stopped by Mahommedans.

27 Mar. '26 Bengal Government report on North Bengal flood published.
Gurukool Founder's Day celebrated. Swami Sradhananda presided.
Lala Lajpat Rai delivered a forceful speech at Bradlaugh Hall, Lahore criticising Pt. Malaviya's anti-Congress move and extolling the Swarajists.

31 Mar. '26 Personnel of Royal Commission of Agriculture announced.

## April 1926.

1 Apl. '26 Mr. J. M. Sen-Gupta elected Mayor of Calcutta.
Secretary of State rejected Nizam's claim for the restoration of Berar—Lord Reading's reply that no Ruler of an Indian State could claim to negotiate with the British Government on an equal footing.
The Viceroy-elect Lord Irwin and Lady Irwin landed at Bombay.

2 Apl. '26 Mahomedans attack on Arya Samaj processions. Hindu Temple desecrated—Several Hindus killed and one hundred wounded.

3 Apl. '26 Sitting of the Central Sikh League at Bradlaugh Hall, Lahore. Baba Gurditt Singh presided and condemned communal representation and characterised the Reform Council as impotent.

5 Apl. '26 Unity Conference under the presidency of Sir Tej Bahadur Sapru at Bombay decided to form Indian National Party.
Section 144 proclaimed in Calcutta, Mahomedan hooliganism continued.
2nd Session of the District Depressed Classes Conference under the presidency of Lala Ramprasad opened at Dehra Dun.
National Federation Conference at Bombay.

6 Apl. '26 Communal riot in Calcutta—indiscriminate stabbing, looting and rioting by rowdies—shops closed.

7 Apl. '26 Behar Zemindars' Conference at Patna, Maharajadhiraj of Durbhanga presided.

8 Apl. '26 Bombay Indian Merchants Chamber's protest against the transfer of Rupees Three Crores to the Secretary of State through the Paper Currency reserve.
Lahore Municipality initiated new move on mass education.

9 Apl. '26 Pandit Motilal Nehru and Mr. Rangaswami Iyenger addressed Public Meeting at Lahore.

10 Apl. '26 Bengal Branch of the Indian National Party formed in Calcutta.

13 Apl. '26 Commissioner of Police, Calcutta issued notification prohibiting processions and song and music in public places on "Chait Sankranti" day.
Bombay citizens celebrated Jalianwalla Bagh Day under the presidency of Mrs Sarojini Naidu.
Madras, Lahore and Nagpur citizens also celebrated Jhalianwala Bagh Day.

14 Apl. '26 Chittaranjan Seba Sadan formally opened by Pandit Motilal Nehru at Calcutta.

17 Apl. '26 Hearty send off of the Indian South African Deputation to Cape Town.
Behar Hindu Conference at Mazaffarpur, Pandit Madan Mohan Malaviya presided.

20 Apl. '26 Responsivists and Swarajists met in a Conference at Satyagraha Asram Ahmedabad.

21 Apl. '26 Basis of a common understanding found in Sabarmati Conference—A. I. C. C. to ratify.
Diarchy suspended with effect from 20th April 1926 to 31st January 1927 in C. P. by order of His Excellency the Governor-General in Council.
Mopla colonization scheme in the Andamans suspended by the Viceroy.

22 Apl. '26 Hooliganism broke out in Calcutta again—Horrible murders and brutal outrages.

23 Apl. '26 South African Union Government accepted the offer of the Government of India for a Conference to arrive at an amicable settlement—Asiatic Bill postponed.

29 Apl. '26 All-India depressed classes Conference at Nagpore.
Patna High Court rejected application for writ of Mandamus against Governor.
Special Khilafat Conference at Delhi, Moulana Mohammed Ali atacked the Hindu leaders.

30 Apl. '26 Government of India, with the recommendation of the Muddiman Committee removed the sex disqualification both in the Central and the Provincial Lagislatures.

## May 1926.

1 May '26 Fifth anniversary of the Rashtriya Hindi Mandir at Jubbalpore—Babu Shivaprosad Gupta presided.

Temple defiled and images mutilated and broken in Barisal.
Mr. C. F. Andrews arrived at Bombay from South Africa. Bombay's homage to Mr. Andrews; public reception at Cowasji Jehangir Hall, Sir Chiman Lall Sitalvad presided.
Secretary of State approved King's Commission in the Indian Army Veterinary Corps to qualified Indians.

3 May '26 Lawrence Statue inscription :—"Will you be governed by pen or sword"? Changed by Govt. into "with sword and pen I served you."

4 May '26 Maulana Shaukat Ali in Bombay meeting said, "Death was calamity for Khaffirs but not so to the Muslims and the Calcutta riots had taught them to awake from lethargy."

Ahmedabad Municipality presented addresses to Pandit Nehru, Mrs Sarojini Naidu, Mrs. Besant and Moulana Shaukat Ali.

7 May '26 Enquiry Commission at Simla consisting of Sir William Currie and Mr. Sethna recommended dissolution of the Army Canteen Board.

8 May '26 Special Session of the Khilafat Conference at Delhi. Maulana Sulaman Nadvi, the president on Hindu-Moslem unity.

9 May '26 Working Committee of the Hindu Mahashaba met at Delhi and insisted on the right of playing music on King's highway.
Annual Sikh procession passed with music before mosque in Calcutta.

13 May '26 Khilafat and Jamiat Deputation sailed for Hedjaz.

15 May '26 Dacca District Conference, Mrs. Sarojini Naidu presided.

17 May '26 Begum of Bhupal abdicated in favour of her son.
Dacca Student's Conference. Mr. T. C. Goswami presided.

18 May '26 Security Act passed in the Bengal Council.

22 May '26 Bengal Provincial Conference opened at Krishnagar. Mr. B. N. Sasmal's presidential address created up-roar in the assembly. Delegates demanded apology from the President.
All-Bengal Young Men's Conference at Krishnagar, Mr. Upendra Nath Banerjee presided.

23 May '26 Break-up of the Provincial Conference at Krishnagar—Mr. Sasmal resigned presidentship.
Bengal Provincial Conference meeting continued under the presidency of Mr. J. Choudhuri.
17th Session of Sikh Educational Conference at Lahore—Sirdar Bahadur Mohan Singh in his presidential address demanded New University for Sikhs.

27 May '26 3rd C. P. and Berar Non-Brahmin Conference at Chikhli—Rai Bahadur K. S. Nayudu, Dy. President of C. P. Council presided.

28 May '26 Buddhadeb Birth anniversary and the Mahaparinirban celebrated by Bauddha Dhamankur Sabha in Calcutta.

31 May '26 8th Session of the Cawnpore Political Conference at Gajar—Pandit Arjun Lall Sethi presided.

# June 1926.

1 June '26 Mr. Ralliaram sailed for Europe to represent India at the World Students' Conference to be held in Finland.
Communal fracas at Naihati, mill-hands take part. Ten Hindus and three Mahomedans seriously injured.

2 June '26 International Labour Conference at Geneva, Lala Lajpat Rai expressed disappointment at the slow progress in India.

3 June '26 Hindu citizens met to protest against the police action about Raj Rajeswari procession at Calcutta Town Hall under the presidency of Mr. N. N. Sarkar.
British Indian Association, Calcutta, issued a statement on the questio

of music before mosque as unalienable right of Hindus backed by evidences.

4 June '26 Bengal Government resolution on music before mosque issued—no music before Nakoda mosque.
India Government's resolution on Public Accounts Committee published at Simla.

5 June '26 Lala Lajpat Rai's resolution on Indian Labour adopted at Geneva—warmly supported by Japanese delegation.

7 June '26 The Viceroy opened Conference of Directors of Agriculture at Simla and announced the Royal Commission on Agriculture.

10 June '26 Hindu-Mahomedan Leaders' Conference convened by Maulana Mahzarul Huq at Chapra—Moslems to stand by Congress.
Mahomedan Councillors tender their resignation letters to the Mayor of Calcutta.

12 June '26 Calcutta Hindu Sabha's protest against Government communique about music before mosque.

14 June '26 Incendiarism broke out in Rawalpindi—Military pickets on the Scene. Eleven Musalmans, two Hindus and one Sikh killed.

16 June '26 Deshbandhu Day celebrated throughout India.
India Government communique about the transfer of Sylhet to Bengal published.

18 June '26 Nomination to the Executive Council of the B. P. C. C. declined by Mr. T. C. Goswami, N. C. Chunder, S. C. Bose etc.
Akali brush with police at Amritsar. Ladies participate, Secretary of S. G. P. C. seriously wounded.

19 June '26 Police raid in Calcutta—several arrested under the Ordinance Act.
Deshbandhu's portrait unveiled by Mr. Srinivasa Iyengar in the Mayabharam Municipal Hall, Tanjore.

20 June '26 Manifesto on the present situation and a clear cut programme issued under the signature of Mr. T. C. Goswami, B. C. Roy, Sarat Chandra Bose, N. R. Sirkar and N. C. Chunder.
All India Press employees' Conference in Calcutta—Mr. T. C. Goswami presided.

27 June '26 Convocation of the Women's University at Poona—Sir Morophant Joshi delivered the Convocation Address.

28 June '26 East Godavari District Conference at Sitanagaram, Madras, requested Assam Congress to inaugurate civil disobedience.
Draft constitution of the All-India Political Sufferers Conference adopted at Lahore meeting. Swami Govindananda, President "All-India Political Sufferers Conference" said the office will be at Karachi till the Assam Conference.
Women's Indian Association under the presidency of Misses Sherbance and F. Vakil demand the removal of ban on women being elected to the legislatures.
Punjab Legislative Council—non-official members gained victory on the remission of taxation.
Prisoner Reform Bill passed in the Punjab Council.
Fifth annual meeting of B. N. Railway Union at Calcutta.

30 June '26 Madras Council—Court fees Bill passed reducing taxation to the extent of 9 lakhs.

# INDIA IN HOME POLITY

January-June 1926.

# The All-India Congress Committee

The A. I. C. C. at its meeting held at Patna on the 22nd September 1925 resolved that "the Congress do now take up and carry on all such political work as may be necessary in the interest of the country" and provided that "the work in connection with the Indian and Provincial Legislatures shall be carried on in accordance with the policy and programme laid down by the Swaraj Party under the Constitution framed by the Party and the rules thereunder, subject to such modifications made by the Congress as may be found necessary from time to time for the purpose of carrying out the said policy." This resolution was confirmed by the Congress at its Cawnpore session in December 1925 and the basic principle on which all political work was to be carried on was laid down in the following terms : —

"This Congress reiterates its faith in Civil Disobedience as the only effective weapon to be used in the last resort to enforce the national claim and vindicate our national honour, but realises that the country is not now ready for it and in view thereof this Congress resolves that the guiding principle in carrying on all political work shall be self-reliance in all activities which make for the healthy growth of the nation and resistance to every activity, governmental or other, that may impede the nation's progress towards Swaraj.

As regards the work in the Councils the Congress adopted "on behalf of the country the terms of the settlement offered to the Government by the Swaraj and Independent parties of the Assembly by the resolution passed on the 18th February 1924", and in view of the fact that there had been no response on behalf of the Government, the Congress resolved upon certain steps to be taken in the various legislatures culminating in the withdrawal of all Swarajist members from them. By the same resolution the Congress called upon the A. I. C. C. to frame a programme of work, including the education of the electorates, and authorised it to lay down the lines upon which the general elections were to be run by and in the name of the Congress and to state clearly the issues on which Congressmen were to seek election. The power thus conferred upon the A. I. C. C. was subject to the important proviso that "the policy of non-acceptance of offices in the gift of the Government shall continue to be followed until, in the opinion of the Congress, a satisfactory response to the settlement offered by the Assembly is made by the Government". The A. I. C. C. at its meeting held at Delhi on the 6th March, 1926 gave the necessary directions for the carrying out of the mandate of the Congress. The proceedings of this meeting are given below.

## The Delhi A. I. C. C. Meeting

*DELHI—6TH & 7TH MARCH 1926.*

The All-India Congress Committee met on the 6th March in the afternoon in the committee room of the Western hostel, Delhi to discuss the

Committee recommending a walk-out was read. This Special Committee which was appointed by the Cawnpore Congress to consider whether any response had been made by the Government to the national demand, had recommended to the All-India Congress Committee the following resolution:—

"This Committee having carefully considered the statements made by the Governor-General in his inaugural addresses to the Legislative Assembly and the Council of State and the answers given by the Home Member to the questions put in the Assembly and to the resolution of Mr. Phiroze C. Sethna and amendment to it moved by Seth Govind Das in the Council of State, is emphatically of opinion that the said statements and the answers amount to a refusal on the part of the Government to concede the demand for Reforms made by the Assembly. In coming to this opinion this Committee is fortified by the resolution of the Swarajya party in the Indian Legislature (copy of which is attached). It is therefore resolved as follows: That the Swarajya Party in Central and Provincial Legislatures do now take the steps laid down in Resolution 7 (B), (1 and 2) (3) passed by the Congress at its Cawnpore session".

The aforesaid resolution suggested a walk-out from the Legislatures and it formed the subject matter of discussion of the A. I. C. C. on this day. As soon as this resolution was read, Mr. S. Srinivasa Iyengar on behalf of the working committee of the Congress, moved a resolution describing the Government's attitude as one of coercing the nation into abject submission and calling upon Swarajists to walk-out on March 8. The resolution runs:—

## 1.—The Walk-out Motion.

"This meeting having taken into consideration the pronouncements made in the Council of State and the Legislative Assembly by the Governor-General and the Home Member referred to in the report of the Special Committee, is of opinion that the insistence of the Secretary of State and the Government of India on full co-operation by representatives of the people under existing conditions clearly demonstrates the intention of Government to coerce the nation into abject submission, without making any advance on the present vicious system of Government. This Committee therefore has no option but to adopt the recommendations of the Special Committee and calls upon Swarajist members of the various legislatures to follow the course laid down in Regulation VII (B) (1), (2), (3) passed by the Congress at its Cawnpore session. This Committee hereby calls upon the party in the Assembly to leave their seats after raising the constitutional issue once again by moving on the 8th March that the first demand for grant which may come up for discussion be omitted. The Committee calls upon the Swarajist members of all legislatures to conform to the other directions contained in the said resolution of the Congress, and engage themselves in carrying out the programme hereinafter laid down". (This programme is mentioned in the resolution on Constructive Programme)

Mr. Srinivasa Iyengar said they must look at the resolution as practical men with a sense of responsibility. The resolution of the Cawnpore Congress had stated that if Swarajists remained in the Assembly they must vote for rejection of the Finance Bill, but not that they were bound to remain in the Assembly after announcing to the Government that they would not remain. Mr. Iyengar therefore said that the Swarajists after announcing to the Government on March 8th that they would walk-out, must act accordingly and not remain to vote for rejection of the Finance Bill. It would be absurd to remain in the Assembly after that announcement. It was not in any spirit of irresponsibility that the Committee suggested a walk-out, but in pursuance of a deliberate resolution passed at Cawnpore.

Mr. R. K. Shunmugam Chetty seconded the resolution.

### Amendments Moved.

Mr. B. Das moved as an amendment his proposition that if a Royal Commission was appointed, then Congressmen should agree to work the

present Reforms. He moved this proposition in light of the circumstances that had happened in the last three months. The President ruled the motion out of order.

Mr. Govardhandas moved an amendment to the effect that the resolution should suggest to all Nationalists besides Swarajists to come out of the Assembly and Councils.

Mr. S. Satyamurthi moved an amendment that the resolution calling upon Swarajists to withdraw, must have an equally binding effect on all Congressmen in the Assembly and Councils. He asked them to remember that this was the All-India Congress Committee speaking in the name of the Congress, and if this resolution was passed it must be binding on all Congressmen, otherwise they would be putting a premium on disloyalty to the Congress. If the non-Swarajist Congressmen dared disobey,let them face the consequences. If, because this resolution was mandatory, non-Congressmen like Pandit Malaviya resigned from the Congress, let them resign. The Congress would not lose anything by it The Congress had survived such withdrawals from it by Moderates and it would survive if these non-Swarajists went out. The Congress would commit suicide if this resolution had no binding effect on all Congressmen.

Mr. Asaf Ali supported the amendment of Mr. Satyamurthi.

Lala Lajpatrai said this committee had no jurisdiction to make this change. The Swarajist Party could force its discipline on its members but not the Congress, whose resolutions were not mandatory. It was only by adopting the amendment of Mr. Satyamurthi that the Congress would commit suicide. Speaking on the resolution itself the Lala did not agree with the legal interpretation of Mr. Srinivasa Iyengar that the Cawnpore Congress resolution meant that Swarajists must walk out after intimating this act and should not stay on till the Finance Bill came up.

Mr. Abhyankar opposed the amendment of Mr. Satyamurthi because the Congress had no right now to expect those non-Swarajists, who had gone into the Councils by fighting their own battle, perhaps against the Swarajists, to withdraw from the Assembly and Councils. Let them stay on and have their hearts desire. They would very soon be disappointed, and the experiences they would have would be their best lesson. Why then should this Committee say anything ? Without this Congress Committee calling upon them to walk out, they, the non-Swarajist Congressmen, might have themselves to walk out (Laughter).

Mr. S. Srinivasa Iyengar agreed with Mr. Satyamurthi in his view that all Congressmen should be expected to join in the walk out, but for that he would have a separate clause and not interference with this clause in the resolution, which was based on ideas of discipline of the Swarajists.

Mr. B. B. Adwani also opposed the amendment, observing that it was for electorates to give whatever treatment they liked to non-Swarajist Congressmen at the next election.

Mr. Ramdas Pantulu pointed out that the Congress jurisdiction, so far as Council work was concerned was over its own agents, the Swarajists and not on all.

Mr. Satyamurthi modified his amendment by a separate clause, that the Congress Committee expects all non-Swarajist Congressmen also to withdraw.

Pandit Motilal considered the proposal as highly undignified because

non-Swarajist Congressmen had entered into the Councils on their own ticket and not on the Congress or Swaraj ticket.

Mr. Satyamurthi's amendment was lost.

Lala Govardhandas's amendment was withdrawn.

The resolution, as moved by Mr. Srinivasa Iyengar, was carried, there being about a dozen dissentients mostly from the Central Provinces and Bombay.

### Messrs. Patel & Nehru asked to Resign.

After Mr. S. Srinivasa Iyenger's resolution regarding the Swarajist walk-out had been carried, Mr. Srikrishandas Lullah moved a resolution that in consequence of the resolution just passed, Mr. Patel should resign the the Speakership of the Assembly and Pandit Motilal Nehru should resign his membership of the Skeen Committee.

The press representatives were asked to withdraw, but were promised a statement by the Secretary regarding the result of the debate. The debate lasted two hours and was very lively. Eventually the resolution of Mr. Lullah was withdrawn.

Following is the official statement issued by the Congress regarding the discussion in the Congress Committee about Mr. Patel and Pandit Motilal cotinuing to be the Speaker and a Skeen Committee member, respectively :—

"The question of whether Pandit Motilal Nehru should be asked to resign the Skeen Committee, and Mr Patel the presidentship of the Assembly, was taken up in camera. A resolution was moved by a member to this effect and a long debate followed. Pandit Motilal Nehru, however, made a statement that without agreeing with any arguments adduced against his continuance on the Skeen Committee, he had come to the conclusion that it was not consistent with the mentality which was actuating the Swarajists to walk out of the Councils for any Swarajist to continue in any office which required co-operation in any degree with the Government. He did not therefore wish to remain any longer in the Skeen Committee and had made up his mind to resign his seat on that Committee. He stated further that he did not wish to subject his decision to the vote of the House. On this the mover wanted permission to withdwaw his resolution, which was given by the House."

## 2.—The Constructive Programme.

The Committee then proceeded to discuss the plans of Congressmen after the Swarajist walk-out.

On the Motion of Mr. S. Srinavasa Iyengar the Committee passed the following resolution regarding work in the Country :—

"That in pursuance of the Cawnpore resolutions this Committee adopts the following programme of work for the year 1926. The Provincial Congress Committees shall at once take steps to reorganise the Congress Committees in the districts, tahsils, or taluqas and villages in their respective jurisdictions. The District, Tahsil, or Taluq, and Village Committees shall, (A) organise propaganda and enrol Congress members under the directions of their respective Provincial Committees and (B) popularise the spinning wheel and Khaddar under the directions of Mahatma Gandhi, promote national education and organise labouring classes. The Working Committee shall take steps to explore avenues for an amicable settlement of the communal differences prevailing in the Country and report the A. I. C. C., as early as possible if it is able to find a satisfactory basis for such settlement. In case no such basis can be found, the said Committee will report its own views on the merits of the matters in dispute between the various Communities, and make recommendations to the All-India Congress Committee."

## 3.—The General Elections.

There was a good deal of discussion regarding the next general elections. Mr. S. Srinivasa Iyengar moved an official resolution :—

"Subject to such modifications as may be made by the Congress in its session of December 1926, the ensuing general elections will be run on the following programme by the Congress and Swarajya Party organisations working in co-operation with each other. The general policy of Congressmen in the Assembly and the various Councils will be one of determined resistance and obstruction to every activity, Governmental or otherwise, that may impede the nation's progress towards Swaraj, and in particular Congressmen in the Legislatures shall, (A) refuse to accept offices in the gift of the Government until, in the opinion of the Congress, satisfactory response is made by the Government. (B) refuse supplies and throw out budgets until such response is made by the Government except when the Working Committee instructs otherwise, (C) throw out all proposals for Legislative enactments by which the bureaucracy proposes to consolidate its power, (D) Move resolutions and introduce and support measures and bills which are necessary for the healthy growth of national life and the advancement of the economical, agricultural, industrial, and commercial interests of the country, (E) Take steps to improve the condition of Agricultural tenants by introducing and supporting measures to secure fixity of tenure and other advantages with due regard to the rights of zamindars, (F) Generally protect the rights of labour, agricultural and industrial, and adjust the relations between landowners and tenants, capitalists and workmen".

The Hon. Mr. Ramdas Pantulu seconded the resolution.

### Responsivists' Amendment

Dr. Moonje, Responsive co-operationist, moved in substitution of the whole resolution the following amendment :—

"That in accordance with Resolution No. 7 of the Cawnpore Congress, the Provincial Congress Committees do take steps with a view to capture the different Legislatures, to set up Congress candidates as far as possible for all the seats in the different Legislatures open to elections, so that if a solid standing majority of Congressmen is secured after the next general elections in the majority of provinces, a full trial may be given to the programme of continuous consistent, and persistent obstruction as originally conceived by the Swaraj Party for the purposes of preventing the very functioning of the different Legislature. That a full trial of the programme of continuous, consistent, and persistent obstruction means that all measures of the Government, good, bad, or indifferent, are thrown out, and no resolutions are moved or bills introduced or questions asked, which may have the effect of working the Legislatures to any purpose whatsoever other than that of exposing the bureaucratic soul of the Government in its nakedness, and the budget will be thrown out and no seat on any of the Committees appointed by the Legislatures or the Government is accepted. That in case this solid standing majority of Congressmen is not secured in the Legislatures of the majority of provinces after the general elections, this Committee recommends that the Congress Party in the different Legislatures be allowed either by themselves along or in combination with other nationalistic groups in their respective legislatures, to adopt a policy of responsive co-operation, which means capturing the present machinery of the Government so far as may be possible under our present circumstances, so that opportunities may be created for improving the material prosperity of the people, thus strengthening them in their resistance to Government and for obstructing Government at every step in its attempt to thwart our progress towards Swaraj."

Mr. Abhyankar upon a point of order, pointed out that the Congress had expressly decided at Cawnpore that no offices in the gift of Government should be accepted.

Mr. Mahomed Ali supported Mr. Abhyankar's point of view, and said that only a special session of Congress could change the programme and policy.

The President upheld the objection and ruled the amendment of Dr. Moonje out of order, stating that the policy of the Congress could not be changed until there was a satisfactory response.

Babu Brijkishore Prashad (Bihar No-Changer) objected to the expression that general elections be run by the Congress and Swaraj Party organisations working in co-operation with each other. His point was that there was no need for the Swaraj Party being mentioned when they had been merged into Congress.

Mr. B. Das moved an amendment that the policy of Congressmen in the Assembly and Councils be one of opposition and not obstruction. This was lost.

The amendment of Mr. Brijkishore Prasad, that elections be run by and in the name of Congress with no special reference to Swarajists, was carried by a large majority. As amended, this clause reads :—

"That the next general elections will be run by and in the name of the Congress on the programme outlined, subject to such modification as may be made by the Congress in December 1926."

The resolution as amended was carried.

## No-Changers and Swarajists.

The difference between the No-Changers and Swarajists which found feeble expression in Babu Brijkishore's amendment excluding the mention of Swarajists, came up again when Mr. Srinivasa Iyengar moved the following official resolution :—

"In the selection of candidates for the Assembly and the various Councils the executives of the several Provincial Congress Committees shall act in consultation with the executives of the Swarajya Party in the respective Provinces In case of any difference of opinion arising between the executives of the Provincial Congress Committees and the Swarajya Party, either executive may refer the matter to the All-India Working Committee and the decision of the Committee shall be final."

There was a crop of amendments, all aimed at giving the final decision in the choice of candidates to the Congress Committee and forcing the Swarajist organisations to appeal to the Working Committee, while the original proposition provided for the matter being referred automatically to the Working Committee whenever there was difference of opinion between the Provincial Congress Executive and the Provincial Swarajist Executive.

All amendments were vetoed and the original proposition was carried. There were several other official resolutions to be moved regarding details of arrangements for election. It was however 7 p. m. The Committee, therefore, adjourned till next day.

## *SECOND DAY—7TH MARCH 1926.*

Controversial questions having been disposed of the day before, the All-India Congress Committee did not sit long on this day to dispose of the remaining items on the agenda. After a short discussion the Committee adopted the following resolution relating to the conduct of elections :—

"Where a part of single constituency for any legislature is in the territorial jurisdiction of one Congress Province, and the other part or parts in that of another Congress province, the candidate or candidates for such constituency shall be selected by the executive of all the Congress Provinces concerned, acting jointly in consultation with the executives of the Swarajya Party in the said province.

"The names of the selected candidates for all legislatures shall be reported to the Working Committee of the Congress for confirmation. No candidates other than those whose selection is confirmed by the Working Committee as aforesaid, shall be supported by

Congressmen and Congress organisations. Every Congress candidate shall sign the pledge in the following form before he is finally adopted by the Congress :—

"I being a member of the Indian National Congress, do hereby offer myself as a candidate on behalf of the Congress for election to the Legislative Assembly (provincial Legislative Council) from the constituency of ..... and declare that if my candidature is approved I shall fully conform to all the rules and directions regulating the conduct of election by members of the party, which have been or may be issued by the A.I.C.C. or its Working Committee, or the Executive of the Provincial Congress Committee in accordance with the instructions and resolutions of the A.I.C.C. or its Working Committee. If my candidature is not approved I undertake not to contest elections

"I further agree that in case I am elected I shall faithfully carry out the policy and programme of work laid down in resolutions of the Indian National Congress adopted at Cawnpore and the resolution of the A.I.C.C. (now adopted) and in any election manifesto to be issued by the Working Committee. I shall also faithfully observe all rules and carry out all instructions which may be issued from time to time by the A.I.C.C. and its Working Committee, or by the Party in the Assembly (Council) for the guidance of the elected members of the Legislative Assembly (Prov. Legislative Council.)

"I pledge myself to vacate my seat in the Legislature in case I wilfully fail to carry out the policy and instructions of the Congress or the A.I.C.C. or its Working Committee, or the party in the legislative Assembly or the Council."

"The Working Committee will issue from time to time such other and further direction as may be necessary.

"This Committee allots a sum of Rs. 25,000 for initial expenses of necessary propaganda and other work in connection with the general elections to be spent under the directions of the Working Committee.

"This Committee appeals to the electorates and constituences of the various legislatures in the country to support the Congress candidates to the said legislatures in preference to all others.

The President then fixed the 13th April for All-India collection of funds for South African Indians. In this connection Pt. Motilal pointed out that in view of the resolution regarding the Swarajist walk out on the 8th of March from the Assembly, the Swarajists would not be in the Assembly when the amendment he had given notice of would come up for discussion. That amendment had the approval of all sections in the Assembly and the Government also were in agreement with it except in regard to the clause requesting His Majesty's veto in case the Anti-Asiatic Bill was passed by the South African Parliament. The only fear was that the Government would oppose this particular portion of the resolution. If the Government did not oppose it, the amendment would be carried in toto by the Assembly. The Government had promised to allot a day between the 18th and 24th but the absence of the Swarajists should not be misunderstood. Indeed it could not be. He continued, "We shall not be in the Assembly, not because we would not vote for the South African resolution—the resolution and the amendment are ours (of Swaraj party)—but because of the other circumstances which have forced us now to leave the Assembly. There is no use my asking the Swarajists, who are walking out to-morrow and leaving Delhi shortly, to come back for the debate. But we want to declare that it is the sense of the All-India Congress Committee and the Swarajists who are walking out, that that amendment is right and proper. This declaration, I hope, will make our position clear to all concerned." A resolution was passed to issue a statement on the lines of Pandit Motilal's speech.

## 4.—Other Resolutions

On the motion of Mr. Ramdas Pantulu seconded by Seth Govindas a resolution was passed urging all provinces to start volunteer organisations and

give financial support to the movement. Such organisations, said the mover, would be useful in carrying on Congress propaganda, as also for starting civil disobedience if necessary.

On Pandit Motilal Nehru's motion it was resolved to communicate to the Swaraj Parties of the Provincial Councils now in session by wire the decision regarding the walk out and calling upon them to act accordingly. The attention of the Central Provinces Council Swarajists is to be also drawn to the Cawnpore resolution and the Swarajist member there are to to be called upon to attend the Council and throw out the budget including the salaries of ministers.

## Management of Budha Gaya Temple

Then there was a good deal of debate on the future management of the Budha Temple at Bodh Gaya. This arose on the report presented by Babu Rajendra Prasad of the Enquiry Committee appointed by the Congress. He pointed out that this temple was originally built by the Buddhists and repaired from time to time by the Buddhist kings of Burma and Ceylon, who had ordered the building of Dharamsalas for the use of the Buddhists. This was in the 13th Century. The repairs conducted by the Buddhists in the 19th century were not according to the archaeological notions of the Government of India at that time, and so the Government of India themselves conducted the repairs. The law courts had held that the temple was a Buddhist temple and that the Mahant was merely carrying it on. The Committee had found on enquiry that in the 18th century a Hindu Sadhu came and settled at a spot near the temple where he founded a small monastery which had now grown into a big one, and the Sadhu's disciples had been in possession of the place for nearly 200 years. Regarding the mode of worship Babu Rajendra Prasad stated that the Mahant did not want to be disturbed especially as he promised not to interfere with the Buddhist rights. The committee recommended that there must be a Joint Committee of both Hindus and Buddhists because the Hindus regarded Budha as an Avatar, and in order to remove misapprehension in the minds of Government the committee suggested that Government shall be represented by the Hindu Minister of the Behar Government for the time being. The Mahant had large properties yielding three lakhs a year. The committee did not want to have anything to do with this landed property. The offerings were very little. The Committee found no evidence for the allegation that the Buddhists offered meat to Budha or that the Mahanta offered sacrifices every year. Concluding Babu Rajendra Prasad moved for the adoption of the report and that the Mahant of Budha Gaya and the Buddhists be asked to consent to the arrangement suggested in the report that both Hindus and Buddhists should be assured the fullest liberty of worship according to their own method ; that a committee consisting of five Buddhists and five Hindus, one of whom shall be the Mahant of Budha Gaya and another the Hindu Minister to the Government of Behar and Orissa for the time being, be formed and the management and control of the temple and of worship in it should be entrusted to the said committee and that the committee should have no connection with the properties attached to the Math of Budh Gaya.

Swami Sachidanand Saraswati (Buddhist) sent by the Maha Bodhi Society, suggested that the control of the temple be given over entirely to

the Buddhist. This suggestion was embodied in the form of an amendment moved by Mr. Shunmukam Chetty and seconded by Mr. Prakasam and lost.

Maung Tok Kyi moved that the committee consist of ten members, whether Buddhists or non-Buddhists, to be elected by the Buddhists of Burma, India, Nepal, and Ceylon. This was also lost. Maung Tok Kyi, in the course of his speech, pointed out that the robe and painting on the image of Buddha were disgusting to the Buddhists. Babu Rajendra Prasad, in winding up the debate, pointed out that the recommendations embodied in the report followed the line of least resistance and was the best method of managing the temple. If the Buddhists opposed it then the principal party concerned would be spoiling the chances of a better management of the temple. If they accepted it then it would encourage them to negotiate with the Mahant. The resolution was then adopted. Following is the text:—

"This Committee thanks the sub-committee on the Bodh Gaya temple for their able and exhaustive report and resolves that their report be adopted and that the Mahanth of Bodh Gaya and the Buddhists be asked to consent to the arrangement suggested therein, *viz.*, (*a*) that both Hindus and Buddhists should be assured fullest liberty of worship according to their own methods; (*b*) that a Committee consisting of five Buddhists and five Hindus one of whom shall be the Mahanth of Bodh Gaya and the Hindu Minister to the Government of Bihar and Orissa for the time being be formed and the management and control of the temple and of the worship in it should be entrusted to the said Committee; (*c*) that this Committee should have no connection with the properties attached to the Math of Bodh Gaya."

This closed the business of the All India Congress Committee. After the All India Congress Committee finished it labours the Special Committee appointed by the Cawnpore Congress considered the requests of the various Provincial Council Swarajists regarding the walk-out.

As regards the United Provinces and Bengal, the Committee decided that, having regard to the fact that the Tenancy Bill, now before the Bengal Legislative Council, and the Tenancy and Revenue Bills, now before the U. P. Council, are of vital importance to the masses of agricultural population, the Swarajist members of these Councils be permitted to attend the meetings of the respective Councils when the said measures are taken up.

Regarding Bombay the Swarajists were given permission to attend only for rejecting the Development Budget (Backbay Scheme) and Taxation Bill, and not for other purposes and for other days.

The Assam Swarajists wanted to stay on in the Council, but the Committee reported that the permission could not be granted.

Regarding Madras, Mr. Satyamurthi suggested attendance regarding the Malabar Tenancy Bill. The Committee found that no special action was necessary.

After the Special Committee, the General Council of the All-India Swaraj Party approved of the decision arrived at by the All-India Congress Committee and the Special Committee.

# The Ahmedabad A. I. C. C. Meeting.

*AHMEDABAD—4TH & 5TH MAY 1926.*

The next meeting of the A. I. C. C. commenced at Ahmedabad on the 4th May. The object of the meeting was to ratify the agreement arrived at between the Swarajists and Responsivists at Sabarmati on the 20th April last (*See Poste*). The meeting which was first advertised to meet at 4 p.m., and then fixed for 7, did not commence till nearly 9. The members were getting more and more impatient at the delay in the arrival of the President and Pandit Motilal Nehru, and when it was at last announced that the two were still in consultation with the Jayakar group trying to compose their differences over the interpretation of the terms of the pact and when it was subsequently known with what results, many members were heard regretting the troubles they had taken to attend the meeting. Such a beginning was likely to have put the house in a distinctly hostile mood throughout the sitting. About seventyfive members in all attended. Besides the National Party group led by Sir Moropant Joshi, Mahatma Gandhi was sitting near the President. A few ladies were also present.

Mrs. Naidu in her opening speech said that the purpose with which the meeting had been specially called was the ratification of the Swarajist-Responsivist pact. She had invited the Responsivists to be present at the meeting, but they could not see their way to accept the invitation. In spite of the differences on the interpretation of the pact she was hopeful that their unanimous desire for unity would prevail and help them to arrive at an agreement. She extended a hearty welcome to the members of the different political parties who had responded to her invitation. She then referred to the South African question and proposed that a message be sent to the Union Government and the leaders, conveying a sense of satisfaction felt by India regarding the postponement of the Asiatic Bill.

Mr. Singaravelu Chetty raised a point of order and the consideration of the question was, therefore, postponed till next day.

## The Commonwealth of India Bill.

Pandit Nehru then proposed that a committee be appointed consisting of Mr. Srinivasa Ayengar, Mr. Rangaswami Iyengar, and Mr. C. Rajagopalachariar, and Mr. B. Shivarao assisting them, to consider and report on the Commonwealth of India Bill.

Mr. T. Prakasam, opposing the consideration of the Bill, said that Dr. Besant herself should have moved the proposition at a Congress session before giving a final shape to it. Mr. B. Das supported the proposal.

Mr. Satyamurti, opposing, said that there was no sanction behind the Bill. It further was tantamount to accepting the authority of the British Parliament to grant or not to grant Swaraj to India. It was beneath the dignity of the Congress to accept such a position with regard to Parliament.

After a few more members had spoken for and against the proposition, Pandit Nehru, replying, pointed out that by appointing a committee to consider the Bill the Congress was not committing itself in any way. The Committee might adopt or reject it as they thought fit. It was a measure that would soon come up before Parliament and if passed, would be placed

on the Statute Book, whether the Congress had expressed its opinion on it or not. The Congress must take up the same attitude on this Bill as it did in regard to the Asiatic Bill. Their stand in respect of the latter Bill had been partially successful and if they were to let their position regarding the Commonwealth of India Bill go undefined their case would go by default and they would be the losers by it.

On being put to vote the proposal was lost by a large majority. Mr. Jamnadas Mehta, Mr. Manilal Kothari Mr. Rangaswami Iyengar and a few others voting for it.

## The Sabarmati Pact.

The chief item on the agenda paper was then read by the General Secretary, namely, that the consideration of the ratification of the Sabarmati Pact be taken up.

Mr. Basanta Kumar Majumdar, on behalf of the Bengal contingent, at this stage moved an adjournment of the House to consider the question of the Calcutta riots. Mr. A. R. Iyengar protested saying that such a thing had never been done before under the rules. A few more members from the Bengal group strongly desired that the question should take precedence over all others.

Sir Moropant Joshi on behalf of his group thanked the President for the special courtesy shown to them and urged that the question of the Pact be taken up for discussion.

Pandit Nehru then made a statement of the results of negotiations with the Responsivists on the Pact which he said had been signed by each group under certain impressions entirely different from those of the other. Latest development was that when the Responsive Co-operation party met the previous day in Bombay they adopted a resolution by which members of the party should support the Pact on a certain understanding of its implication, the principal aim being that Reforms should be worked for all they were worth even as they now were. He had himself prepared a draft resolution which he intended the A.I.C.C. to adopt. Therein he has made clear his own interpretation of the Pact whereby condition given by the late Mr. Das in his Faridpur speech should first be fulfilled before response could be considered satisfactorily. Thus there were two entirely different interpretations of the Pact signed by the two sections. Sabarmati compromise had therefore failed.

Mr. A. Rangaswami Iyengar now read a letter from the Responsivists stating that in view of the difference in the interpretations of the pact between the signatories the compromise had broken down. As the A.I.C.C. would not therefore be called upon to consider it they thought no purpose would be served by their attending that day's meeting.

Pandit Nehru, after reading through the letter, stated that the statement made therein that " Pt. Nehru found himself unable to adhere to the terms of the pact " was not correct. He was unable, he explained, to adhere to the terms as understood by them. He was prepared to abide by the pact as he understood it. He reiterated that under these conditions the pact automa-

tically dropped. (Voices— It has fallen through between you. Was it to hear about that we came all the way from our homes?)

The President now asked if the National party section had anything to say or any suggestion to make.

Sir Moropant Joshi said he would not be able to make any suggestion, now that the pact had been dropped and there was no other question before the house.

Maulana Mohamed Ali made a vehement speech insisting that the doors of the Congress should be shut to all rebels. There was a time when he thought welcoming rebels in Congress was very desirable and necessary. But now he was convinced that broken wings should be lopped and not permitted to approach the golden threshold of the Congress. No rebel, he declared, was wanted within the Congress.

Mr. Srinivasa Iyengar said that they must not spoil the negotiations by suggesting that others should not join the Congress. They must try to attract as many as possible and thus throw open the doors of the Congress. "We must allow others, if we can do so, without sacrificing our principles. I want to propose a vote of thanks to Pandit Nehru for the sincere efforts which he made in trying to bring about the agreement".

Mr. B. S. Kamath, Liberal, next spoke. He said they had come there with the fullest hope that the Sabarmati Pact would be ratified and an agreement arrived at. It was however extremely regrettable that it would not be ratified by the A.I.C.C. He was surprised that two eminent lawyers could not know what they were talking about or signing. He continued: "We came for unity, and that unity is to-day farther away than it was even before."

Mr. Prakasam said that they were ready to allow them to enter the Congress. The united Nationalists had sanctioned group civil disobedience, and hence they were closer to each other. There was now nothing to keep them away from the Congress.

Mr. Satyamurti stated that they must not remain aloof: "Come in and convince us" he concluded.

Maulana Shaukat Ali said that every one must keep his own conviction but they must join the Congress. The Government had the power and the purse, and they were utilising those things in the fight against the people. They were insulting every party. "If we do not combine nobody will be able to save our country" he declared.

Dr. Besant said that until now the Congress doors were open only to those who believed in N. C. O. But, after Belgaum, she did not see any reason why everybody should not join the Congress. But she thought that there should be no tyranny of the majority over the minority. The decisions of the majority should not be binding on the conscience of the minority. "If I am to be tounge-tied in the Congress, I object to take an active part." She felt that it was of vital importance that the country should be united. She would like to take an active part in Congress work, even by remaining in the minority. "I do not think those who do not obey the majority view are traitors. I want to see India free. I am ready to work with you for Swaraj. We must cease quarrelling. The third party profits by our quarrels. We must all unite and try to make India free."

A vote of thanks to Pandit Nehru was then passed.

## Motion for a Special Congress.

After this Pandit Madan Mohan Malaviya made a strong plea for unity and proposed the following motion :—

"The A.I.C.C. recommends that at a special session of the Congress the following rule be adopted in relation to acceptance of office :—When the majority of the elected members of the Congress party in any legislatures should be of opinion that the objects of the party will be advanced by acceptance of ministerships or other position of power, responsibility and initiative which are open to election by or are otherwise responsible to the people's party within the legislatures, members of the party many accept such offices subject to the constitutional control of the party".

In moving the proposition Pandit Malaviya said that further modifications should be made in the rules of the Congress regarding Khaddar wearing and permission to all political associations accepting the Congress creed to send in their representatives direct to the Congress. This, he said, would be the last time that a proposal for unity would be made, as it was already late and so many members were desirous of taking part in the discussion over his proposal.

Mr. B. Das seconded Pandit Malaviya.

Maulana Mahammad Ali said that he was willing to eliminate Khaddar if that stands in the way of union. Whatever the differences, they must remain in the Congress.

As it was becoming late further consideration on this motion was adjourned till next day. Mahatma Gandhi, though taking no part in the discussion, was present almost till the end of the meeting and left only about an hour before the adjournment.

### *SECOND DAY—5TH MAY 1926.*

## Indians in South Africa.

The A.I.C.C. resumed its session next day, the 5th May with Mrs. Naidu in the chair and first took up for consideration the draft resolution prepared by Mahatma Gandhi on the South African situation. The resolution is as follows :—

The A.I.C.C. congratulates the Government of India and the Union Government upon the postponement of the Areas Reservation Bill pending the deliberations of a Conference between the two Governments.

The A.I.C.C. further congratulates the South African Indian Deputation and the Indian settlers on the happy result of their efforts.

The A.I.C.C. tenders its respectful thanks to Mr. C. F. Andrews for his great sacrifice and for his energy and undying hope and faith without which it would have been impossible.

The A.I.C.C. while noting the happy result of the Government of India's negotiations, so far warns the public against slackening the efforts on behalf of the Indian settlers of South Africa and hopes that they will not rest until the position of the settlers is placed on an honourable and satisfactory basis.

The President is authorised to send the message of congratulation to the Union Government.

Mr. Satyamurti, in moving the resolution, said that it dealt with an entirely noncontroversial subject and was sure to be acceptable to all parties. He drew attention to the fact that the resolution did not thank the Government of India, but only congratulated them. One significant aspect of the situation was that for the first time the Union Government had agreed to

negotiate with India on a footing of equality without reference to a third party. The South African Indian Congress had insistently pressed for a Round Table Conference and it was a triumph for them that they had got it. He accepted Mr. Gandhi's interpretation of the phrase "western standard."

## The Calcutta Riots.

The next question that was taken up related to the Calcutta riots. The draft resolution ran as follows :—

The A.I.C.C. profoundly deplores and expresses its great concern at the recent riots, in the heavy loss of life, serious injuries to hundreds of Indians, desecration of places of worship and loss of property and conveys its deep sympathy to the families of the deceased as well as to the injured. It calls upon the citizens of Calcutta to devise measures in consultation with men of light and leading in different communities to prevent a repetition of such regrettable occurrences in future.

Mr. J. M. Sen Gupta, in moving the resolution, declared that there was no doubt that the origin of the riots was to be traced to the up-country Hindus and Mussalmans coming into Calcutta. Hardly had there been a case of rioting caused by Bengal Hindus and Bengal Mussulmans. If there was any trace of communal spirit even among these latter it was only due to the contact with undesirable elements from up-country. The remedy that he would suggest to counteract this spirit was for the All-India leaders to concentrate on that problem to the exclusion of every other. Mr. Sen Gupta would reiterate his conviction that communal divisions alone could not account for these outbursts but that there were intelligent brains that had used these differences for their own political purposes. He again urged that the great leaders should consider this the only one question before the country. He was sure that if they did not do so even the elections and political work would be a failure.

Mr. Hamid Khan seconded the resolution.

Mr. Singaravelu was of opinion that the chief reason behind the communal tension was the Khilafat, Sangathan and other communal organisations fostering a spirit of communalism.

Mr. D. B. Adwani moving an amendment that "All-India leaders" be added before "the citizens of Calcutta" in the resolution, said that one particular care that the leaders should take in issuing statements to the press was to see that it was not all one-sided. He was referring particularly to the statement recently issued by Mr. Mahomed Ali. Mr. Adwani also pleaded for the formation of vigilance committees.

Dr. P. C. Guha Roy thought that if the "Goondas" had been rounded up even in the very beginning of the disturbance there would have been less bloodshed.

The resolution was then unanimously carried, as amended, the mover accepting the amendment.

## Motion for Special Congress.—(*Contd.*)

Further discussion on Pandit Malaviya's resolution for calling a Special Congress was then resumed. This provided the occasion for a free and frank exchange of views not only between the National Party section, who

were again present at the president's special invitation, and the A.I.C.C., but also between the Mussalman section headed and represented by the Ali Brothers and the Hindu section led by Pandit Malaviya. The proceedings were very lively, with only a very slight tinge of personality, especially between the latter two sections.

There was considerable discussion on the question whether the A.I.C.C. under the constitution could call a special session of the Congress, especially in view of the presence at this meeting of only about 75 out of about 350 members of the committee. Such an important decision could not, it was contended, be taken without giving the members who were not present an opportunity of expressing their views in the matter.

Sir Moropant JOSHI was the first to speak on this day on Pandit Malaviya's resolution. His was an exceedingly friendly and conciliatory speech. He wanted to make it quite clear that this was the first step towards a possible larger and larger unity with the Congress. He regretted that the pact had gone. It would, he thought, cause a great deal of pain in the country. The welcome given to his group made him very glad. He would place before them certain considerations and to make out a cause for the holding of a special session of the Congress to discuss and explore avenues of a complete re-union. The first difficulty in their way was the creed of the Congress which, since the Nagpur session, had come to mean certain things which the National party could not accept. Swaraj should be limited in its implications to dominion status. Peaceful and legitimate means should also be so restricted as to exclude mass civil disobedience and general non-payment of taxes. The condition regarding Khaddar wearing should be relaxed. These were some of the questions on which a satisfactory solution, acceptable to all concerned, could be evolved by free and frank meetings. He would treat the present occasion as the first step for opening their hearts to each other as a platform for further negotiations. Furthermore, even if it should fail in its larger objectives, their coming together would at least eliminate personal misunderstandings.

Mr. S. SATYAMURTI, speaking on behalf of the Swarajists, attempted to meet the issues raised. Regarding the Congress creed he said that dominion status now-a-days meant freedom to go outside the empire, but the Congress creed could not on that account be restricted to mean "within the empire," as there were others who had equally strong objections to be tied down to such an interpretation. Doubts regarding its interpretation by a large majority of Congressmen should have been dispelled by a definite rejection by two or three Congresses of Hasrat Mohani's resolution declaring independence as the goal of the Congress. As to the question regarding the acceptance of offices even the minority report of the Muddiman Committee had concluded that Dyarchy could not produce better results. This was even more forcibly borne out by the declarations of the Liberals who had enjoyed terms of office under the Act. Whatever little influence and power they had formerly possessed was due to non-co-operation. The difference in their influence now and then was shown by the recent supercession of Col. Chaudhary in Madras. History proved that no power could be got out of working the constitution. No valid objection could be raised against civil disobedience. The difference between group and mass civil disobedience was negligible. As for the special

session of the Congress he would ask the Liberals to agree to abide by its decision, whether, it went for or against them. That would be only in keeping with parliamentary traditions.

Mr. Sambamuth (Andhra) raised a point of order whether, under the rules, this motion could be passed.

It was explained that the notice of the motion could be waived by the A. I. C. C., if it so liked, and now that the motion had been discussed the house must be taken to have so waived the notice.

Dr. PARANJPYE spoke next. He was not, he said, frightened even by armed rebellion ; but, in politics, it was not worth while looking to too distant goals and ideals. With regard to electing representatives of outside political organisations to sit on the Congress Committees, usually the District Congress Committees formed themselves into a caucus and permitted no outsider to get elected. The Congress was a body for the demonstration of all views of all the bodies in the country. (A voice : Not for mere demonstration.)

Regarding the acceptance of offices, as against the instance of Col. Chaudhury having been superseded, he could give two instances in the Central Provinces and Punjab where Indians had been appointed. Ministers, he said, could have power in the transferred Departments equal even to the Governor's, if the elected representatives solidly backed them.

There was some more discussion at this stage regarding the admissibility of the motion.

Mr. A. Rangaswami Iyengar explained that the A.I.C.C. could waive the notice, but they were not at liberty to decide the question of calling a special Congress without giving the absent members an opportunity to express their views on the question

Mr. Mahomed Ali suggested that the Provincial Councils could be asked to communicate their views without calling another meeting of the A.I.C.C for the purpose.

Pandit Malaviya, at this stage, further pointed out they could now decide to call a special meeting of the A.I.C.C. by means of a requisition signed by thirty members, but he would withdraw the motion with the permission of the House.

Moulana Shaukat Ali now made a speech in which he alleged that the Calcutta riots were the result of the Hindu Sangathan. Council entry, he said, was " haram " to him.

Pandit Malaviya objected to the word " haram ", to which Moulana Shaukat Ali retorted with considerable heat that he did not refer to the Pandit.

Mr. B. S. Kamat at this time wanted to know what would happen to the concrete proposals made by Sir Moropant.

Pandit NEHRU thereupon replied in an impressive speech to Sir Moropant's proposals. Pandit Malaviya's motion, he said, was out of order as those present had no right to waive the notice of the motion on behalf of those absent. The motion, he continued, was intended only to serve as an occassion for a full and free discussion of the differences between the Congress and the National Party. Coming to Sir Moropant's proposals he thought that Sir Moropant was not pinning himself down to a Special Congress. Sir Moropant desired, as far as the Pandit understood him, only for still more private discussions. He thought it would not be reasonable to expect the Congress to change its very foundation before

they could join it. The proper way for them would be to come into the Congress first and then discuss and convince them or be convinced. Regarding the question of direct representations of political associations on the Congress Committee, he said that this again would mean going back on Congress principles. He would, therefore, again appeal to the National Party section to come within the Congress. From the informal conversations with them he knew that they desired only private discussions. A special session of the Congress would, therefore, not serve their purpose. He concluded : "We came as friends. Let us part as friends."

Mr. SEN GUPTA then contradicted Moulana Shaukat Ali's statement that he threw out challenge in his Patna speech to Pandit Malaviya regarding the elections in Bengal. He would contradict the suggestion that the Pandit had anything, even remotely, to do with the riots. But they all know that but for the lead given by Sir Abdur Rahim from Aligarh onwards there would have been no riots. Mr. Sen Gupta declared that he was not for any communal organisation, whether Hindu or Mussalman.

Mr. D. C. DALVI, speaking next, referred to the condition that the National Party group should be prepared to abide by the decision before the special session could be called. He instanced the Locarno Pact and said that he and his friends came in a Locarno spirit and did not expect to be called upon in the first instance to join the Congress. They were not prepared to take that step first, but if the Special Congress was called they would held a meeting of their working committee at the same time and carry on further negotiations.

Sir Moropant expressed thankfulness for the kindness and courtesy extended to his section.

Pundit Malaviya, himself, finally withdrew his proposition. "Zero is the practical result of the meeting" Pandit Malaviya was heard to say at the conclusion of the proceedings.

Mrs. Naidu, winding up, differed from Pandit Malaviya in his expressed view of the result of the meeting. She was certain that this meeting should not be judged by immediate results. The small seed of understanding with Sir Moropant and others of the National Party group would, she was confident, grow up into the reunion of all parties under the Congress banner.

The meeting then terminated.

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## The Cause of the Break-down.

Before the A.I.C.C. met, the Working Committee meeting was being held at the Satyagrahashram on the 4th May at 10 A.M. behind closed doors. It carried on protracted deliberations lasting for over four hours. While the Committee was proceeding, the following correspondence passed between the President, Mrs. Sarojini Naidu and Pandit Motilal Nehru on the one hand and the Responsive Co-operationists on the other. The latter rejected the new terms offered by Pandit Motilal and also refused to attend

the meeting of the A.I.C.C. held that evening They took a very firm attitude and sent word to the Congress President, Mrs. Naidu, that they were not prepared to submit to any modification of the Sabarmati Pact. In fact, they described the new proposals of Pt Nehru as a travesty of the Sabarmati Pact and were not prepared to offer any counter-proposal beyond the original Pact. Following is the text of the letter which Mr. Jayakar and his colleagues wrote to Mrs. Naidu on the morning of 4th May.

To Mrs. Naidu, President, Working Committee, Indian National Congress.

DEAR MADAM,

In response to your kind invitation to attend the meeting of the Working Committee this morning at 9, we arrived here and were about to attend the meeting, when we received at the hands of Sjt. Raja Rao, Assistant Secretary of the All-India Congress Committee a draft of a proposed resolution, purporting to be sent by Pandit Motilalji for our consideration on the ground that the wording of the Sabarmati Pact was cryptic and required amplification. We have carefully considered the draft which we regard as a travesty of the pact and a complete repudiation of the same. We think that the draft furnishes no common ground on which we could profitably meet and discuss. Under these circumstances we are of opinion that no useful purpose will be served by our attending the Working Committee's meeting this morning and we have therefore decided not to attend the same. We feel that we need not have been dragged all the way to Ahmedabad from our distant homes, to be made sport of in the manner the draft proposes to do.

Yours truly,
(Signed) M. R. JAYAKAR.
" N. C. KELKAR.
" B. S. MOONJE.
" M. S. ANEY.
" D. V. GOKHALE.
" G. A. OGALE.

*P.S.*—We send herewith for your information a copy of the resolution which our party unanimously adopted yesterday by way of ratifying the terms of the pact, as required by the last clause thereof.

IN REPLY MRS. NAIDU WROTE :—

DEAR FRIENDS,

I have just received your letter. The draft sent you by Pandit Motilal is only for discussion at the Working Committee. Your presence is most necessary for this discussion, and I am requesting you earnestly to attend the Working Committee that is now sitting, to press your own points and objections to enable us to arrive at some final settlement, if possible.

Yours sincerely,
(Signed) SAROJINI NAIDU.

IN REPLY THE RESPONSIVISTS WROTE :—

DEAR MADAM,

We are in receipt of your letter. It does not make it clear whether yourself and Pandit Motilalji, the two principal parties to the pact, are going to stand by it, in its passage through the Working Committee and the A. I. C. C. We came here to support you in doing so in the fullest expectation that you two would adhere to the pact as it stands and which had your fullest approval. Unless you propose to do so, there is no meaning in our attending the joint deliberations of the Working Committee or even the A. I. C. C. A clear reply to this enquiry will clear up the situation.

You will permit us to observe that it is futile to put forward, even as a basis of discussion, a draft which completely repudiates the pact. It is needless to add that the pact represented the maximum basis of agreement between the two sides. We respect it

as such and are prepared to stand by it, provided you do the same. This will save unnecessary waste of time, involved in examining positions which were abandoned after scrutiny by one or the other of the two sides, before the pact was arrived at.

Awaiting your reply,

We are, yours truly,
(Signed) M. R. JAYAKAR,
for Self and Colleagues.

THE PRESIDENT'S REPLY :—

DEAR MR. JAYAKAR,

I am really sorry and surprised that you and your friends should consider that either Pandit Motilal Nehru or I should wish to get out of the Pact. The whole purpose of calling the A. I. C. C. was for the purpose of confirming the Pact. Certain conditions were agreed to by both the wings of the Swaraj Party after frank discussion in the friendliest spirit. I put my signature to the Pact purely formally as President of the Congress at your request. The real Pact was between the leaders of the Swaraj Party proper and the leaders of the Responsive Co-operationist Party. The draft submitted is for discussion and I think it your duty as parties to the Pact to attend the Working Committee. We have been waiting since 10 A.M. Please meet us at the Circuit House before 5 P.M. today and let us discuss the pact with the Working Committee. I certainly will stand by the Pact as I understand and accept it, an honourable undertaking between the two wings of the Swaraj Party consistent with the principles and the ideals of the Congress.

Yours truly,
(Sd.) SAROJINI NAIDU.

PANDIT MOTILAL NEHRU'S LETTER TO THE RESPONSIVISTS :—

DEAR MR. JAYAKER,

Mrs. Sarojini Naidu has shown me your letter. I am sorry you are insisting upon conditions before meeting the members of the Working Committee in a friendly conversation on the pact and the questions which have arisen since it was signed. I am of course prepared to stand by the pact as I understand it. But, as you are aware, there has been a difference of opinion among the signatories themselves as to what are the true implications of the language adopted. I certainly do not agree in the interpretation put upon it by Mr. Kelkar and in the section of the Press represented by the "Mahratta" and the "Kesari", nor even in the resolution passed by your party in Bombay yesterday. I refer you to my interview to the Press and my recent Allahabad speech for my interpretation of the pact. I think that the only reasonable way of dealing with the matter is for us to come together again and have another free and frank talk on the subject.

The draft resolution handed to you this morning was not intended merely to explain the pact but was settled in consultation with other prominent members of the Congress as a formula likely to be approved by the All-India Congress Committee. It is open to us to modify it after discussing it with you if you will give us an opportunity to do so.

Yours sincerely,
(Sd.) MOTILAL NEHRU.

The terms of the pact and the conditions required to be fulfilled before any response by the Government could be considered satisfactory were then considered by the Working Committee. Pandit Motilal Nehru informed the Committee that he had laid the following essentials of a satisfactory response before the Sabarmati Conference with the Responsivists on the 21st April, but that they were not incorporated in the Pact as it was understood that they would be issued as separate instructions to the members :—

(1) "abolishing non-official nominations to the Councils and throwing open the seats of nominated non-official members to election by the general electorates :

(2) making Ministers fully responsible to the legislature, free from all control of the Governor or the Governor-in-Council in the administration of their respective departments :

(3) allocating a fixed proportion of the revenues of the province for the development of nation-building departments, without imposing additional burdens on the people :

(4) vesting in the Ministers full control of the services in the transferred departments :

(5) introducing such other changes as may be required under the special circumstances of any particular province on representation being made by the Congress party in the legislature of that particular province."

The Committee was of opinion that in view of the difference of opinion that had arisen, the Pact as it stood with the material conditions omitted from it could not be accepted and the following draft resolution was adopted as representing the minimum response which the Working Committee would be prepared to put before the All-India Congress Committee for confirmation if the Responsivists agreed to amplify the Pact in accordance therewith :—

## The Draft Resolution

"Having regard to the fact that doubts and differences have arisen as to the true interpretation of the agreement arrived at between Mrs. Sarojini Naidu, Messrs. Lajpat Rai, M. S. Aney, M. R. Jayakar, N. C Kelkar, B. S. Moonje, D. V. Gokhale, G. A. Ogale and Motilal Nehru at Sabarmati on the 21st April 1926,

"This meeting of the A. I. C. C. while fully agreeing with the principles, policy and programme laid down in resolution VII of the Cawnpore Congress and resolution II B of the A. I. C. C. passed at Delhi on the 6th and 7th March 1926 and fully believing that dyarchy in any form or shape is wholly unworkable in the best of conditions, is of opinion that with a view to remove all doubts and differences and to put the true issue before the country it is expedient to state clearly what shall constitute the "satisfactory response" referred to in the said resolution.

"It is therefore hereby resolved :

I. That the acceptance by the Government of the principle underlying the resolution passed by the Assembly on the 18th February 1924 shall constitute a satisfactory response by the Government to the National Demand for full Responsible Government and the immediate adoption by the Government of the various steps mentioned in the resolution of the Assembly passed on the 8th September 1925 shall for the present be taken to be a sufficient compliance with the said principle.

II. That if responsible Government in the fullest sense is guaranteed by the Government to come automatically in the near future by the adoption of other steps than those mentioned in the resolution of the Assembly passed on the 8th September 1925 and if in the meantime, substantially full responsible Government in the Provinces is granted the response so made by the Government shall be considered sufficient in the provinces for the purpose of accepting offices of Ministers and considering the Provincial budgets on the merits ;

Provited that no such response shall be considered adequate unless it includes :—

(*a*) The release or trial according to law of all political prisoners who are at present detained without being convicted by duly constituted Courts ;

(*b*) The repeal of all repressive laws ;

(*c*) The removal of all disqualifications now imposed on persons who have served the sentences passed on their conviction of any offences, from standing for election to all elected bodies in the country ; and

(*d*) The abolition of non-official nominations to membership of Councils and throwing open the seats of nominated non-official members to election by the electorates.

III. That the adequacy of any such action by the Government in any Province as is referred to in Resolution II shall on the recommendation of the Congress members of the Legislative Council of that province be decided by the Working Committee".

It was also agreed by the Committee that in the event of the Responsivists not consenting to the foregoing resolution the same be, if necessary, put forward as an independent resolution after substituting the words :—

"it is expedient to confirm and re-state the actual position taken up by the Leader of the Swaraj Party at the negotiations and in entering into the said agreement"

for the words :

"it is expedient to state clearly what shall constitute the satisfactory response referred to in the said resolution."

## Final Breakdown

The Working Committee adjourned at 3-30 P.M. Soon after Mr. Jayakar and his colleagues waited upon Pundit Motilal and Mrs. Naidu at 5 P.M. and as the latter had to attend a municipal function, waited for their return and discussed matters with them from 6-30 P.M. What transpired in these discussions is evident from the letter addressed by Mr. Jayakar and his colleagues to the President. The following is the text of the letter :—

DEAR MADAM,

With reference to the meeting of the All-India Congress Committee, which has been convened this evening to ratify the Sabarmati Pact arrived at between the leaders of the Swarajya Party and the Responsive Co-operation Party, we beg to state that by the invitation of Mrs. Naidu and Pandit Motilal Nehru, we met them and some of the members of the Congress Working Committee at the Circuit House this evening ; and in the course of the discussion which took place there, Pandit Motilal Nehru, one of the principal signatories to the Pact, was not willing to move it for ratification at this evening's meeting of the All-India Congress Committee. He also added that as far as he was concerned, the Pact was abandoned. Under the circumstances, as the Pact no longer exists, we are of opinion that no useful purpose will be served by our attending the meeting of the All-India Congress Committee, to which we have been invited. We have thought it desirable to put these facts on record, in order that there may be no misunderstanding about our absence at this evening's meeting of the All-India Congress Committee.

Yours truly,

M. R. Jayakar, Aney,
N. C. Kelkar, Gokhale,
Monjee, Ogale.

Nine other members of the All-India Congress Committee, namely, Messrs. Velkar, Gulabchand Hirachand, N. S. Marathay, P. K. Shiralkar, D. R. Tango, R. M. Deshmukh, N. R. Bamaipgaker, N. S. Paranjpye and N. V. Gadgil also appended the following foot-note to the above letter :—

"We, the above members of the All-India Congress Committee find, ourselves in complete agreement with the above view and we are not therefore attending the said meeting of the All-India Congress Committee for reasons stated in the foregoing letters."

## The Responsivists' View.

The Leaders of the Responsive Co-operation Party expressed their dissent emphatically from the version of the break-down of negotiations given to the A.I.C.C. by Mrs. Naidu and Pt. Nehru. Soon after their return to Bombay they held a public meeting on the 6TH MAY under the presidency of Mr. N. C. Kelkar and expressed their views of the abandonment of

the Sabarmati Pact. In opening the proceedings Mr. Kelkar maintained the Swarajists had come predetermined at the meeting of the All-India Congress Committee to drop the Pact for the ratification of which the meeting was ostensibly called. He characterised Pandit Motilal's statement that the Pact had to be scrapped owing to different interpretations as a frivolous and fictitious excuse. According to Mr. Kelkar, Pandit Motilal Nehru had agreed to the Pact under the feeling that the absence of it might endanger the Swarajist prospects at the polls, but meeting with opposition in his own circles had most unceremoniously backed out of the pact at the eleventh hour.

Referring to the terms of the pact Mr. Kelkar said he did not make any secret of his views of working the reforms when the Pact was concluded. Pandit Nehru knew what he was signing. The Pact distinctly provided that as far as the provinces were concerned the adequacy of response should be determined by power, initiative and responsibility being secured to the ministers. The language of the Pact left no doubt that as far as the provinces were concerned, acceptances of offices did not in any way depend on the response to a Round Table Conference or any other Assembly demand as Pandit Nehru tried to make it appear now.

In conclusion Mr. Kelkar charged Pandit Motilal with wilful backsliding and gross betrayal. Mr. Kelkar was of opinion that common decency required of Pandit Nehru that he should have moved the acceptance of the Pact by the All-India Congress Committee even though the majority had refused to ratify it. Dr. Moonje, Mr. D. V. Gokhale, Mr. M. S. Aney Dr. M. B. Velkar, Mr. L. B. Bhopatkar and Mr. N. S. Paranjpye who also addressed the meeting spoke in the same strain and said that Pandit Motilal was guilty of a grave breach of trust.

Another meeting of the Party was held next day, the 7TH MAY at Sirdar-Griha Bombay. Mr. M. R. Jayakar, president of the party, was in the chair. The meeting was well-attended. Amongst those present were Mr. N. C. Kelkar, Mr. Aney, Dr. Moonje, Messrs. L. B. Bhopatkar, D. V. Gokhale, Dr. M. B. Velkar, Dr. Besant, Mr. Jamnadas Dwarkadas, Mr. Kanji Dwarkadas, P. K. Telang and others.

After discussion the meeting adopted the following resolutions unanimously :—

### The Liberal—Responsivist Pact.

This meeting of the Responsive Co-operation Party, having read the report of the proceedings of the meeting of the All-India Congress Committee held at Ahmedabad on 4th and 5th May, and the correspondence which passed between the leaders of the Party and the President of the Indian National Congress and the leader of the Swaraj Party, approves of the action of the leaders of this party in firmly adhering to the terms of the Pact and in declining to withdraw from the same.

Now that the Pact has been broken, this meeting, hereby, calls on the leaders and members of this party to take up in earnest, the work of carrying on propaganda on the lines laid down in the programme adopted at Akola, and with a view to the same, to take all such steps as may be necessary in consultation or collaboration with all other parties or organisations in the country whose aims and ideals may be in consonance with our own

The Responsive Co-operation Party expresses its sympathy with the aims and objects of the Indian National Party so for as they are, or may hereafter be, in agreement with the aims and objects of the Responsive Co-operation Party as expressed in the manifesto passed and issued at Akola.

As an indication of such sympathy, and its desire to work in co-operation with the Indian National Party, this party agrees that its members may join the Indian National Party, and it expects that the Indian National Party will respond in the same spirit of confidence and harmony, and agree to do likewise.

In the provinces in which the Responsive Co-operation Party has been already formally established, the same shall be consolidated and developed with the same conditions as to membership as to obtain at present.

In the Provinces in which a branch of the Responsive Co-operation Party has not been established, the people in sympathy with the aims and objects of the Responsive Co-operation Party may form a branch of this party or the Indian National Party according to the preference of those people.

In the Congress Provinces of Bombay City, Maharashtra, C. P. and Berar, the Executive of the Responsive Co-operation Party will have perfect freedom to make suitable arrangements in consultation with the Executive of the Indian National Party, with a view to work being carried on in the Provinces.

In the Provinces in which the Indian National Party alone will be formed, that party will be exclusively responsible for all matters relating to the elections. In the Provinces other than Bombay, Maharashtra, C. P. and Berar, in event of both the parties being formed, the question of the measure of consultation and co-operation between them in the matter of the work to be carried on in the Provinces shall be left to the Executive Committees of the two parties.

## The Nationalist Party's Statement

The members of the Indian National Party, who attended the meeting of the All-India Congress Committee in response to the official invitation of Mrs. Naidu, President of the Congress, had, on their return to Bombay on the 6th May, issued the following statement to the Press :—

The circumstances under which we, the undersigned members of the Indian National party, went to Ahmedabad are now well-known We went there because Mrs. Naidu desired that members of our party should attend the All-India Congress Committee as she hoped and expected that if the Sabarmati pact between the Swarajists and the Responsive Co-operators was ratified the possibility of all parties being united within the Congress may be explored. With that view she had asked us to submit concrete proposals. As, however, the pact was not ratified there was no room left for considering the question of larger unity. But as we were present at the All-India Congress Committee meeting, we made our position clear by stating the main obstacles in the way of our party and those who think with it joining the Congress and suggesting directions in which the Congress could take action to remove those obstacles.

(1) The Congress Creed.—Under the present Congress creed mass civil disobedience and general non-payment of taxes is permissible and at Cawnpore the Congress resolved that steps should be taken to prepare the country for such action. The Indian National party, on the other hand, has expressly excluded mass civil disobedience and general non-payment taxes from the means to be adopted for the attainment of Swaraj. We cannot go beyond the policy and programme of our party in this behalf. If it is desired to bring us within the Congress, mass civil disobedience and general non-payment of taxes should be eliminated from the objective of the Congress, more especially when the Congressmen themselves feel and recognise that these methods are not practicable at present.

(2) Working the Reforms.—The policy and programme of the Indian National party lay down that the constitution as embodied in the Government of India Act of 1919, though inadequate and unsatisfactory, should be utilised to the fullest extent, including acceptance of office. The position taken up by the Congress and the Swaraj party, which not only dominates it but officially represents it in the legislatures, is that unless the Government responds satisfactorily to the Swarajist demands to scrap the present constitution and call a Round Table Conference in order to evolve a new one, the Congress policy through the Swaraj party in the Legislatures is to be one of uniform, consistent and continuous obstruction. Unless, therefore, the Congress abandons this policy of indiscriminate obstruction, the Indian National Party cannot come within the Congress.

(3) Congress Constitution.—If the desire to bring all political parties within the Congress is genuine, the rules as regards representation in the Congress and its several

Committees should be so modified as to give proper representation to all the political parties therein. This can be accomplished by recognising the various party organisations for the election of delegates to the Congress. Only in this way can the Congress be made thoroughly representative of all shades of political opinion in the country, instead of being a caucus of one political party.

(4) Rule of Khaddar.—It is at present compulsory on all persons to wear Khaddar at the meetings of the Congress and other Congress functions. While we are as much in favour of Swadeshi as the Congressmen themselves, we have conscientious objection to any compulsion as regards the manner in which anybody should clothe himself. This compulsion should be removed.

We placed these views before the All-India Congress Committee and, although its members patiently followed what we said, we felt that there was really no desire to make any move in the direction of making it possible to the members of the Indian National party to join the Congress. The attitude taken up was that if we wanted we could join the Congress under the existing conditions and then try to convert it to our views by persuading the majority to make the necessary alterations in the Congress policy and programme, but that if we failed in doing so we must abide by the decision of the majority. We regret this result, more especially, as we are convinced that Mrs. Naidu in extending her invitation had a genuine desire to bring about a larger unity within the Congress in the higher interest of the country.

(Sir.) M. V. Joshi, N. M. Joshi,
(Dr.) R. P. Paranjpye, M. C. Chagla,
S. S. Kamat, V. K. Rajwade.
D. G. Dalvi,

## Pt. Motilal Nehru's Statement.

On the 7th May, in the evening, Pandit Motilal Nehru, addressing a largely attended public meeting in Bombay with Mrs. Naidu in the chair, gave "a plain and unvarnished statement of the facts that led up to the final collapse of the Sabarmati Pact":—

At the time of the All-Parties' Conference in Bombay, from which the most dominant party, namely, the Swaraj or the Congress Party, was studiously excluded, the Pandit said he wrote to Mr. Rangaswami Iyengar, who with Mrs. Naidu was in Bombay, asking him to see the Responsivists and speak to them regarding the differences between them and the Swarajists with a view to arriving at at agreement. Even in that letter, the Pandit said he had referred to the previous note to Mr. Aney in which he had stated: "You will observe that there is a vast difference between the implications of these two positions. Holding the view that I do, I have no business to remain in the Councils a day longer if the party decides to accept office. According to you, however, non-acceptance of offices only impairs the usefulness of the Councils to a certain extent; but does not make it utterly futile. That being the case, is it not in the interest of the country for us all to work together, though in a somewhat restricted sphere, rather than waste our time and energy in fighting each other, merely with the intention of extension of that sphere? The answer is obvious." This, he said, would show the attitude of mind with which he approached the question.

After his conversation with the Responsivists, Pt. Motilal said Mr. Rangaswami Iyengar told him that there was a general desire for a Conference. The Pandit fixed the 20th April for the Conference. While coming to the Conference, he formed a draft resolution which the All-India Congress Committee should adopt defining the character of the response which would be acceptable. Some of the conditions that he laid down in it for adequate response in the provinces, were the release unconditionally of political prisoners, the abolition of non-official nominations to the Councils, and the throwing open of these seats to election, the transfer of the Revenue Department to the Legislature and the giving of full responsibility to Ministers, etc. In fact he was asking for full responsible Government in the provinces.

On the morning of the 20th April he had a talk with Mr. Jayakar, and must, as far as his memory could be trusted, have placed all these issues, as he had drafted them, before Mr. Jayakar. Mahatma Gandhi also read through the draft in the afternoon, and expressed complete approval of it.

The first question that came up at the meeting, in the presence of Mahatma Gandhi, was put by the Mahatma himself, namely, that it should be quite clear there was no question of taking offices unless there was a satisfactory response on the part of the Government. After further discussion it was decided that three drafts should be prepared—one by Gandhiji, another by Mr. Jayakar and the third by himself. Meeting again next morning he could not accept Mr. Jayakar's draft, and both of them did not accept Mahatmaji's. The speaker's own draft remained. It was agreed previously that the draft was not to be burdened with matters on which there was no disagreement, and that the conditions should be sent to the provinces as secret conditions of testing the response. These conditions were, as he had previously drafted. He had, he said, explained the implications of the Pact in his interview, and the correspondence which had been published in the press bore out his version. It further proof was needed, Mrs. Naidu in her Allahabad speech had declared that her impression was that the Pact did not swerve an inch from the Cawnpore resolution. He would leave it to the Tribunal of the Public to judge who was responsible for ending the Pact. He had, as a result of the break-down, stiffened in his attitude towards acceptance of office. Not even elected offices should in his opinion be accepted. (A voice: Let Mr. Patel resign.)

Mr. SRINIVASA IYENGAR, in an eloquent and closely reasoned speech, which carried conviction to the minds of the listeners and which was repeatedly applauded, said that before the meeting of the A. I. C. C. was held the Responsivists had announced that they would not alter the draft by a tittle. They were thrice invited at Ahmedabad to come and discuss with the Swarajists, but they would not, as they were anxious for spoils. Mahatma Gandhi was anxious for conciliation, but the Responsivists were only out for tactics.

Mr. Iyengar said acceptance of office meant acceptance of Diarchy, and it was nothing less than a humiliation and surrender to the foreign bureaucracy. He had full faith in the people of Maharashtra, and he hoped they would be the vanguard of the fight at the next election. They were all on the eve of success, and he urged them not to lose the reward of their fight by fighting among themselves. He did not want unity by acceptance of Diarchy, though it was easier to negotiate with the National Party than with the Responsivists. Acceptance of office meant more administrative expenses and less liberty and great disservice to the country. The Reforms were not workable. They should therefore be worked by the worst men and not by their best men. Besides, it would not bring about harmonious relations between the Hindus and the Mahomedans as acceptance of office only was the cause of all the communal troubles and not orthodox piety.

There should be, he said, only two parties in the country, namely the Government and the Congress Party. The Swaraj Party had helped the country to repeal the Excise duty, and got a bounty for Messrs. Tata & Co., and he urged the citizens of Bombay to rise to the occasion at the next election and help the Swarajists to fight their battle of freedom.

Mr. S. SATYAMURTHI then said it was a tragedy too deep for tears that they should be compelled by their own countrymen to fight them before they fought the bureaucracy. There was no country in the world where such a sad spectacle could be seen. In October next there would be a general election, and he hoped the voters who had heard Pandit Nehru would not only acquit him but would reward him by voting for the Swarajists only.

The Responsivists were referring to the late Lokamanya Tilak but whenever they referred to that great departed leader they took his name in vain. It was the Lokamanya who did not accept the Reforms at the Amritsar Congress and MahatmaGandhi, with great difficulty, had to persuade him to accept doles for the time being, while the Responsivists by accepting office and diarchy were taking in vain the revered name of the late Lokamanya who had opposed the Reforms as unworkable. The Responsivists had thrown themselves on the political market of India and it was for the voters to decide whether they were purchasable articles. Of late, they were trying to throw their lots with the Nationalist Party, but he doubted their loyalty to that party, since they had betrayed the Congress. He was pleased to see some of their Liberal friends at Sabarmati, and was hopeful that they would some day join the Congress and fight for the country. The Congress would welcome any man and woman provided they accepted the guidance of the majority and when they got a majority, the others would follow them. Lokamanya, though he remained for several years out of the Congress, did not form any party against the Congress. The speaker urged all Indians for the sake of the good of the country to join the Congress and form only one party under the banner of that old political body.

# Mr. Jayakar's Statement

**Mr. M. R. Jayakar, in the course of a statement to the press on the breakdown of the Sabarmati Pact, said :—**

When the leaders met at Sabarmati on 20th April, discussion proceeded on three points (1) whether there was to be a response from the Government before offices could be accepted in the provinces; (2) what was to be its nature; and (3) who was to be the judge of the response?

As discussion proceeded, at one stage, Panditji said to my party: "Surely, as self-respecting men, you do not want to accept offices unless you feel some good will come out of them?" I replied "Yes, Panditji, I am quite agreeable to this test, and if you will kindly put it in proper language, we can arrive at a solution."

To this, both the parties agreed on the clear understanding, however, that the language should be so worded as not to lay down rigid conditions and that whatever agreement they ultimately reached, should be worded as to fit in as an amendment or rider to clause 4 (a) and (b) of the All-India Congress Committee resolution of 6th and 7th March.

Meeting again next day, three drafts, one by Gandhiji, the second by me and third by Pandit Nehru were considered. The first two were rejected and Panditji's draft adopted as the basis for discussion. According to this draft, the Government's response was to be considered sufficient if the power, responsibility and initiative necessary for the effective discharge of the Ministers' duties were secured to them by (1) abolishing non-official nominations, etc., (2) making Ministers fully responsible to the legislature and freeing them from the control of the Governor, etc., (3) allocating a fixed proportion of revenue, etc., (4) vesting in the Ministers full control over the services in the Transferred departments and (5) introducing such other changes as may be required under the special circumstances of any province, etc. It would be clear from this draft, that the response which Panditji had in view was to be in the provinces and was to be tested by efficiency of power, responsibility and initiative for the effective discharge of their duties by Ministers. The response had no reference, whatsoever, to the two demands of the Legislative Assembly.

The Responsivists pointed out that the five conditions enumerated in the draft should be deleted, firstly because they would furnish a handle to the Government to defeat our object, and secondly because the conditions of the different provinces varied materially. Ultimately, the Pandit agreed to drop them, and also to introduce the words 'in the provinces' after the words 'considered satisfactory' in order to make the draft clearer.

The second point discussed and decided was that Panditji and myself should constitute the final determining authority, with Mahatma Gandhi as Umpire in the event of differences between them. The last point was omitted out of regard for Mahatmaji's wishes.

Thereafter, said Mr. Jayakar, while the Responsivists had started from their homes to attend the Working Committee meeting, a draft was put in their hands which, in their view, introduced drastic alterations amounting to complete negation of the Pact, especially on two fundamental principles (1) that the response material for accepting offices in the provinces was to be the response in the provinces and not to the Assembly's demand (2) that offices were to be accepted or, in other words, dyarchy worked under the present Constitution, subject to the satisfactory conditions indicated in the Pact. This, Mr. Jayakar declared, was a complete withdrawal of the position taken in the Pact by Pandit Motilal. The Responsivists were nevertheless prepared to attend the meetings, provided Pandit Motilal and Mrs. Naidu at least would adhere to the terms of the Pact. If they did not, the Responsivists felt certain, that the Pact would not be adhered to and that it was futile to continue their efforts. Ultimately, they did see Pandit Nehru and Mrs. Naidu, but it became clear that the Pandit was not prepared to adhere to the Pact.

Mr. Jayakar said that Responsivists did not visit Mr. Gandhi, because they thought it would be wrong except on his own invitation to take up his time and cause him pain. If this was discourtesy, they were guilty. Mr. Jayakar concluded by saying that rival interpretations were not sufficient grounds for abandoning the Pact. The Pact was clear and perfectly workable, and rival interpretations were capable of being adjusted. "I do not wish to blame the Pandit knowing as I do his difficulties. My grievance is that he had evaded the Pact on wrong grounds and with a precipitancy which was not justified by the circumstances.'

# The All-India Swaraj Party

## The Responsivists.

The Cawnpur Congress Session was dissolved on the 28th December 1925 and the next Session of the Congress was decided to be held in Assam. Mr. Jayakar, the Leader of the Responsivists, who fought so hard in the Congress for the working of the present constitution and the acceptance of offices under it, left the same day for Bombay to open an anti-Congress campaign. Before leaving he issued a statement over the signatures of Mr. N. C. Kelkar, Dr. Moonjee and himself regarding their future Programme. The statement runs :—

THE RESPONSIVISTS' PROGRAMME.

"We feel that the resolution of the General Council of the Swarajya Party which was passed on the 25th December at Cawnpore laying down certain principles and the course of action to be followed by members of the Swarajya Party is unacceptable to us on various grounds which it is unnecessary to mention in this statement. We further feel that, consistently with our views, we are unable to act in accordance with the same. We therefore propose to carry on propaganda against that resolution and on the lines of responsive co-operation, and in order to obtain complete freedom of action for that purpose and the widest basis for our operations, we are tendering our resignations of our seats in the Legislatures which we competed for on the Swarajist ticket. Though it may not be strictly necessary to do so for the purpose of our intended propaganda, we wish to set ourselves totally free from all situations which are likely to be regarded by our electors, even in the remotest manner, in the light of commitments. We take this opportunity of thanking our electors for their support and confidence throughout the period we occupied our seats in the Legislatures."

Subsequently the members of the right wing of the Swaraj Party of the Bombay Legislative Council met in Bombay on the 16th and 17th January 1926 to decide as to whether they should follow their leader, Mr. Jayakar and his colleagues, Messrs. Kelkar, Aney and Moonjee and resign from the Council. The meeting was held on both the days and the main question before the meeting was whether the members should resign their offices immediately. After a good deal of discussion it was resolved that the Party should reiterate its faith in the policy of responsive co-operation, and should extend to Messrs. Jayakar and Kelkar and Dr. Moonje support in their propaganda.

It was also decided to pursue in the Bombay Council a policy of responsive co operation, there being no question of acceptance of office during the life-time of the present Council. It was further held that mere reiteration of the Party's convictions and declaration of future intentions did not call for immediate action in the direction of resigning from the Bombay Council, on account of differences between the Party and the official Swarajist programme. Resolutions were also passed recording appreciation of Mr. Jayakar's services to the Party and requesting him and his colleagues who resigned to contest the by-elections, and expressing full confidence in any decision they might arrive at regarding the line of action that would best serve the cause of responsive co-operation.

Some Members of the Swaraj Party in the Bombay Council, who some months back made representation to the Executive Council of the Swaraj

Party about responsive co-operation and the necessity for capturing all offices of responsibility, power, and initiative, issued the following statement practically on the lines of the resolutions of the meeting as given above.

### Text of the Statement

"We, the undersigned members of the Bombay Legislative Council Swaraj Party, after very careful consideration of the whole question, are of opinion that the position we took in the representation which we submitted to the Executive Council of the Swaraj Party of their Nagpur meeting in November last, is the correct one. We think that the policy of Responsive Co-operation and that of capturing all offices of responsibility, power and initiative is a proper and necessary development of the policy and method which we have followed during the last two years in the Bombay Legislative Council and which, in our opinon, the Swaraj Party has followed in the Legislative Assembly during the same period. There is, of course, no question of taking any office during the tenure of the present Council, but we propose during the rest of the term of the present Council to follow and adhere to the same policy of Responsive Co-operation as we have followed so long. We do not think that there is any necessity for us on that account to resign our seat in the Council for the present, but we shall await subsequent developments.

"We heartily approve of the action of our leader, Mr. Jayakar, in having unhesitatingly resigned his seat in the Council in vindication of his views and for the purpose of obtaining freedom to carry on, in an unfettered manner, his propaganda in favour of Responsive Co-operation, and we hereby resolve to give him and to his colleagues, Messrs. Kelkar, Aney and Dr. Moonjee all help we can to popularise the doctrine of Responsive Co-operation which, we believe, to be the most suitable and effective programme to be pursued in the legislatures in order to consolidate all patriotic elements in the country, to furnish adequate opposition to Government and to protect the interest and welfare of our electorate.

"We take this opportunity to put on record our sense of appreciation and gratitude for the great services which Mr. Jayakar rendered to the Party as its leader during the last two years. We have by our resolution, passed this morning requested Mr. Jayakar as also Messrs. Kelkar, Aney and Dr. Moonji to contest their seats at the next bye-election on responsive co-operation ticket and we have no doubt that they will give their best consideration to our request and will act in a manner which in their opinion is best calculated to promote the cause of responsive co-operation.

"We sincerely trust that if Mr. Jayakar contests the bye-election he will be re-elected and that his services will be once more available to us in the Bombay Legislative Council."

(Sd.) M. B. Velkar; W. S. Mukandam; C. M. Septarshi; J. C. Swaminarayn M. B. Powar; P. C. Joshi; H. D. Saheba (with the note: "not in favour of responsive co-operation but in favour of capturing offices for obstruction. Subject to this I sign above"); D. N. Patil; M. K. Dixit; H. M. Mehta; H. H. Nanelwalla; R. C. Soman; N. R. Gunjal; and L. B. Bhopatkar.

### The Berar Responsivists

The Responsive Co-operators of Berar, however, acted in a different way than the members of that Party in Bombay. At a meeting of the Berar Swaraj Party held at Yeotmal on the 10th January they not only resigned from the Swaraj Party but also decided to resign their membership of the local Council, on the grounds:—

"Namely, (1) that the Swaraj Party, and, consequently the Cawnpore Congress, has deliberately set at naught the September resolution of the Legislative Assembly, which had given a definite and unambiguous expression to the National Demand, (2) that it has rendered impossible the hope of important political groups allowing themselves to rally round the flag of the Indian National Congress, (3) that it has rigidly defined the principle on which the ensuing triennial elections should be fought, and precluded every possibility of the electorate being consulted on issues involving their vital interests, and (4) the launching of the campaign of civil disobedience has been left as regards power of initiative, to the present All-India Congress Committee, which has a clear majority of those who are, on principle, proposed to Council entry and consequently to any success of the Council programme".

# The Responsivists' Akola Conference

A Conference of Responsive Co-operators was held at Akola on the 14th and 15th February, Mr. R. Jayakar presiding, with the object of forming a party to pursue the policy of responsive co-operation within the legislatures. The Conference was open only to those who subscribed to the principle of carrying out the Reforms, unsatisfactory, disappointing and inadequate as they were, for all they were worth, including capture of places within the legislatures, of power, responsibility and initiative, and using these opportunities for the purpose of accelerating the grant of Responsible Government and for creating opportunities for the people of advancing their interests and strengthening their power of resistance to injustice and misrule. Though admission was very limited, attendance was large.

Mr. M. R. JAYAKAR, in the course of his address, pointed out how a compromise, which could easily have been agreed to, by leaving the question to be determined by a Committee to be appointed for the purpose and for framing a programme on the eve of the next general elections, was rejected at Cawnpore leaving no alternative to responsive co-operators, but to go their own way. Mr. Jayakar further stated that the best propaganda for Responsive Co-operators was done by the good work which the Swarajists in the Assembly were doing in judicially using the Reforms and the powers thereunder, for advancing the cause of Swaraj. As instances which had occurred in that direction, he referred to Pundit Motilal being permitted by the party, to interview the Viceroy regarding the South African question and the President of the Assembly using his powers with great care and wisdom in advancing the utility of the Assembly, especially the power of adjourning the House, which he had lately exercised more than once, for the purpose of allowing members to think over questions without heat and passion. He advised the audience steadily to pursue the work in front of the new party, their path being beset with calumny and misunderstanding, on the one hand, and the unyielding attitude of the Government on the other.

## Resolutions Passed.

The Conference then adopted the following resolutions :—

(1) The name of the party shall be "The Responsive Co-operation Party."

(2) Membership of the party shall be open to every person who is otherwise eligible and signifies acceptance of the manifesto of the party, and pays an annual minimum subscription of Re. 1.

(3) The party leave the question, whether membership shall be confined to Congressmen only, to be determined by each Congress province, according to the conditions prevailing therein, with special reference to the desirability of making the party strong, popular and effective. But in Maharashtra, Berar and C. P. (Marathi), the membership shall be confined to Congressmen only.

(4) Office bearers :—M. R Jayakar, President, and Mr. J. Baptista, Vice-President, and Mr. D. V, Gokhale, General Secretary ; Dr. M R. Cholkar and Messrs. B. G. Khaparde and L. B. Bhopatkar, Secretaries for C. P. (Marathi), Berar and Maharashtra respectively.

(5) There shall be a Central Council consisting of the President, the Vice-President, the General Secretary, the above secretaries and five representatives to be elected by each provincial branch before the 1st April next.

(6) The Central Council is authorised to frame rules and regulations for carrying on efficiently the work of the party in the different provinces and the whole of India, and to do all other things incidental thereto.

(7) The President of the party shall have all the powers of the Central Council until it is constituted.

(8) The party will have branches in the different congress provinces.

(9) This meeting urges the prominent leaders of the party to make a tour throughout the country for the propagation of the party's cause.

### The Party's Manifesto.

The following is the party's manifesto :—

(1) We believe that a mass movement of resistence throughout the country is certainly one of the means of enforcing the will of the nation in political matters. But it is the ultimate remedy and we agree, with the Congress, that the country is not at present ready for any measure of this nature.

(2) We believe, however, that a organised individual or group resistence is feasible and may be resorted to as occasions may demand for a particular locality, for definite objects, and for particular occassions.

(3) We believe that the programme of bringing about constitutional deadlocks, by resorting to a policy of uniform, continuous and consistent obstruction, can be successful unless tried on a large scale and backed by some sanction behind the same.

(4) We believe that the best course, under the present circumstances, is that of responsive co operation, which means working the Reforms, unsatisfactory, disappointing and inadequate as they are, for all they are worth, and using the same for accelerating the grant of full responsible Government, and for creating opportunities for the people for advancing their interests and strengthening their power and for resisting injustice and misrule.

(5) We however, hereby declare that our working of the Reforms does not imply, in any way, that we give up any position, or surrender any objection, or make any commitment, with regard to the grave defects and inadequacies of the present Government of India Act in general, including the Preamble or Dyarchy in particular.

(6) The policy of working the Reforms necessarily includes the capture of all places of power, responsibility and initiative which are open to election by, or otherwise responsible to, the party within the legislatures, subject to such conditions, with regard to the policy, programme and other kindred matters as may seem desirable to impose from time to time

(7) Our political programme shall be generally on the lines laid down in the manifesto of the party which in 1920 was started under the name of the Congress Democratic Party, with such changes as may be required under the present circumstances; and, for the purpose of adopting such changes, a Committee is hereby appointed consisting of the following persons, with instructions to submit their report to the Central Council by the end of March in consultatation with the leading members of the party all over the country :—Messrs. M. R. Jayakar, J. Baptista, N. C. Kelkar, M. S Aney, B. S. Moonji and S. V. Kelkar.

A resolution was also adopted, as part of the manifesto, expressing disagreement from the present policy of the Congress and of the Swaraj Party, as being ineffective either to obstruct the machinery of the Government or to advance the interests of the people.

## The Swarajists in the Assembly

In 1924 when the Swarajists were determined to capture the legislatures and to go into the citadels of the bureaucracy and challenge them with the national demand they found themselves not strong enough to do so. Nevertheless they were able to secure the assistance of other Nationalist friends who, though they did not approve of their methods or programmes in furtherance of their decision in the Assembly, were quite willing to co-operate with them in putting forth their national demand. That demand was embodied in a resolution which was carried in the Assembly on the 18th February, 1924.

All Nationalists and Liberals agreed in passing that resolution by an overwhelming majority and presented it for acceptance to the Government. The resolution demanded that the country was entitled to Swaraj and that Government should take immediate steps to establish Swaraj in the country. They were quite prepared to sit down at a Round Table Conference to discuss the methods by which Swaraj might be established in this country.

When the demand was presented to Government, Labour Government was in power. The Government of India adopted dilatory tactics and fumbled. They appointed a committee of enquiry into the working of the existing reforms. The Committee met and submitted a majority report and a minority report. The minority was in fact the majority, because one of the members of the majority turned turtle.

The report of the minority was that the existing constitution was worthless and unworkable and could not be made workable by any changes introduced in the rules or by tinkering here and there. It was recommended that the constitution should be put on a permanent basis and that the fundamental principles thereof should be enacted by means of terms of reference to a Royal Commission or any other suitable agency. That recommendation was laid aside with contempt, a recommendation made by those who honestly tried to work the present reforms, whatever they might be. They found that far from reaching its object the existing constitution was producing harm and that the whole machinery should be overhauled.

The Government put forward before the Assembly in September 1925 a resolution asking them to approve the recommendations of the bureaucratic half of the Enquiry Committee. Those recommendations were to the effect that the reform scheme had not been given and must be given, a fair trial before it could be said to be a failure and no case was made out for making any alterations in the existing constitution, and that minor changes in rules with a view to make diarchy more workable than it was, might be introduced here and there. That resolution was debated upon and the representatives of the people again joined in putting forth the national demand. The national demand made in 1924 was reiterated. The resolution also stated that Government should forthwith accept certain fundamental principles of self-government for this country and on that basis they must induce Parliament to make a declaration that Indians ought to have self-government based on those fundamental principles of Swaraj. The Swarajists in the Assembly were very reasonable in their demand. They wanted toshow the Government that they were not merely theorists but were prepared to put down their differences so long as they could be satisfied that Government were sincere and honest. They wanted to show that they had a right to go one step forward in the direction of real responsible government being established in the country. They even said that the British Government need not give up control of the army and navy at once, but might readjust the military organisation within ten years so as to leave the control of the same at the end of that period. That demand was again put before the Government and they made it clear that they were not going to accept it.

Before leaving the shores of India, His Excellency Lord Reading promised to appoint a Royal Commission provided the Swarajists gave up obstruction and co-operated with the Government. The Swarajist contention was that they had had enough of Royal Commissions and they did not

want one more to add to their burden. What was wanted by them was a pledge from His Majesty's Government, Parliament, to the effect that India would get Swaraj forthwith and that immediate steps would be taken for attaining that end. They were quite prepared to sit down and discuss, whether by a Royal Commission or by any other agency that might be constituted, the methods, plans, etc. But they would not accept any proposal which did not in anticipation guarantee those fundamental principles of the constitution for which they had plighted themselves in the resolution of 8th September, 1925. The Swarajists stuck to their guns. At the Cawnpore Congress they persuaded the No-Changers, who saw no good would come out of the Councils, to help them in their fight. And they agreed. The famous resolution of the Congress was passed, which made it clear as to what they should do in the forthcoming general elections and what programme they should have when the country returned them in overwhelming majority.

The main part of the resolution of the Congress was that the Swarajists in the Assembly should ask the Government to give their definite reply at the earliest possible moment to the demands that were made on the 8th September, and, if that reply was unsatisfactory or unreasonable or if no reply was made, the Congress called upon the Swarajists in the Assembly to walk out of the Assembly and to tell the Government that they would no longer be in the Assembly and take part in the affairs and get through legislative proposals. The All-India Congress Committee, which met at Delhi on the 6th and 7th March 1926, definitely decided that the reply of the Government as disclosed in the answers contained in the speech of Sir Alexander Muddiman in the Council of State, indicated a definite negation of their demand and that their time had arrived to walk out of the Assembly. (For subsequent events see p. 17.)

## The Sabarmati Conference

After an exasperatingly long period of controversy and conflict the two sections of the Swarajist Party managed to come to an agreement between them to the great satisfaction of the country. We give below the proceedings of the Conference and the text of the agreement which was arrived at between them.

The Conference was convened at the instance of Pandit Matilal Nehru and was held at Sabarmati Ashram, Ahmedabad, on Tuesday and Wednesday, the 20th and 21st April.

The following were present:—Mahatma Gandhi, Mrs. Sarojini Naidu, Lala Lajpat Rai, Pandit Motilal Lehru, Messrs, Jayakar and Aney, Dr. Moonji, Mr. Gokhale and Mr. Ogale. A few other friends who were invited could not attend owing to other engagements.

A number of telegrams and letters were received containing individual opinions on matters likely to come under discussion with a view to settle the difference between the Swaraj Party and the Responsivists.

A long telegram was received from Pandit Madan Mohan Malaviya, which contained suggestions for bringing all Indian political parties on a common platform in a United Congress.

The Discussion lasted for two days in which both the parties entered in a frank and friendly spirit. The Discussion turned on the resolution of the

All-India Congress Committee passed at Delhi on March last, the resolution adopted by the Responsive Co-operation Party at Akola in February last, and the resolution adopted at the Session of the Indian National Party held in Bombay on 3rd and 4th instant.

The Conference adopted the following agreement as embodying it decision on the points specifically discussed :—

### Text of the Agreement

"It is hereby agreed between the undersigned, subject to the confirmation of the All-India Congress Committee, that the response made by the Government shall, for purpose of Clauses (a) and (b) of the resolution II-B (4) of the All-India Congress Committee, dated 6th and 7th March 1926, be considered satisfactory in the provinces if the power, responsibility and initiative necessary for the effective discharge of their duties are secured to Ministers. A sufficiency of such power, responsibility and initiative in each province shall be decided, in the first instance, by the Congress members of the Legislative Council of that province, subject to confirmation by a Committee consisting of Pandit Motilal Nehru and Mr. M. R. Jayakar.

"It is further agreed that the said Committee will decide all disputes about selection of candidates in the Congress Provinces of Bombay, Maharashtra, Berar and C. P. Marathi.

"This agreement has been subcribed to by the undersigned, in their individual capacities, and it will be submitted for ratification to the Executive of the Swaraj and Responsive Co-operation Parties. It will be placed for ratification before the All-India Congress Committee at a meeting which is being convened on the 5th and 6th May next at Sabarmati.

"(Sd.) Sarojini Naidu, Motilal Nehru, Lajpat Rai, M. R. Jayakar, N. C. Kelkar, B. S. Moonji, M. S. Aney, D. V. Gokhale, G. A. Ogale".

General satisfaction was expressed by the leaders at the agreement reached, but the expectations that centred round this Conference were transferred to the meetings of the Working Committee of the All-India Congress Committee on 4th, 5th and 6th May.

Subsequently, on the eve of the A.I.C.C. meeting two very important meetings were held at Allahabad and Bombay under the guidance of Pt. Nehru and Mr. Jayakar respectively. The proceeding of both the meetings are given below :—

## The Swarajist's Allahabad Meeting.

On the 26th April, at the Allahabad District Conference, Pt. Motilal Nehru moved a resolution calling upon the public to make the programme of the Cawnpur Congress a success.

In the course of his speech, he referred to the compromise effected at Sabarmati, and repudiated the suggestion that it permitted acceptance of office under the existing circumstances. It was an interesting feature of the controversy raised on that compromise, that the friends of each party blamed it for having surrendered its principles to the other party. He thought that was the surest index of the soundness of the arrangement.

He explained the resolution of the All-India Congress Committee passed in Delhi at length, and pointed out that the Sabarmati Compromise only discovered a formula for the working of that resolution in practice. Congressmen were to refuse to accept office only during such time as the Government made no satisfactory response. The resolution was silent as to what was to be considered as a satisfactory response by the Congress. The Sabarmati arrangement supplied the omission, and inflicted the nature of the test which every response made by the Government must stand, before it could be considered satisfactory for the purpose of permitting Congressmen to take office. It would be satisfactory, only if it secured to the Ministers the power, responsibility and initiative

necessary for the effective discharge of their duties, which, the Congress main did not possess under the present rule.

There was no question of taking office unless and until the Government rigid attitude and made a substantial advance of such a nature as would st test. It was not considered necessary to enter into further details, and in directions in which the required advance was to be made. It could not be doubt whilst there were certain general principles which would apply to the Province were also the special circumstances of each Province to be taken into considerati was not for an informal conference to get into these principles which could eas formulated, once the general formula was adopted. It was understood that spe instructions should be issued, later on, in that behalf, by the Congress or such oth authority as it may appoint.

By way of illustration and speaking for himself only, he said that it would be difficult for the Government to satisfy him of the sufficiency of any response unless it satisfied three important conditions. The first was that the Ministers should be made fully responsible to the Legislature, free from all control of the Governor or the Governor-in-Council in the administration of their respective departments. The second was that an adequate proportion of the revenues of each Province should be allocated for the development of the Nation-Building Departments, without imposing additional burdens on the people. The third was that the Ministers should be given full control of the Services in the Transferred Departments. When these general conditions were satisfied, and not until then, he would think of going into the special circumstances of such a province, to see if the response made also removed some outstanding grievance or disability from which it was suffering. To illustrate the nature of such an outstanding grievance or desirability he would take the case of Bengal. He would accept no response, however, liberal, as sufficient for that province, unless the Bengal political prisoners and detenues, who were detained in the various jails without trial, were unconditionally released or tried according to law and the Criminal Law amended so as to make lawless action of this kind impossible in future. He believed that all this could be done without any amendment of the Government of India Act, but would not bind himself down to such changes only as came within the Act. Those were, of course, his own views, but might safely be taken to be the views of the whole Congress, for it was for these very things that the Congress had been fighting all these years.

He warned the voters against being misled by the election cries of the parties outside the Congress into the belief that the signatories to the Compromise had gone back on the Congress resolution. They stood where they were, and would not accept office unless and until they were in a position to be the true servants of the people, owing responsibility only to the representatives of the people, free from all control of the Executive.

## The Responsivists' Bombay Meeting.

A meeting of the Responsivist Party on the other hand, consisting of members from the Central Provinces, Maharashtra, Berar and Bombay, with Mr. M. R. Jayakar presiding, was held on the 3rd May in the afternoon at Sardar Griha, Bombay. Resolutions passed by the Indian National Party at Bombay and the Sabarmati Pact were considered. After several hours' discussion, the meeting adopted the following resolutions unanimously :—

(1) "This meeting approves the action of the leaders of the Responsive Co-operation Party in having attended the Conference convened, at the instance of Pandit Motilal Nehru, at Sabarmati on the 26th April last and in having reciprocated his desire to arrive at an honourable compromise with a view to avoid conflict and disunion.

(2) "This meeting is of opinion that the Pact arrived at Sabarmati, between the leaders of the Swaraj Party, does not secure some of the points which the party, in its meeting at Akola, insisted in its policy and programme; but as the need of national unity, in the efforts for securing the goal of Swaraj at an early date, is paramount over other considerations, this meeting ratifies the said pact; and authorises its representatives who will attend the meeting of the All-India Congress Committee convened to-morrow at Ahmedabad, to support the said Pact, but to proceed no further than they have already done in the direction of modifying the decision of this party to work the Reforms for all they are worth and of using the same for accelerating the advent of full responsible Government at an early date.

(3) "This meeting is further of opinion that any alteration of the language of the Pact, either by way of amplification or explanation, is sure to have the effect of re-opening the whole question, in which case the Responsive Co-operation Party reserve to themselves the liberty of going back to their position of working the Reforms for all they are worth and obtaining the verdict of the electorate on that footing at the next general elections".

The question of allowing the members of the Responsive Co-operation Party to join the Indian National Party was next considered, and, after a long discussion, the matter was adjourned till the 7th May.

How the Pact was dropped in the A.I.C.C. meeting on the 5th May is given in its proceeding in page 26. Statements and counter-statements were subsequently issued by the leaders of both parties in defence of their action and are reproduced in full in pages 37 to 42.

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# The Independents & Liberals

## Pt. Malaviya's Move.

On or about 22nd February Pt. Malaviya resigned from the Independent Party to work for the formation of one strong Nationalist Party with a considered Policy in the Legislative Assembly. On the eve of his resignation the following statement was issued by him :—

"The interests of the country imperatively demand that all Nationalists who are agreed, or may agree, about the goal we wish immediately to reach, should combine to form one strong Nationalist party, with a considered policy and programme of work for the early attainment of the goal. I have decided to work for the establishment of such a party, and, I think, I shall better be able to do so if I do not belong to either of the two parties which exist at present in the Assembly."

That this new party, for the organisation of which Pt. Malaviya opened his campaign at Delhi, will pursue the policy of Responsive Co-operation, including acceptance of offices, was made clear by a statement to the press issued on the 21st March :—

The statement observes that, in consultation with several prominent persons, Pandit Madan Mohan Malaviya is calling the attention of the country to the most deplorable present political condition, and is taking steps to re-establish the Indian Nationalist Party on the original broad basis. Many members of the legislature, Hindu and Mahomedan, including several members of the Swarajya Party, have already expressed their willingness to join the party.

The party subscribes to the Congress creed, but is thoroughly opposed to the policy laid down at the Cawnpore Congress by the Swarajya Party, under which the Swarajists have walked out from the legislatures, a considerable number of them, it is stated, against their own better judgments. While the Nationalist Party will devote its united strength to accelerate the advent of Swarajya or full Responsible Government, it will utilise the legislatures, unsatisfactory though they are, to the best possible advantage it can, to prevent or remedy the national wrongs and to promote the national advancement as far as possible under the existing conditions, by pursuing what has been described as the policy of Responsive Co-operation, including acceptance of offices, subject to the constitutional control of the party.

A statement of the policy and programme of work which its members will be expected to carry out in the central as well as in the provincial legislatures, and outside them in the

It will be the duty of every member of the party to promote a reasonable settlement of difference of opinion on communal questions, but, where an agreement satisfactory to all parties may not be reached, members will be free to vote as they may think just and proper in the interests of the electorate they represent.

### The Delhi Meeting

On the 25th March Pandit Madan Mohan Malaviya opened at Delhi his campaign for organizing a Nationalist Party. Mr. C. Vijayaraghavachariar presided. Among those present were Raja Sir Rampal Singh, Mr. Lalubhai Samaldas, Lala Ramsarandas, Mr. Birla, Mr. B. Das and Pandit Shamlal Nehru.

Pandit MALAVIA, speaking in Hindustani, said that, after another short session, the life of the present Assembly would be over, and it was but proper that they took stock of their achievements and took steps to complete the unfinished work. The Government had repeatedly told them that the present state of the country stood in the way of further constitutional reforms. He thought that it was the Government who were delaying things and that the present condition would vanish with the advent of Self-Government.

The speaker then referred to the several resolutions passed by the present Assembly for grant of further Reforms, and showed that, on that matter there was no party and no communalism. The speaker then traced the history of Indian Nationalism. He said it was at the instance of some Government officials that the Muslim League was started. This mischief had assumed gigantic proportion to-day, and Indians mostly thought communally. One problem before the country was how to restore faith in Nationalism.

The Pandit said he was against the Swarajist policy of Non-co-operation from within the Councils. Where was Non-co-operation when the members of the Assembly and the local Councils accepted allowances, swore allegiance to the King and the Constitution and accepted membership of the Skeen Committee and the Presidentship of the Assembly? Even in the two provinces of Bengal and C P., where the Reformed Constitution was in abeyance, the Government was as strong as ever. Ultimately the end of all Council activity was to make Government responsive to the public demand and the speaker thought the people's representatives would influence the Ministers more, if they (the Ministers) were of their own party. The present Ministers were weak, and were in the hands of the Government. This was specially so in the United Provinces. The Reformed Constitution was already defective, and, whatever good it contained, was not exploited, because of the refusal of the best men to stand for Ministerships.

Their immediate concern should be to wake up the electorate. Unity was the only way to win Swaraj. If there were two weak parties in the Assembly neither of them would do any good. There should be one strong Nationalist Party in the country. This Nationalist Party should be an integral part of the Congress. The Swarajists should modify their policy and should not be opposed to Ministerships, while the Liberals should be invited to accept the Congress creed of winning Responsible Government by all legitimate and peaceful means. The party would provide a common platform and unite Hindus and Muslims. It would create polititial unity. The Hindu Sabha and Muslim League could then continue to exist. On

matters of religion, every one would vote according to his conscience. The policy of the party would be to bring down taxation and military expenditure and improve sanitation and introduce hand-spinning and weaving in schools In conclusion, the Pandit said the question before the country was whether to go to the Councils or not. If they decided in favour of going, they should send able, independent and courageous representatives.

### The Lahore Meeting

From Delhi the Pandit came to Lahore and on the next day the 26th March delivered a public lecture in Bradlaugh Hall, on the same subject before a fairly large audience. Lala Harikishen Lal presided. Among those present were Lala Lajpat Rai, Dr. Gokalchand Narang Lala Dunichand Dr. Satyapal and Pandits Ruchiram and Nanakchand.

Pandit Malaviya developed more or less the same arguments, which he had advanced in his Delhi lecture. The Pandit said it was wrong on the part of the Swarajists, to have walked out when important question like the South African issue and several big financial problems were pending solution in the Central Legislature.

The only difference between the Swarajists and the Responsivists, said the Pandit, was that the former opposed acceptance of Ministership. He thought that, it they decided to have a strong united people's party in the legislatures, they could do more good towards solving urgent problems of the country, like poverty, unemployment and illiteracy, than by following the policy of continuous obstruction pursued by the Swarajists, which had been tried and found wanting. He saw no reason why the Swarajists should seek to go back to the Councils, at the next general election, when they had come out of them, on the plea that they were worthless.

Work within the Councils would not bring about the common weal unless they consolidated themselves into a strong united party like the one he advocated. He feared that otherwise the Government would continue to sit tight and not concede an iota of the people's demand. He urged that the Congress should be strengthened by all joining it, including the Liberals. The Government should be shown, once again, what the power of the Congress was.

Concluding, Pt. Malaviya gave the four cardinal points of his proposed Nationalist Party, i.e., acceptance of the Congress creed, working of the Councils to the best possible advantage, acceptance of offices under the Crown, and leaving members of the party free to vote as they liked on all communal matters where differences beween the different communities could not be composed.

Mr. Vijayaraghavachariar addressed the meeting next. He said they should go back to the position which the Congress adopted towards the Reforms at the Amritsar Congress in 1919. The Reforms must be fully employed for what they were worth. He said that Mahatma Gandhi was wrong in allowing the Congress to be exploited by the Swarajists. The Swarajists achievements were nil in the past, and he had no reason to expect better of them in the future. He promised that if the Responsive Co-operation failed, he would have no objection to consider a resort to Non-Co-operation again. But what form that Non-Co-operation would assume he was not able to anticipate at the present stage.

## The Liberals' Coalition Move.

While Pt. Malaviya was touring in Northern India in his campaign to form a Nationalist Party, Mr. C. Y. Chintamani, a distinguished member of the Liberal Party, was holding Conferences in Bombay to re-organise the Liberal Party, if necessary under a different name, taking the help of as many Independents as would join him. At such a meeting held on the 24th March presided over by Sir Chimanlal Setalvad, Mr. Chintamani, while defending the Liberal policy, characterised the Swaraj Party's policy as illogical and inconsistent. Though the Reforms, he said, were defective, they were not unworkable. If an intelligent, genuine and sustained effort was made both by the Legislatures and the Indian members of the Government, whether of the Transferred or the Reserved Departments, he felt that they would feel that the Reforms were workable, though reform of the Reforms was essential. He therefore urged them to utilise the present system of Government for the benefit of the country and accelerate the introduction of Self-Government. But, if the Swarajists were successful at the ensuing election, he feared that it would be a success of the Bureaucracy. He warned the people that every vote given to the Swarajists would be a vote given to the Bureaucracy, and it would be a great political misfortune to the country.

It was a happy augury, therefore, he said, that 125 persons belonging to different parts of the country, and professing different religions and faiths had signed a requisition for a conference on the 3rd and 4th of April in order to bring about a United National Party. Among the signatories were Dr. Besant, Mr. Jayakar, Mr. Kelkar, Mr. Jinnah, Sir Ali Imam and others. They would try to bring about a solution for the present complex state of affairs. But if they did not succeed, all that he would say was that the Bureaucracy would live long.

### The Coalition Manifesto.

The Manifesto, signed by over a hundred persons, belonging to different political organizations excepting the Swarajists, was issued on the 24th March.

The Manifesto stated that the signatories had come to the conclusion that it was essential that they should combine and work together to the greatest possible extent, and form a coalition on the basis of such aims and objects as were common to all. The method they shall employ in pursuit of these objects was described as discriminating co-operation and opposition or responsive co-operation or constitutional agitation, including Parliamentary obstruction as, and when, necessary.

The organization will be known as the Indian Nationalist Party. They cordially invited all to attend the Conference to be held in Bombay on the 3rd and 4th April to bring the organization formally into existence, or, in case of inability to attend, to send written expression of opinion and suggestions, to Mr. C. Y. Chintamani.

Among the signatories were Dr. Annie Besant, Sir C. Sankaran Nair, Sir Mahomed Shafi, the Rt. Hon. V. S. Srinivasa Sastri, Sir P. C. Roy, Sir Chimanlal Setalvad, Sir P. S. Sivaswamy Iyer, Mr. M. A. Jinnah, Mr. M. R.

Jayakar, B. C. Pal, G. A. Natesan, Mr. K. C. Roy, Mr. C. V. Chintamani and others.

## The United Nationalist Conference.

The Conference designed to bring about a coalition of the Liberals, Independents, Responsive Co-operationists, Nationalists, and Conventionists was held at Bombay on the 3rd and 4th April. Out of 550 invited, hardly 125 attended. It was a "Purdah" Conference from which the press representatives and the Swarajists were strictly excluded. Great care was taken to see that no "undesirable" and uninvited persons got entry into the hall. Every delegate's card was carefully examined, and after signing the rolls, each delegate was conveyed to the meeting hall in charge of volunteers.

Sir Tej Bahadur Sapru presided over the deliberations. Among those present were Sir M. V. Joshi, Messrs. Jinnah, S. K. Bole, A. N. Surve, Joseph Baptista, R. P. Paranjpye, N. M. Joshi, Mr. Jadhav, Sir K. V. Reddi, Sir T. B. Sapru, Sir Dinshaw M. Petit, Pandits Madan Mohan Malaviya, Radhakanth Malaviya, G. K. Devadhar, B. S. Kamat, H. P. Mody, B. C. Pal, B. Bhagavat, Dr. Annie Besant, Messrs. Jamnadas Dwarkadas, M. R. Jayakar, Manu Subedar, J. Chaudhari, Ratansey Morarji, Balubhai Desai, Rao Bahadur Dhoblay, D. V. Gokhale, Iqbal Narayan Gurtu, Rao Bahadur R. R. Kale, Kanji Dwarkadas, Pandit Hirdayanath Kunzru, B. K. Lahiri, Krishna Kumar Mitra, G. B. Pradhan, M. D. Alekar, S. M. Bose, Rao Bahadur K. V. Brahma, V. N. Deshpande, R. R. Jayawant, Rao Bahadur R. G. Mandle, Mr. Surendranath Varma, K. Natarajan, and B. Siva Rao.

The Conference sat for two days without any break for nearly six hours, and formally brought into existence the Indian National Party. The proceedings were very lively, and was marked by a refreshing spirit of give and take.

A sharp cleavage of opinion was evident on the question whether the new party should be within or without the Congress; the Liberals very strongly expressing themselves in favour of its remaining without, inasmuch as the Congress creed was from past experience found capable of various interpretations and of including extra-constitutional methods among those defined in it as peaceful and legitimate. This brought forth a vehement attack on the Liberal Party from Mr. Baptista. Eventually, a clause definitely excluding mass civil disobedience and general non-payment of taxes was adopted.

An important amendment was moved urging the House of Commons to pass the second reading of the Commonwealth of India Bill, thus showing its sympathy with the righteous aspirations of India for Self Government, as declared in the resolution of the National Congress of 1914.

Dr. Besant made one of her finest speeches, and appealed for support with all her persuasive eloquence. But Messrs. Jinnah and K. Natarajan, having raised a point of order, the Chairman ruled that, technically the amendment was out of order, neither the notice convening the Conference nor the draft agenda having made any mention of it.

### The Resolutions.

The following is the text of the resolutions that were passed :—

I (a) This Conference resolves that the party to be known as the Indian National Party be and is hereby formed.

(b) The object of the Party is to prepare for, and accelerate, the establishment of Swaraj or Full Responsible Self-Government in India, such as obtains in the Self-governing Dominions of the British Empire with due provisions for protection of the rights and interests of the minorities and the backward and the depressed classes.

(c) The Party will employ all peaceful and legitimate means, not including mass civil disobedience or general non-payment of taxes.

(d) Amongst other parliamentary methods open to it, the National Party will inside the legislatures, resort to Responsive Co-operation or opposition or co-operation as and when necessary, and it will carry on intensive propaganda work in the country in furtherance of its objects. The National Party may promote, as occasion may demand, movements individual or group resistance to authority, for definite objects, on particular occasions, in particular localities.

(e) In pursuit of its objects, the Indian National Party will work in co-operation with any other party or political group which has the same object in view, and whose methods are consistent with the policy of this party.

(f) While the party is of opinion that the Constitution embodied in the Government of India Act of 1919 is inadequate and unsatisfactory, it will utilise it to the fullest extent it can (including acceptance of offices) both to accelerate the revision of the Constitution, as well as to ameliorate the condition of the people and to advance their interests in every possible way.

(g) The party will, to the best of its opportunities, strive for the political and economic uplift of all classes, castes and communities, alike in the rural and urban areas, and will, in particular, work for the removal of untouchability and the amelioration of the condition of the backward and depressed classes.

(h) The Party will seek, by every means in its power, to promote unity among the different communities.

(i) Every person who has attained the age of 21 and signifies in writing the approval of the policy of the Party, will be eligible to be a member of the Party.

### Committee Appointed.

II. (a) This Conference hereby constitute a Committee, consisting of the following members (the majority of the signatories to the manifesto convening the Conference) with power to add, to their number, and with Messrs. C. Y. Chintamani and M. C. Chagla as Provisional Secretaries.

(b) The members of the Committee belonging to the several Provinces do form themselves into Provincial Committees of the party with power to add to their number, and to appoint their office-bearers.

(c) The Committee is to take all necessary and desirable and feasible steps in furtherance of the objects of the Party, including the constitution of Provincial and District Branches, propaganda among the people, all work relating to election to the Legislative bodies, promulgation of rules not inconsistent with the policy of the party, collection of funds and the holding of an All-India Couference of the Party at such a time and place as the Committee may decide.

### The Members.

The members of the Committee are Dr. Besant, Pandit Malaviya, Sir Chimanlal Setalvad, Mr. B. Chakravarti, Sir T. B. Sapru, Messrs. M. A. Jinnah, B. C. Pal, Sir M. Joshi. Dr. Paranjpye, Messrs. M. R Jayakar, Joseph Baptista, J. Choudhari, Babu Krishna Kumar Mittar, Rao Bahadur R. R. Jayavant, the Hon. Mr. Rattansi Morarji, Pandit H. N. Kunzru, Sir K. V. Reddy, Mr. B. S. Kamat, Rao Bahadur R. R. Kale, Messrs. Surendranath Mullick, Bala Narayan, N. V. Gokhale, Rao Bahadur D G. Padhye, Messrs. M. C. Chagle, D. G. Dalvi, B. K. Lahiri, Raja Govindlal Shivalal, Messrs. Jehangir Petit, B. Shiva Rao, C. Y. Chintamani, A. N. Surve, S. G. Vaze, G. K. Nariman, N. P. Patankar, B. Das, D. P. Khaitan, S. N. Bose, Manu Subedar, D. V. Gokhale.

It must be stated that Messrs. Jayakar, Baptista and D. V. Gokhale have not yet become members of the party. Mr. Jayakar explained that while he was in complete agreement with the resolutions passed that day and would have immediately joined the party if he could have acted alone, he held the position of the President of the Responsive Co-operation Party and therefore had to place the matter before his committee of which an early meeting would be called. But Mr. Jayakar agreed provisionally to serve on the Committee of the Indian National Party subject to the approval of his party.

# Lala Lajpat Rai's Retort to Pt. Malaviya

## The Bradlaugh Hall Speech.

Lala Rajpat Rai addressed a large audience at the Bradlaugh Hall, Lahore, on the 27th March on the political situation of the country. In the course of his speech, he said :—

No changism has no place in the economy of life, either individual or social or national. Change and progress are the very breath of life and no one need be ashamed of changing his policy and programme in accordance with the needs of the time and the necessities of the situation. A no-changer plays a losing game. I am therefore not a no-changer, and am not ashamed to proclaim that fact from the housetops. All the same, I claim that in the fundamentals of my politics I have little changed, if at all. From early youth I have believed that in principle non-co-operation with a foreign Government is the only right policy for a subject nation ; that no nation should expect to gain its freedom by mere petitions and memorials and resolutions ; that there is no philanthropy in politics, that no Government whether indigenous or foreign ever yields or concedes popular rights unless it is compelled to do so either by physical force or by the force of circumstances which compel a listening to popular will and popular demands.

**The Montford Constitution**

Having believed in these principles, I have never made a fetish of what is popularly called constitutional agitation. Before 1919 we had no constitution at all, Since 1919 we have had a constitution which still denies to us any kind of responsible or popular or even responsive Government. It is all one-sided. It has to a certain extent softened the edges of arbitrary and absolute autocracy ; it has given you opportunities of parliamentary expression ; beyond that it has transferred no power to the people. The power is still where it was before 1919. It is our business and purpose in life to wrest that power from where it rests at present. I say deliberately wrest because no power is ever voluntarily conceded or given without bringing into existence forces which compel the possessor of it either to share it with others or to transfer it to the latter. That is the main burden of our political activities The question is how to discharge it effectively. Event after event has proved that reliance on the sense of justice of the ruling authorities will not do ; nor will paper agitation ; nor will bluffs or threats. No brave and resourceful Government even yields to these and the British Government is one of the bravest and the most resourceful. It was in the full consciousness of these fundamental truths that after the fateful Punjab tragedy of 1919, the country, under the guidance of Mahatma Gandhi, changed its tactics and took to practices different from those followed and relied upon till then, by the leaders of the Indian people either in the Congress or outside it. From a full-fledged co operator, Gandhiji became a non-co-operator and with his personality and character carried the country almost entirely with him. The voice of experience and caution sounded a note of warning which was not heeded. In the overflow of self-confidence and self-reliance, Gandhiji carried everything before him and started on an experiment, extremely interesting, extremely alluring, yet based on calculations which were faulty and which failed to take notice of actual and potential conditions of Indian life.

**The Failure of the Moderates**

The experiment failed, but with it failed another experiment also on which those who differed from Gandhiji had embarked, While Mahatma Gandhi and his followers were trying non-co-operation, the Moderate leaders, all men of intellectual eminence and high character, were trying co-operation. Before 1919, there was no occasion for such an experiment. The Act of 1919 gave them one. The Moderate leaders took the ruling authorities at their word and offered whole-hearted and unreserved co-operation. The Government responded by giving them responsible offices and thus making them a part and parcel of itself. Our distinguished countrymen thus taken into confidence, worked with zeal and loyalty. They co operated with Government even to the extent of sending 40 thousand of their "erring" but honest and devoted fellow-workers in the service of the country to prisons. Had these Moderate leaders risen equal to the occasion in December, 1921, the political history of the country since then would have been different. But they were pledged to co-operation and they kept their word. They even justified the prosecution and the incarceration of Mahatma Gandhi. They crucified patriotism as well as nationalism. The years of 1921 to 1923 were years of full co-operation by the Liberals and non-co-

operation by the Congressmen. Co-operation accompanied by high salaries, comfortable and paying positions; smiles and favours of the gods and no risks—non-co-operation resulting in handcuffs in hands, and chains and bars in feet, solitary confinement, jail diet and insults and taunts of petty as well as high officials. Both failed, but the former did not even impress. From 1921 to 1923, the Liberals had their innings. Two of them with the third since converted to Liberalism, occupied the highest offices in the Government of India. From four to two occupied responsible posts in every province. The tale is told by themselves in their evidence before the Muddiman Committee. It is a tale of absolute and miserable failure, yet we are now asked to believe that in accepting offices lies our salvation. But who has refused offices? Except in Bengal and C. P., where were they offered and refused? In any case, our Liberal friends never showed any reluctance to accept them if offered. Why were they not offered? Because, by 1924 the Government had found that they had put their stakes on a wrong horse.

**The Government Tactics**

In the meantime the non-co-operators of 1921 had changed their tactics. They gave up the boycott of the Councils and asked for the suffrages of the electorates. The rout of the Liberals disillusioned both themselves and the Government. It is alleged that the Swarajists took advantage of the ignorance and inexperience of the electorates. But the electorates had had the experience of 3 years of reformed Liberal rule. It did not meet with their approval. Having made full use of the Liberals to crush non-co-operation and the non-co-operators, the Government threw them over board like used lemons and began to fill up the places vacated by the Liberal veterans with reactionaries. Why? Not because the Swarajists were pig-headed to offer "constant, consistent and continuous obstruction" But because the Government had found out that Liberal co-operation did not pay. It was neither fish nor flesh nor red herring. They gained nothing thereby, neither popularity nor peace. This time they decided to stake on a different horse. They enrolled Taluqdars, Muslims and Non-Brahmins, and they found that that paid them better. May I respectfully ask Malaviyaji if the Government's selection of Ministers and Executive Councillors in the U. P. was in any measure due to the obstructionist and "senseless' tactics of the Swarajists? In the Provincial Councils the Swarajists were in a majority. The Government could very well appoint Liberals as Ministers and Executive Councillors if it wanted to. Why did it not? Is it not a fact that the Liberal Ministers who failed to resign in 1921, who fully co-operated in 1921 policy of repression, resigned not on a question of public policy but on a pure question of personal honour or ministerial prestige? If the offices were so precious, so indispensable, so useful, why were they given up so light-heartedly and why were they not accepted by others when offered? To make Swarajists responsible for the action of U. P. Government or for the action of U. P. Liberals is sheer perversity.

Let us take the case of other provinces. To begin nearer home, can it be said with any show of reason that Ministerships were filled in the Punjab, as they have been filled, on account of the "silly" policy of the Punjab Swarajists? The Punjab Swarajists were not even full Swarajists. They were less than 1/9th of the Council. Was that the case in Bombay, or Madras, or Behar, or Assam? The only two provinces where the Swarajists refused offices, were Bengal and C. P. What reason there is to conclude that if the Swarajists had accepted offices in these two provinces, their fate would have been better than that of Messrs. Chintamani and Jagat Narain in the U. P.? To me it seems that all this talk of the Swarajists having set the hand of the clock by the refusal of offices is not only silly but utter trash. Even if the Swarajists had accepted offices in Bengal and C. P. the bureaucracy would have found some way of forcing them to resign. Can any one imagine that any self-respecting Ministry would have remained in office and co-operated with the Bengal Government in their policy of deportations and imprisonments under the Ordinance? Or, is it possible, assuming the existence of revolutionary movement in Bengal, that any Ministry could have either destroyed that movement or prevented the Government of Bengal from proceeding against the supposed leaders of that movement in the way they did? No, Sir, as long as the Government of India Act of 1919 is what it is, it is simply impossible for any honourable Indian patriot to accept offices and retain them for any appreciable extent of time without being false to his country and countrymen and without loss of his own self-respect and honour. In my judgment, to talk of offices under the present circumstances is not only a great mistake, but even harmful. To accept offices under a Government which sends distinguished and patriotic Indians to prison, without trial, which defies every vote of censure passed by United Nationalists, which ratifies every demand rejected by the Legislature at its sweet arbitrary will, which ignores Ministers with impunity, which pampers

subordinate servants at the cost of its Ministers, is out of question for any self-respecting party of Indian Nationalists. The very talk of it is undignified, humiliating and derogatory to our Nationalism. I am not unaware that Ministers can do some good. I am sure they can prevent a good deal of mischief. But this was only if there was a chance of their stability in their offices and of their having free hand at least in their own departments. Both are impossible in the present conditions. Ask Harkishen Lal, ask Chintamani, ask Chitnavis, ask P. C. Mitter. They have given their verdict which is in black and white. To harp on offices after that evidence, is in my humble judgment, hardly sensible. To try the tried is folly. It is said that the Ministerships may be accepted with the permission of the majority of the party and should be surrendered at the demand of the majority of the party. Obviously this does not apply to the Central Government. Even an out and out majority of Nationalists cannot force Ministers of the Government of India to resign. As regards province, it assumes decisive majority in the Provincial Councils. So far none but C. P. has had it. Can any one believe that the Government is going to follow a progressive policy in one province and a reactionary one in others? No, Sir; unless you have a majority of fulfledged Nationalists in every province or in the majority of Provinces, any such policy would be mainly barren.

**The Baneful Influence of Office**

Let me here clear one more misunderstanding. I certainly distrust offices but not for the reason that I have no faith in the character of my countrymen, but because I believe firstly that the psychology of office is quite different from the psychology of opposition, secondly because under the constitution as it is and under the peculiar circumstances of our National life, offices are most likely to demoralise our men. Take the case of the Muddiman Committee. It had a majority of Indians on it. Yet that majority was reduced to a minority by the defection of men who were in office and one of whom at least was converted to the side of the minority as soon as he vacated his office. I do not doubt the honesty of the man. It was not his fault. It was the fault of the office. This is by no means a solitary instance. You know another illustrious man has done the same. Is not that proof enough that office does change men, or at least being out of office changes them. Pardon me, Sir, I cannot firstly believe that under the present circumstances, a Malaviya or a Jinnah could remain in office for more than a week, or that if they did, they would not be different from what they are in opposition. The proposed party control on Ministers is also illusory. We have had the instance of a man preferring office to party, and if you make that rule, you will have many more of such cases. Please do not put an absurd and unbearable strain on party loyalty. We have tried it in several cases—in the Government of Bengal and even elsewhere. Take the case of the two friends who were members of the Lee Commission.

**The Policy of obstruction.**

Then it is asked what is the difference between Council Membership, Membership of Special Committees, Presidentship of Councils, and other offices. To my mind the difference is one between heaven and earth. None of those positions carries with it the powers and the privileges of offices like the Executive Councillorships or the Ministerships. You can see it even in the Punjab. There is no analogy between the two. But this leads me to another argument. It is said that the Swarajists have changed their policy and programme from time to time. From a policy of "constant, consistent and continuous obstruction," from a policy which did not allow even memberships of Committees, they have come down to a policy which is practically a policy of responsive co-operation. Pandit Motilal does not admit that change. But even if it be true, what of it? Have they acted rightly or not? If they acted rightly, why do you make it a point against them? Does it necessarily follow that if they have gone so far, they must go further? I submit that does not follow. If they are virtually following a policy of responsive co-operation, and if that is right in your eyes, why do quarrel over words? The policy of "constant, consistent and continuous obstruction" is dead. The policy of discriminating obstruction is now what stands. What is the difference, pray, between a policy of discriminating obstruction and Parliamentary obstruction or even non-responsive opposition? Yes, there is a difference. There is a difference of psychology underlying these words. "Obstruction," though only discriminating, keeps an ideal before you and promotes a mentality the lack of which may mean death to national aspirations A mentality of acquiescence in foreign rule, a mentality of accommodation, a mentality of utilitarian tolerance is a mentality which bars the doors of the temple of freedom. A mentality of necessary obstruction, and of eventual civil disobedience, if and when necessary, keeps those doors open and inspires hope and confidence

For God's sake, do not deprive us of this hope. We know our difficulties are great. We know our resources are slender. We know we can neither successfully non-co-operate nor carry on a policy of wholesale obstruction, but let us not sing ourselves into the well of humiliating co-operation never to rise to life again. I admit that threat and bluffs are foolish, non-effective, even ridiculous. I know mere words don't break stones. Yet even words carry a psychology which is desirable and necessary to keep alive the spark of life. Do not sell your birth right for a mess of pottage. Do not barter liberty, and freedom for a few temporary advantages. Yes, Ministers can certainly do some good. But what is the value of that, good as compared with the loss of psychology that results therefrom, and which may mean a death knell to all hopes of liberty. We want a policy of discriminate wisdom and statecraft combined with the spirit of a Rajput. A policy of petty calculations and profits in the spirit of a Bania won't help us. Instead of blaming the Swarajists for a change of policy, you should praise them. The policy of wholesale obstruction was impracticable, unwise and unworkable. The policy of discriminating obstruction is the policy which maintains the spirit, feeds the psychology and yet contributes to utility. Changing is no sin. Who has not changed? People to whom mention of obstruction was blasphemy have come down to Parliamentary obstruction. People to whom a mention of civil disobedience was anathema, have realised that the weapon is perfectly legitimate, if it is accepted as a weapon of last resort. People who were opposed to the boycott of Councils, remained to become boycotters, and insisted on remaining so. They are now again favouring using councils for what they are worth, I congratulate them on this change. Let us by all means use the Councils with discrimination, but without sacrificing the fundamentals. Use all the Committees you can. They give you knowledge, information and experience, without investing any power in you and without in any way humiliating you or subjecting you to the vagaries and anomalies of office. From Presidentships to Ministerships may be only a step, but it is a step vitally different both in spirit and in practice But even if you must insist on Ministership, wait until the elections are over, then lay your propositions before the next Congress, settle your terms and abide by the decisions that might be arrived at then. Why divide the country on this issue at this stage? Sir, let me say in all humility that the raising of this question at this juncture is the greatest mistake which an Indian patriot who loves freedom and country, can make. No one has offered you offices. No one is likely to offer you any in the near future. Why create a breach in the national ranks on this score?

**The Charges Against the Swarajists**

Sir, our revered leader Pt. M. M. Malaviya has charged the Swarajists with certain defalcations of duty in the Assembly. You know I have myself been a critic of Swarajist policy and practice. Even now I may not see fully eye to eye with its leader on all matters of policy, yet justice and fairness demand that I should lay my views before you as regards the conduct of business in the Assembly by the Swarajists. I will divide the charges as below :—

(a) General obstruction and non-co-operation; (b) Rejection of the Budget and the Finance Bill: (c) Rejection of the Bill introduced to repeal Regulation III of 1818; (d) The harm done by the walkout; (e) General policy of obstruction and non-co-operation. It is true that the Swarajists started with an avowed policy of "constant, consistent and continuous obstruction." They used language which disclosed a mentality of destruction and obstruction, but in their manifesto issued on the eve of elections in October, 1923, they made it clear that that policy could only be followed it they had majorities in the Assembly and the Councils. Let us see what they said and did when they started their work in the Assembly and the Councils. As soon as the Swarajists reached Delhi in January, 1924, their first thought was to create such relations with ther Nationalists in the Assembly as will make united action possible. The Swarajists were in a minority, though they formed the biggest party in the Assembly. Liberals were only a few; perhaps not more than half a dozen. The Independents were larger in numbers than the liberals but much fewer than the Swarajists. It was realised by all parties that if they wanted to make any impression on the Government, they had to take united action at least in certain respects. I was present at the first meeting that was held in the hall of the Eastern Hostel at Raisina under the presidency of Mr. C. R. Das. Most of the prominent members in the Assembly were present including Pt. Malaviya, Pt. Motilal, Mr. Jinnah, and the Rt. Hon'ble V. S. Srinivasa Sastri. It transpired at that meeting that there was more common ground between Pt. Motilal and Mr. Jinnah than between any other two leaders. Liberals decided to give up their party name and merge themselves into a new party called the party of Independents. Mr. Jinnah was selected as the leader of this party with the result that a large number of non-Swarajist elected Muslims joined that party. The Swaraj Party in the Assembly openly declared that they

were out for a coalition with the Independents if they could do so without sacrifice of principles. Both parties met and as a result of negotiations formed a larger party including both. Both maintained their separate existence also. Their unity was only for combined action whenever possible, in the Assembly. In the first year this arrangement acted very well. The resolution relating to the demand for a full dominion status was proposed by Dewan Bahadur Rangachariar, but the amendment moved by Pandit Motilal Nehru was accepted by him and the rest of the Nationalists. Mr. Jinnah said: 'I am in entire agreement with the amendment that is moved by Pandit Motilal Nehru.' In the course of the speech Pandit Motilal made in support of the motion, he said:—

"We have come here to do something which we have not been doing so far. Sir, we have come here to offer our co-operation, non-co-operators as we are, if you will care to co-operate with us. That is why we are here. If you agree to have it, we are your men; if you do not, we shall, like men, stand up on our rights, and continue to be non-co-operators. Now what threat is there in this? When I say what I am, what threat do I convey? Am I conveying any new idea? If we conform to the programme of non-co-operation, are we doing something that we have not been doing? We have so far been working outside the Councils and this Assembly with a definite object. That object we have still in view, that object we consider perfectly legitimate. But we have come here because the dust and heat of the controversy which has been raging for the last three or four years, in fact ever since the inauguration of these reforms, has obscured the real issues. We have come here and our coming here affords an opportunity to clear those issues as no other opportunity can. We are here for that purpose. We are not here simply to wreck or to destoy. We have been referred to as a party of destruction and wreckers. Yes, we are out to wreck and destroy things of evil, and rightly or wrongly, we think that the present reforms are a thing of evil. We have come to ask you to meet us, so that we may put our heads together,—to hear us and to let us hear you and then to come to some definite conclusion. If we agree, well and good; if we do not, we shall agree to differ, and the issues will be clarified. That is the thing. It is no business of ours to wreck things which we believe are doing good to the country. At least it will be admitted that we have no personal motives. We have not any axes of our own to grind. We believe in a certain principle. We believe that our country has reached a particular stage, and that at that particular stage it is entitled to certain rights, which rights are being withheld from it. We say that we cannot get those rights by an armed revolution, by delivering a great thumping blow, which alone in other countries has gained freedom for the people of those countries. In the very nature of things we cannot do that and therefore we say, we shall simply not assist you. What law, what reason, is there which can compel us to co-operate with people who do not co-operate with us?"

I ask the critics if the above represented a mentality of destruction or wrecking or even of wholesale obstruction. The last but one paragraph of the speech was also pertinent:—

"I should like to say one word more, Sir, before I sit down, and that is that the opportunity which this occasion offers is an opportunity which should not be thrown away either by the Government or by us. It will serve no useful purpose to continue the state of things which has existed during the last few years. The Government is very well aware that there is a section of the public of India which cannot be entirely ignored and which demands for the country certain rights and is prepared to put those rights before you but is not likely to be frightened away by threats. It is not prepared to submit to conditions which are foreign to its policy, but is fully prepared to bear all the consequences of its action, action which it has decided upon after mature and deliberate consideration. I say this simply because the tone of the debate as set by my friend Mr. Rangachariar was different to the tone of the debate as modified by the Hon'ble the Home Member. I have said already, and I repeat it again, 'that we are not here to threaten any body, nor even in our activities outside, is it any part of our business to threaten any body,' and I submit that what is taken as a threat certainly was not intended to be a threat. All that we want is that you should consider the proposition which we place before you in the same mood without saying that this thing or that thing will happen to us. It must be remembered that we, some of us at least, have burnt our boats behind us. We take our stand upon these rights and it does not matter to us in the least what happens so long as we go on rendering such service to our country as we believe it is entitled to." In supporting Pandit Motilal, Mr. Jinnah observed: "We have realised, Sir, and I have very little doubt about it in my mind, that Dyarchy has failed, and I believe I am not the only one who thinks so. I believe even those men who faithfully and loyally worked the reforms, men who were wedded to these reforms, say

so. Take the case of Mr. Chintamani. What does he say? He was one of the stalwarts amongst the supporters of the reforms."

Pandit Motilal's amendment was eventually adopted by the House by 76 to 48. The minority included Sir P. S. Sivaswami Iyer who is one of the signatories of Mr. Chintamani's coalition manifesto, and Mr. Samarth, now a member of the India Council.

Let us now see what happened in the debate on the Budget. The Swaraj Party wanted to throw up the whole Budget and also the Finance Bill, but the Independents would not agree. So, as a compromise, it was settled that only 4 first demands should be thrown out and after that the other demands be examined on the merits.

In moving the rejection of the 1st. demand, Pt. Motilal observed :—

"To put it shortly, Sir, I propose on general grounds to refuse to vote money for the needs of the Government of India. My grievance is not against this or that branch of the administration but against the entire administration of the Government of India. I have selected 'customs' simply because it happens to be the first item on the list of grants."

He also made it clear that his proposal "had nothing to do whatever with what has been described as the wrecking or the destroying policy of the non-co-operators." This motion was carried by 63 to 56. Several stalwarts of the Independent Party who have now signed the coalition manifesto, voted with the Government—among others, Sir Sivaswamy Iyer, Sir Chimanlal Setalvad, Mr. K. C. Roy; Messrs. Jinnah and Malaviya voted with the majority. Mr. B. C Pal, another signatory of the coalition manifesto, remained not voting on the first motion, but on the second motion he went over to the Government side. But what was most significant in that year's proceedings in the Assembly was the debate on the Finance Bill. When the Finance Member asked permission for the introduction of the Finance Bill, Pandit Madan Mohan Malaviya moved that the permission be not granted, and in support of the motion made a speech which shall always stand almost unique and monumental in the proceedings of the Assembly on the subject of "grievances before supplies." I will read a few extracts from that speech :—

"Sir I rise to oppose the motion that the Finance Bill introduced by the Finance Member be taken into consideration. I do so with a full sense of the responsibility which this attitude casts upon me. I do so after fully weighing the possible advantages and the disadvantages of the course which I am going to ask the House to adopt. We have fully heard what the Honourable the Finance Member has said regarding the merits of the Bill and the constitutional desirability of this House accepting the Bill, of its sharing the responsibility with the Government of passing the Bill and of co-operating with the Government in this very important matter, whereby, in the view of the Honourable the Finance Member, this House will give proof of its fitness, to receive a further measure of responsibility. Having heard all that, I feel, Sir, that the only course which a man in my position, representing the people of this country and desiring to serve their best interests, can take in reference to this Bill is to urge on the House that it should not be taken into consideration."

"The Provinces have had three years of experience of the reforms. They have had the luxury of having their expenditure increased, largely increased; they have had the luxury of having Ministers appointed on salaries which the people did not approve, except in one Province; they have had the luxury of having debates conducted and part of the Government and transferred subjects conducted by Ministers who are supposed to represent the people. 'They had found that they have been worse off than they were before the reforms were introduced.' They have found that the subjects which were transferred to them were transferred without the where-withal to administer them, which is like handing over a baby to a nurse while we withhold from her the milk and the food with which the child should be fed. The transferred subjects have been starved. Progress has not been recorded where it should have been recorded in the beneficent services by which the people, the nation, can be built up. The experience has been a very sad one. So far, then, as the Provinces are concerned, there is only one verdict in which, I hope, officials and non-officials will join, namely, 'that the system of dyarchy has failed, and that the sooner it is buried and replaced by another healthier and sounder system the better will it be for the dignity and usefulness of the Government, and for the welfare of the people."

Pandit Motilal spoke thus in his speech in the Assembly about the Central Government :—

"The Central Government have outlived their time, have outlived their utility, and that the system stands now condemned in the eyes of all sensible people. It is a system which is quite unique, absolutely singular; it has no parallel to it.'

Speaking about the co-operation offered by Pt. Motilal, he said :—

"Now, Sir, when we came to this Assembly in this state of affairs we put our heads together and we decided to offer co-operation to the Government in order to rectify it. We put forward a demand, not that full self-government should be immediately established here. We put forward a demand that there should be a Round Table Conference, representative of various interests it this country, European, Indian, official and non-official, which should meet and consider the situation, discuss the pros and cons of the problem, and try to convince some of us who urged advance towards responsible Government that we were wrong and be prepared to be convinced by us who had studied the question and whom it deeply affected that those who did not agree with us in the beginning were in the wrong. I cannot imagine, Sir, a more reasonable attitude of mind on the part of the representatives of any people."

Concluding his remarks on the constitutional aspect, he observed :—

"This, Sir, is the constitutional aspect. So long as the Government of India Act is not revised, therefore, I find that, with my sense of self-respect, with the little conscience that God has given me, I cannot support taxation, either now or in future. Take away the Government of India Act if you please. That is a threat which has oftentime been uttered by not very responsible, thinking, people, but take the Government of India Act away if you so please. We shall not complain of it; but if you must govern India in the forms of civilized Government, let reality be introduced in place of the sham that you have established here."

"In this state of things we are asked to-day to vote this Finance Bill, and I submit, Sir, we cannot conscientiously, honourably do so."

"The third ground on which I regret I must refuse to support the Finance Bill is the want of confidence that many of us feel in the Government of India as at present constituted."

**The Independents' Position in the Assembly**

These extracts show what Pt. Madan Mohan Malaviya's position was in 1924. The question then arises, has anything happened since then which justifies the change of attitude which Panditji advocates now? Let us now see what happened in 1925. The Independents in the Assembly refused to support the Swarajists in the rejection of the Finance Bill. Mr. Jinnah said that his party had made a mistake the previous year. So the Nationalist party created by a coalition of the Swarajists and Independents was dissolved. There were deplorable scenes in the House and there were recriminating articles in the Press. I need not rake up that controversy, but one thing is clear that in 1925 the Independents changed their attitude, not the Swarajists.

In 1926 again the Swarajists discussed the Railway Budget on the merits, and with the help of some Independents (because the Independents have never acted as a solid party) succeeded in defeating Government several times. When, however, the time arrived for the discussion of the general Budget, both the Swarajists and the Independents refrained from taking part. Pt Malaviya also was a member of this "conspiracy of silence." Now, was this obstruction or co-operation? If it was obstruction, then all the Independents including Moderates, participated in it, and no special blame could be laid on the Swarajists. The Swarajists made it clear that if the Independents promised them their support in throwing out the Finance Bill on the same principles on which Malaviyaji had thrown it out in 1924, they will stay, and postpone their walk-out, but if this was not to be, they saw no particular reason why they should stay in, to help the Moderates and the Independents in throwing out only particular items. The Independents were also at the time contemplating to walk out with the Swarajists and they might have done so, but for the Frontier debate which had to come after the Finance Bill had been disposed of. Here again it is obvious that the only difference between the policy of the Independents and that of the Swarajists was one of degree and not of kind. Both have co-operated, both have obstructed. To pick out the Swarajists for an attack is extremely unfair and unjustifiable.

**The Moral of the walk-out.**

Now let us see what happened after the "walk-out." On the 11th March in the course of the debate on the constitutional question, Dewan Bahadur Rangachariar said with reference to the Swarajists :—

"Do you acknowledge then that they (i.e., the Swarajists) represent the country? You cannot have it both ways. Either they represent the country or they do not represent the country. If they represent the country, respect their views. And what

have they done? Have they not offered you sincere, hearty co-operation on the floor of this House for the last two years? Did they not assist you time after time? Did they persist with the plan with which they came to this House? Where was the persistent obstruction with which they started? Sir, did not they come down in the month of March, 1924? Did they not come down in May, 1924, and in September, 1924. Did they not come down in 1925, serving on Committees, co-operating with you, giving you their valuable advice, and trying to shape your legislation, trying to make suggestions to you in the form of questions and Resolutions? What is it they did not do which we have been doing in the first Assembly or in this Assembly? They have been doing the very same things which the Liberals, the Radicals and the Independents have been doing in this House. What was the difference? Why then shy at them? You have driven them out by your heartless procedure; you have driven them out by your shilly shallying with this question. That is the truth of it. They would have remained here if you had really shown a change of heart, if you had shown a change in the angle of vision in this matter. The country has been crying for this. They say these Reforms are inadequate and unsatisfactory and cannot be worked. You admit it. I do not think there is any one here who does admit it. . . . . The minority condemned it, the majority condemned it, only the majority was for tinkering with it here and there. . . Do you expect us, responsible people, to come here and waste our time and our energy and our intellect merely to pass pious Resolutions which you can discard?'

Let us see what Pt. Malaviya said :—

"A new Assembly came in 1924 Who came in? Many men who had kept back on the first occasion, men who thought that the system of dyarchy which had been introduced was very unsatisfactory, men who were in principle entirely opposed to the system, still came in, and came in with the desire to mend the system or to end it, with the desire either to have it improved or to have the system as it existed, destroyed. Was it a crime to do so? Is not that language known to politicians all over the world that when you want to improve a system, you do talk of either mending it or ending it, of destroying the old system so that a new system might be substituted for it? That was the object with which these gentlemen came in. And who were they? Many of them men who had suffered imprisonment most unjustly for various periods of time. men who were among the most educated, several of them among the most esteemed of Indians. Such were the men who joined the Councils, the Legislatures all over the country. And what was the first act, the first important act which they resorted to? . . . . There was a demand put forward in February, 1924. That demand was not the demand of only one Party. It was not the demand of the Swaraj Party; it was not the demand of the Independent Party. It was a joint demand of all Nationalists in this Assembly, in fact practically of all Indians who were free to record their vote in favour of any proposition which helped the people. Now, that demand, I submit, indicated very clearly a desire for co-operation with Government, and the speech delivered by my Hon. Friend Pt. Moti Lal Nehru in putting forward that demand could not have been delivered in a better spirit of co-operation than it was. You remember, the House will remember, Sir, and Pandit Motilal Nehru reminded the House of it the other day, that he had said to Government: 'If you accept our proposal, I am your man, I offer co-operation if you will accept it."

"And let me here say a word as to the course adopted even by my Swarajist friends. I submit, Sir, that even those who disagree with them, even those who, like me, think that they have not adopted the right course, must admit that the fact that 40 or more members of this Assembly should have decided to walk out of this Assembly and that a number of highly-educated men who wish well of their country and wish to serve it according to their lights have by concerted action retired from the Legislatures throughout the country, is a fact of serious import. It certainly shows that the present system of Government calls for an early reconsideration."

On this evidence, can it be said that the Swarajists have harmed the country by their policy of obstruction? I submit the charge is preposterous.

**Budget and Finance Bill.**

Is it not a fact that the Independents proposed the total omission of grants in order to register their protest against the Government's failure to make a constitutional advance? May I ask how was it different from the conduct of the Swarajists? Why did Pt. Madan Mohan Malaviya bless that procedure and make speeches in its favour if he considered it to be harmful and bad? I know he is perfectly honest. I know he wants unity. But why start for unity by "disunity" and by making unwarranted attacks on the party whose co-operation you want?

# The Political Situation in Bengal

## The Bengal Muslim Party.

Sir Abdur Rahim has issued a Manifesto setting out the objects and programme of the new Bengal Muslim Party that he is calling into being. This political Party is unique in many respects. It " will think in detail for all sections and classes of the people—Muslims and Hindus, Anglo-Indians and Christians, the ryots and labourers, the depressed classes and untouchables, with a view to improve the economic and intellectual condition of all and to secure such a distribution of political power among the general population that domination by a class of monopolists and the intelligentsia may become ultimately impossible." Should it puzzle anybody as to why a *Muslim* party was necessary to " think in detail " for the *Hindus* and *Christians* as well. Sir Abdur Rahim provides the philosophical justification. Says he, " We have been led to form this party not in any spirit of narrow communalism or religious exclusiveness, but because as inheritors of a great democratic social system, with our outlook unembarrassed by the limitations of caste and untainted by untouchability, we feel that special responsibility rests on us to contribute our best to the realisation of the true idea of government of the people, by the people and for the people." But cannot the same claim be made by the Christians, and why is it necessary for the Bengal *Muslim* party to look after the Christians too? Nor can the Hindus be blind to the fact that the democracy and brother-hood of the Muslims is limited to their co-religionists, and beyond the line, give place to fanatic intolerance. As for the " great democratic social system " contributing to the development of political democracy, the Moslem past shows us military dictatorship and autocratic rulers *galore*, some very good, some very bad—but so far, the admittedly democrtic social system of Islam has shown no signs anywhere yet to blossom forth into political democracy. If the aspiration exists, it is an aspiration still. It requires, therefore, more than ordinary credulity to accept at its face value this high mission of the Bengal Muslim Party, and it will go hard to quarrel with Hindus and Christians if they decline with thanks to be looked after by an organisation in which they cannot, in the nature of it, have any lot or part.

How does the party propose to achieve its high mission? India is to be converted into a federation of autonomous provinces with the Central Government's function confined to certain delegated subjects. The Bengal Legislature is to have Muslim members elected on a communal register, proportionate to the Muslim population, which is 56 per cent., with "just and proper representation of minorities and communal interests." Muslims are to be secured 56 per cent. of places in the local bodies and in the services, and in administrative bodies controlling Primary, Seconday, and University education, and Muslim students are to be guaranteed benefit in a similar proportion. In fact, everything is to be cut up along communal lines and the Muslims *per se* are to have 56 per cent. of the power and influence; in other words, Bengal is to have Muslim Raj. Provincial autonomy, therefore, means simply a method whereby Muslim Raj is to be guaranteed against any

checks on the part of the Central Government. To this
of Bengal, everything must be made subservient. The I
relieved of administrative duties and brought under the co
Government; a Muslim University is to be created in
Calcutta University is to be truncated. Everyone of the
unnecessary or a retrograde measure. From the recent de
Bengal Legislative Council, it is clear that by a Muslim Unive
Abdur Rahim means an Urdu University for the Muslims of Beng
90 per cent. of whom have Bengali for their mother tongue. It is equ
preposterous that Muslim students should be ensured educational benefits in
direct proportion, not of their number, but of the population of Muslims in
Bengal. It means that the amount of money to be spent on Muslim students,
the number of seats in the class rooms, the number of Muslims on the bodies
controlling education should all be proportional to the population of Muslims
in Bengal irrespective of the number of Muslim students that offer themselves
to profit by these arrangements, and irrespective of the availability of enough
number of Muslims competent to sit on these bodies. Even more dangerous
is the proposal to deprive the High Court of its power to recruit and control
the subordinate judicial services. The trend of public opinion has all along
been to concentrate in the High Courts all judicial administration, and there-
by, protect the judiciary from all political influences. But Sir Abdur Rahim
would have it the other way, for the only reason that the High Court, as now
constituted did not appoint Muslims as District Munsiffs in the proportion of
the Muslim population!

The sole object and purpose of the Bengal Muslim party is, therefore, to create Muslim Raj in Bengal. And yet with a naivete which is no less astute than the astuteness that he complains of in the Nationalist Hindus, Sir Abdur Rahim protests that his party is not actuated by narrow communalism or religious exclusiveness and invites the co-operation of the European community. It is true that he has become more diplomatic than at Aligarh: he now screens his rank communalism with a thin camouflage of high-sounding and benevolent phrase. But it is no less real and is the only operative part of the manifesto. This policy is but a slight, though more polite, variant of the slogan of the *Muslim Outlook* of Lahore, which protests that "we have done more to make (Hindu-Muslim) unity possible than any party of politicians, excluding the Muslim League," and straightaway proceeds to explain how. "We have consistently advocated an extremist policy of communalism for Muslims." "It is only when the solidarity of Muslims and their temper is impressed upon the Hindu communalists that the latter will be shocked into making those concessions to justice which nothing but force will extort from them. When Mr. Gandhi once declared that through riots the country will pass to unity, he spoke more wisely than he intended or even knew..... Only if riots shock the Hindu communalists into abandoning their greed, will good come out of evil.....The only possible prevention of riots which we can prescribe is for the intelligentsia among the Muslims to unite in a determined and quite ruthless political party which will block all the efforts of all the other parties to secure the slightest extension or revision of the reforms. The Muslims should candidly declare an alliance with the Europeans and work that alliance so strenuously that the Hindu communalists will despair and surrender at discretion." Here, we venture to think, is Sir Abdur Rahim's policy—with the mask off.—(*The Servant of India*).

## Sir Abdur Rahim's Manifesto.

*The following is the text of the Manifesto referred to above, which was issued by Sir Abdur Rahim by the middle of April 1926 :—*

" We shall work to obtain for India a Constitution framed on the basis of a federation of autonomous Provinces, the Central Government's function being confined to the administration of such subjects as directly concern the whole of India such as the Army, the Navy and the Air-Force, foreign and inter-Provincial relations, communications currency, etc. We affirm our firm belief in the necessity for India keeping abreast of the European nations in arts and sciences, and we are opposed to isolating India from the progressive tendencies of the times by shunting her into by-paths of ancient, mediæval obscurantism.

" To achieve the above end we, the representatives of the Moslem community, which comprises in the Province a population of 26 millions, have constituted ourselves into the Bengal Moslem Party. We have been led to form this party, not in a spirit of narrow communalism, or religious exclusiveness, but because, as inheritors of a great democratic social system, with our outlook unembarrassed by limitations of caste and untainted by untouchability, we feel a special responsibility rests on us to contribute our best to the realisation of that true ideal of a Government of the people, for the people.

" Furthermore, as the Moslem community of Bengal, which form 56 per cent. of the total population, suffer in all their sections from considerable disabilities and difficulties, regarding their political and economic development, and seriously affecting their general welfare, it is incumbent on us, as their representatives, to combine for the purpose of promoting special measures for their removal. The experience of the last three years has shown how time after time the Moslem members of the Council belonging to the Swaraj or Nationalist parties, which are organisations controlled by astute Hindu politicians who supply the brains and the funds of the parties, had to sacrifice, at their behest, the clear interests of the Mahomedan electorate and the Moslem community.

### The Programme.

" We shall always be ready to work with other political groups whose attitude is not inconsistent with our political creed with a view to coalesce with such of them as may be inclined to accept the essential principles governing our programme of work. The programme of work includes the following :—

" To take steps to bring about an early revision of the Government of India Act with a view to placing the Indian Constitution on such a basis as is best calculated to lead to the establishment of full responsible Government with Dominion status in the British Empire ; provided, however, that, as laid down at the 17th Session of the All-India Moslem League, held at Aligbar on the 30th and 31st December, 1925, in any scheme of the future constitution of India the following basic and fundamental principles be secured and guaranteed · (a) All legislatures of the country and other elected bodies shall be continued on the definite principle of the adequate and effective representation of minorities in every Province, without reducing the majority in any Province to a minority, or even to an equality.

" Applying this principle to the conditions of Bengal, we shall strive to secure the amendments of the law in accordance with the amended resolution passed by the Bengal Legislative Council at its session commencing on the 16th February, 1926, namely, ' that the election of representatives to the Bengal Legislative Council be proportionate to the numerical strength of the different communities of this Province, with just and proper representation of minorities and communal interests, and (b) the representation of communal groups shall continue to be by means of separate electorates as at presente provided it shall be open to any community at any time to abandon its separate electorate in favour of a joint electorate."

## The Tide of Communalism.

It is nothing short of tragedy that some of the best Nationalists in India should be discussing whether or not to accept political offices and such power as the present constitution places in popular hands, when the very foundations of nationalism are being threatened, as they were never before, by the rising tide of communalism and when the communal fanatics have made up their minds to capture the power and exploit it for their own narrow purpose. The urgent problem of to-day is not whether Dyarchy should be accepted or not, but whether all good and true Indians should combine together, and if possible, with Government, press into service every legitimate means and save nationalism from being smothered under an avalanche of communalism.

We shall not pause to survey in detail the strides that communalism has made during the last few years ; we shall only refer to certain happenings of the last few weeks which serve as a sure index of the communal flood. In Southern India, the Non-Brahman Party had attempted to rope in and retain in its fold the Muslims and the Despressed classes, but both these have of late broken off from the party. The Muslims of Madras are organising themselves into a separate Muslim Party. The depressed classes under Mr. M. C. Raja have demanded separate communal electorates. At the Non-Brahman Conference held early in May in Bombay, while the President and Chairman of the Reception Committee gave an admirable lead in keeping out all anti-Brahman rancour and hostility, there was an influential section of Non-Brahmans from the moffussil who went the length of contemplating an entente with the Muslims in order the more successfully to indulge in their vendetta against the Brahmans. It reflects great credit on the organisers of the Conference that these hot-heads were not allowed to have their way.

But the Brahman and Non-Brahman trouble is as nothing compared with the Hindu-Muslim trouble in North India from the Punjab to East Bengal. If Dr. Moonje's address to the Punjab Hindu Conference was deplorable, the speeches at the Khilafat Conference at Delhi were wild beyond measure. Let alone the Ali Brothers ; even Hakim Ajmal Khan has joined the cry that Islam was in danger and spoke of the " onslaught of Hindu enmity " and so far forgot himself as to threaten that ' one could not stop at the defensive, but would have to cross the boundary line into aggression " and contemplate " a grave fight if the Hindus still did not take warning and change their attitude and methods." Here is a public and deliberate defence of and incitement to, aggression, the consequences of which were anticipated in the Calcutta riots. The cantagion of Calcutta has spread to East Bengal from where are reported cases of the desecration of Hindu temples whilst there is hardly a whisper of mosques being desecrated ! The temper of the Muslims is indicated by the failure of the meeting of prominent Hindus, Muslims and Sikhs called together by the Governor of Bengal to come to an agreement regarding the Sikh religious procession, which was to have been held in early April, but which, at the instance of the Government in the then disturbed condition of Calcutta, the Sikhs consented to postpone to the 9th of May. Commenting on the failure, *The Statesman*, an Anglo-Indian paper, said that " Mahomedans are apparently standing out for the total cessation of music at all times in the neighbourhood of mosques. The Hindus are prepared

to guarantee complete cessation at prayer time, but do not see their way to give wider guarantees which in the city, where the mosques are not confined to specially Mahommedan quarters, would impose intolerable obligations. There the matter stands. The sympathy of the disinterested observer will not be with the Mahomedans, who in the time of excitement are apparently endeavouring to drive hard an unusual bargain." The *Mussalman* of Calcutta corroborated the *Statesman's* description of the Mahomedan leaders' attitude at the meeting and the resolution of the Jamait defended it.

The desperate nature of the present situation is indicated by the change in the attitude of Mahatma Gandhi towards the question. He was the most emphatic in postulating that there could be no Swaraj without Hindu-Muslim unity. Time was when he would rush to the scene of communal trouble, and with the help of his invincible Satyagraha, compose animosities, settle dispute and get the communities to fall round each others' necks. If only the Government stood out and allowed him a free hand, he would go to Malabar and Kohat; he fasted for twenty-one days and brought about the historic Unity Conference at Delhi in Sept. 1924. But to-day he turns a deaf ear to the appeals of Mr. Sen-Gupta and the *Statesman* to go to Calcutta and bring peace. This apostle of non violence now confesses that an amicable settlement is possible only when Hindus and Muslims are tired of fighting. He even goes the length of advising other popular leaders to leave things alone and retire like himself. Mr. Gandhi's change is perhaps the most revealing and impressive index of the seriousness of the communal antagonisms. These may be "part of the invariable growing pains of the consolidation of nationalism," as Lord Olivier points out. But they need careful handling, lest the "growing pains" should prove too much and should kill nationalism altogether.

It is impossible to sustain the theory that the Calcutta revolt was the work of the *goondas* or desperate characters that infest every great city. It cannot be a mere coincidence that Muslim priests and politicians make it a point of honour with them to prevent Hindu processions with music to pass mosques even when the faithful are not at prayers; that Muslim politicians threaten aggression and the *goondas* indulge in sacrilege and butchery. As Dr. Saifuddin Kitchlew diagnosed, the communal trouble is mainly political, and inspired, or at least connived at, by politicians.

Continuous efforts were made by non-official bodies, particularly the Congress, to settle the points at issue between the communities. The last such was the Unity Conference at Delhi which was the most representative and influential. But all these have failed to bring peace. The rootcause of the failure is, in our opinion, their fundamentally wrong basis, that Muslims had claims to superior and special citizenship, which was to be sustained and preserved by a special communal electorate. With a view to purchase peace and unity, the vital principles of common citizenship were sacrificed. It was like tolerating and regulating vice instead of suppressing it. It is now clear that both principle and peace have been sacrificed. If peace is impossible in any event, it is worth while to save the principle at least. *Communal electorates must go* and that as early as possible. Minorities and backward communities may be provided for by reservation of seats in the legislatures and by widening the franchise. (From The Servant of India—20th May '26).

# The Calcutta Riots.

**The following extracts from the report of the Commissioner of Police, on the Calcutta riots from the 2nd to 15th April 1926 was published in the Calcutta Gazette for general information :—**

Communal rioting between Hindus and Muhammadans broke out suddenly on the 2nd April and continued for several days, on a scale which is unprecedented in the history of Calcutta.

The immediate cause of the rioting was the failure of the band of an Arya Samaj procession to cease playing their instruments when passing Dinu Chamrawalla's mosque, in Harrisson Road, at the time of the 'Azan' or "invitation to prayer," preparatory to the four o'clock public worship, but it is unreasonable to suppose that this small incident could possibly have been the sole cause of such extensive riots as those which followed. On the contrary, there can be no doubt that this was purely the occasion and that the cause must be sought in more remote circumstances.

To appreciate what followed it needs to be stated at the outset that the first collision took place between up-country Hindus and Muhammadans and that by far the greater portion of the rioting and attendant crime has been confined to this section of the population of Calcutta.

## Outbreak of Riots.

As has been stated, the immediate cause of the outbreak was the playing of instruments in front of the Dinu Chamrawalla's mosque by the Arya Samaj procession. The passing of the mosque at the junction of Harrison Road and Central Avenue had been successfully negotiated; music had been stopped without difficulty and the procession passed in safely. They arrived at Dinu Chamrawalla's mosque, however, at the time when the 'muezzin' was about to pronounce the 'Azan'—the invitation to Mahammadans to join in prayer—and silence on the part of the band was again invoked. This time, however, the direction was not immediately obeyed and the musicians continued to play their instruments. Some Muhammadans then came out from the mosque and remonstrated with the processionists, and ultimately the Police Inspector in charge, with the assistance of the leaders of the procession, succeeded in stopping the music. One drummer, however, continued obstinately to beat his drum and, by so doing, supplied the spark to set off the powder train which the events of the past few years had combined to prepare.

## Narrative of Important Events.

April 2nd,—From this stage onwards, it is difficult to speak with certainty as to the exact sequence of events, but the following narrative of the more important events, has been carefully compiled from the statements of two European eye-witnesses of the outbreak and from a series of reports from unconnected sources and it may, therefore, be accepted as a record which approximates as closely to the actual sequence of events as any human record of events happening in such quick succession could possibly do

It seems clear, then, that the first militant act was committed by some Muhammadans in front of the mosque, who threw some clods of earth which they took from the road and they were followed almost immediately by another Muhammadan who threw an empty packing case at the procession. At this the processionists broke loose, the neighbouring shops and buildings were looted and brickbats and soda-water bottles were hurled at the mosque, smashing some of the window-panes and glass ornaments. They attacked the Muhammadans standing near the mosque and freely belaboured them with lathis and stones. The Muhammadans were then joined by a large number of their co-religionists living in the locality, who poured into Harrisson Road from the by-lanes. In the initial stages of the rioting, two cart-loads of new bricks arrived on the scene—apparently destined for some building under construction—and the combatants on both sides helped themselves freely to the contents. There appear, however, to have been other stores of ammunition in the vicinity, and it is alleged that bricks were thrown from the roof of the house adjoining that occupied by Babu Madan Mohan Barman—a prominent figure in the Hindu Mahasava—by men who subsequently ran on to the roof of the latter's house. Finding the situation entirely beyond his control, the Inspector in charge of the procession hastened at once to Jorasanko police-station, from where he telephoned to the police headquarters Lall Bazar and mobilised the police-station staff, numbering about twenty-five constables, with whom he returned to the scene of the riot.

The battle raged furiously for some minutes, but the Muhammadans, who were now numerically superior to their opponents, put the processionists to headlong flight and

thereafter remained in control of the street. Trams and buses were stopped and the Hindu occupants were freely belabourd. Hindu pedestrians were also seized and beaten and the situation became so grave that in a very short time the shops were closed and all the vehicular traffic was suspended.

### Dy. Commissioner Assaulted.

A strong contingent of police consisting of sergeants and constables of the traffic police then arrived in charge of Mr. F. D. Bartley, Deputy Commissioner, Head-quarters, and all rioting in the immediate vicinity was quickly put down. In the process, however, Mr. Bartley was struck on the eye by a brickbat and a sergeant who was near him was also injured, while a Gurkha constable who endeavoured to protect Mr. Bartley was stabbed from behind and seriously wounded. Piquets were posted on all important crossings and other strategic points and the situation was brought under control.

Sporadic rioting continued, however, in the side streets and by-lanes until mid-night, and individual Mahommedans and Hindus were waylaid and assaulted by members of the opposite communities

Shortly after the arrival of Mr. Bartley, it was noticed by the Inspector of the Jorasanko police-station that the Hindu temple in Mandir Street, and the idol of Siva contained therein, had been damaged. This outrage appears to have been committed by local Mahomedans, who raided the temple, assaulted the Oriya servant who was present there, broke the image of Siva with stones and iron weights and took away all the movable articles inside the temple, as a measure of revenge for the damage inflicted on the Dinu Chamrawalla's mosque.

In the meantime, the news of the riot had spread to other parts of Calcutta and sympathetic rioting arose. At about 7 A.M. a disturbance took place behind Madan's Theatre in Corporation Street and there was considerable excitement in the New Market. At about 8 P.M. the dead body of an unknown man was forcibly pushed into a tram-car on Lower Chitpur Road near Tara Chand Dutta Street and a sweet-meat shop looted in Phear's Lane. At 10-30 P.M. a large mob armed with "lathis," including a number of Khilafat volunteers, passed along Central Avenue towards Zakaria Street and subsequently proceeded along Harrison Road towards Chitpur Road, but, although their attitude was menacing, no actual collision took place and at a suitable opportunity they were intercepted and disarmed. As 11-30 p.m., a Hindu boarding-house at No. 36, Central Avenue, was attacked by a mob armed with brickbats, and a "bania's" shop was looted. During the course of the day, a constable of the Howrah Armed Police, in plain clothing, was stabbed by a Mahomedan near Howrah Bridge.

### Renewal of Hostilities

April 3rd.—After a comparatively quiet night, rioting again broke out at 8 A.M., on the 3rd April, at the junction of Harrison Road and College Street, at Rajabazar and near Sealdah Railway Station—the reason for the renewal of hostilities being that a party of Hindus, including a few Sikhs, on hearing a rumour to the effect that the Sikh Gurudwara in Mechua Bazar had been set on fire, attacked and damaged the Jumma Pir Dargah in Clive Street. This thoroughly enraged the Mahomedan population, who proceeded immediately to take revenge for this outrage. They threatened the Pareshnath Temple in Badri Das Temple Street and set fire to the Siva Temple in Mandir Street which they had damaged on the preceding day. Thereafter, they set fire to a number of Marwaris' and Hindus' houses. On Circular Road, a crowd of Mahomedans, who had collected near the Tram Depot, stopped a motor bus and assaulted the up-country conductor. A Bengali passenger, who came to the latter's assistance, fired a revolver which slightly wounded another passenger, but, nevertheless, had the desired effect of scaring away the mob. A Sikh driver of an Improvement Trust lorry was also dragged from his conveyance and beaten with "lathis" and stabbed. At about 9-30 a.m., a posse of police from Jorasanko police station were heavily stoned by a crowd of Mahomedans, who refused to disperse when ordered to do so, and a constable was somewhat seriously wounded. Shortly after this, a Hindu constable was stabbed at the junction of Harrison Road and Chitpur Road and an unknown Mahomedan was attacked and stabbed by a Hindu mob at the junction of Mullick Street and Cotton Street Both these men died shortly after their admission into hospital. Two determined attacks were made by the Mahomedans on the Kali Temple at Kalitola, but they were repulsed by a large band of Bengalis, (most of whom were students), who had armed themselves with sticks and "lathis" in order to repulse attacks of this nature. At about 11 a.m. a crowd of Mahomedans broke into the Sikh Temple in Mechuabazar Street and the Sikh Gurudwara in Syed Sally Lane looted, the gold and silver idols and other movable property inside

the Temples, destroyed the religious books, including a copy of the "Granth Saheb," and set fire to the buildings. They also looted and set fire on the Sikh cloth-shops on the ground floor of the Gurudwara in Syed Sally Lane. Information of this incident was conveyed by the Sikhs to a Police piquet stationed in Harrison Road, who immediately rushed to the spot and dispersed the mob. The fire was quickly extinguished by the Fire Brigade, but the temple in Mechuabazar Street was again set on fire by the Mahomedans and ultimately had to be guarded by Police. The news of these outrages roused the Sikh community, who live chiefly in Bhowanipur, and it was only with the greatest difficulty that they were restrained by the Police from participating in the rioting. A large party of Sikhs, numbering about 400, succeeded in reaching the scene of the first outrage, but their participation in the hostilities was avoided by placing some of them inside the Temple and sending the remainder back to their homes.

From 10 A.M. onwards, the situation became increasingly grave and, as all the reserves of Police had, by this time, been exhausted, it was decided at about noon to requisiton the aid of the Military authorities. A detachment of infantry and two armoured cars were posted on the streets and another detachment was held in reserve for use in emergencies.

### Sikh Gurudwara Desecrated

At about mid-day, a mob of Mahomedans entered the Sikh Gurudwara at No. 9, Bagmari Road, and damaged and desecrated the Temple. At about 1 P M. a large number of Mahomedans invaded the Presidency College grounds and assaulted the Hindu "durwans" Three of them were seriously wounded and one of them, the head "durwan," was so badly wounded that he died in hospital the next day. Shortly after this, a large crowd of about 500 Mahomedans attacked the "Sukumar Bhaban," a Sanskrit School in Baitakhana Road, and, drove out the inmates, who escaped over the compound wall. The mob then proceeded to loot and damage the property. At about 2-30 P.M. two Marwaris were stabbed at the junction of Circular Road and Mechuabazar Street, and both subsequently died. Immediately after this incident, a postal mail van was attacked in Mechuabazar Street by a mob of about 200 Mahomedans who stopped the van by placing a dust-bin in front of it and stabbed the Sikh driver so seriously that he died the next day. The Police piquets posted near the spot attempted to intervene, but they were powerless to control the mob, who then proceeded to break open the van with the object of looting the contents. Fortunately a section of the Fire Brigade arrived at this juncture and were able to rescue the mails.

At about 3 P M. a curious incident occurred; between two and three thousand Mahomedans had collected in front of the Nakhoda Masjid and a lorry containing a number of Mahomedans, who had been rescued from a Hindu quarter by a party of Police and were being escorted for safety, arrived there. Immediately after the rescued persons had descended from the lorry, three shots were suddenly fired at the Police from the Musafirkhana at No 110, Lower Chitpur Road and a Hindu constable was mortally wounded and died that evening No clue regarding the identity of the perpetrator of the outrage has yet been obtained and none is expected, and this incident will remain an act of gross treachery which is entirely inexplicable.

At about 4-30 P.M., a Mahomedan was attacked by a Hindu mob on Harrison Road and his left hand was chopped off.

Throughout the day, looting, incendiarism and murder occurred freely, whenever the rioters were out of sight of the Police or Military piquets, and no less than nine other persons were killed during the course of the day, in addition to those mentioned in the foregoing narrative.

By 4 P.M. the situation was more under control and, although the atmosphere was very electric, outbreaks of rioting became fewer in number. A general and continuous panic prevailed in the disturbed area, however; wild rumours abounded, frequent alarms occurred and these combined to produce a situation, in which anything might happen without the slighest warning and which taxed all the efforts of the Police to keep it under control.

During the evening, about 150 up-country Hindus attacked the Sona Pir Dargah at Durga Charan Mitter Street, but, before they could effect any appreciable damage, the police arrived on the scene and dispersed the rioters. The only other important event during the evening was the murder of a Hindu in front of the Y. M. C. A. building in College Street.

### A day of Alarm.

April 4th.—At 1-30 p.m. on the 4th, an alarm was raised that the mosque in Wellington Square was being attacked, and a number of Mahomedans immediately hastened

towards the spot. Mr. B. N. Banerji, Assistant Commissioner, South District, relying on his influence with the Mahomedans of the locality, by whom he is generally respected, attempted to induce these persons to return to their homes, but the latter paid no heed to him, assaulted him and knocked him down. Fortunately, a party of Police arrived on the scene and rescued the Assistant Commissioner.

Some of the rioters were chased into neighbouring shops and allegations of looting on the part of these constables were subsequently made to the Commissioner. A search was immediately instituted by the Deputy Commissioner, South District, and it is a regrettable fact that certain articles belonging to the shops were found in and immediately outside the building occupied by the constables attached to the Taltolla police station. The property was not found in the exclusive possession of any one of the constables and the latter's version is that the articles had been left there until the officer-in-charge should find time to take charge of them. There is no doubt that the charge of looting is true, and four constables have been dismissed.

At about 8 A.M. rioting broke out at Jagannath Ghat between Mahomedan and Hindu carters, until the latter were dispersed by the Police. The boatmen in that locality also took part in the disturbance and a Hindu was stabbed while he was bathing at the Ghat. At about 11 A.M. the Jain Temple at Belgachia was attacked by the Mahomedans, but the Police were quickly on the scene and dispersed the rioters. Shortly afterwards, a Mahomedan was mortally wounded by a Hindu mob in Shibtolla Street, who also stole a double-barrelled gun belonging to another Mahomedan resident of that locality. During the course of the morning, the mosque in Nimtolla Street was atacked by a Hindu mob, who damaged the building and set it on fire, and, shortly afterwards, a mosque at Posta in Strand Road was attacked by Hindus and damaged. A posse of Police were quickly despatched and they quelled the disturbance but, doing so, two Hindu constables were injured. At about 1-30 P.M. a riot broke out in Rajabazar and, in the process of dispersing the mob, three other constables were wounded. At about the same time, a serious riot broke out in Eden Hospital Road between Hindus and Mahomedans and brickbats were freely exchanged. The Shiva Temple in that neighbourhood and the Shitalamoni Temple in Prem Chand Boral Street were threatened and the mosques in the compound of the Medical College was attacked by a Hindu mob, but no harm was done in any case. A strong Police force quickly arrived on the scene and dispersed the crowd. At 6 P.M. the Nimtolla mosque was again attacked and set on fire, but the fire was extinguished and the rioters dispersed before much damage could be done. At about 8 P.M. a large crowd of Mahomedans were again going to attack the Jain Temple at Belgachia, but the Police received previous intimation of their intention and a large force was despatched in time to baffle their attempt. At about the same time, a crowd of 300 or 400 low class Hindus demonstrated in front of a house in Maniktolla Street which was partly occupied by Mahomedan tenants and in which some Mahomedan refugees from shops looted in the vicinity had taken sanctuary. The Hindu proprietor of the house directed the mob to disperse and threatened them with a rifle. As they paid no heed to his commands, he fired three blank shots, but this only served to infuriate the mob, who made a determined attack on the house. The proprietor then fired eight ball cartridges from his rifle with the result that four persons were injured, one of whom was seriously wounded.

During the course of the day, two Mahomedans and three Hindus were killed or received mortal injuries, and a large number of shops were looted. A 'majhar' at the junction of Upper Chitpur Road and Baranashi Ghosh Street was entirely razed to the ground and a Hindu Shiva was placed on the site, but this was subsequently removed at the instance of certain influential Hindus of the locality.

### State of Panic.

A state of panic prevailed throughout the disturbed area to an even greater degree than on the previous day. Wild rumours flew from mouth to mouth, frequent alarms occurred and business was entirely suspended. Very few people were seen on the streets and all attempts by leaders of communities to restrain their followers still failed to have the slightest effect.

On this date, the Chief Presidency Magistrate issued an order under section 144, Cr. P. C. prohibiting the assembly of more than five persons in any part of the disturbed area, and this order was enforced with effect from 5 p.m. This had a very beneficial effect and removed from the streets the large crowds which had previously collected there and had been productive of so much trouble, but individual cases of assault and disturbances in by-lanes still continued.

During the following night, a small temple of Radha Kissen in Watgunge secretly desecrated by Mahomedan 'Goondas' and this was responsible for a feeling in the Kidderpore neighbourhood on the following day.

April 5th.—On the 5th April, the rioting extended to the river-side. At about a.m. some Hindu carters assaulted a number of Mahomedan boatmen at Nimtolla and at about 10 a.m. some Hindu Durwans of Messrs. Marshall and Sons assaulted some Mahomedan cane drivers employed in the Port Commissioner' Jetty. At about 11 a.m. on this date about 2,000 Mahomedans, armed with lathis and brickbats, assembled at the junction of Manicktolla and Narkeldanga Main Road and declared that the Police should be attacked, as they were guarding Hindu temples and generally assisting the Hindu combatants. Brickbats were thrown at Inspector J. N. Roy and some constables, four of whom were injured, but a force of soldiers arrived almost immediately under the command of the Assistant Commissioner, North Suburbs, and the crowd dispersed. At about 5 p.m. some five hundred Mahomedan boatmen from boats moored near Babu Ghat attacked the police outpost in the Eden Gardens with lathis and brickbats and, having driven the staff from the building, proceeded to loot the contents. Information was immediately sent to Lall Bazar and a small contingent of Auxiliaries and Police Sergeants soon arrived on the scene in charge of Mr. F. D. Bartley, Deputy Commissioner, Headquarters. The rioters put up a determined opposition to the efforts of the newly arrived patrol to disperse them and the patrol were heavily stoned, but they ultimately succeeded in driving the crowd down the gangway on to the pontoon. On this the rioters took up their stand and continued to shout defiance and to hurl stones at the patrol, whom they repeatedly tried to rush. The patrol thereupon fired and succeeded in dispersing the rioters by this means.

In the disturbed area, the full effect of the Chief Presidency Magistrate's order under section 144, Cr P. C. began to be appreciated on this date and the day was comparatively uneventful. Some brickbats were thrown into the Taltola police station and some Mahomedans with a herd of cattle were attacked by Hindu rioters on the Strand Road. Sporadic looting and assaults continued, however, and the panic remained undiminished. As a consequence of this, the day was full of false alarms and this fact was not conducive to a speedy return to normality.

Incident Averted.

April 6th—On the 6th April, a number of incidents occurred, which might easily have developed into very serious situations, but fortunately the Police were, in most instances, on hand in time to prevent serious rioting. Thus, considerable tension arose in Kidderpore, where some Mahomedans threw stones at the Hindu temple in Watgunge Street, which had been desecrated on the previous day, and a number of members of both communities prepared to fight, but the Police arrived before hostilities commenced and dispersed the crowds. Shortly afterwards, a large number of Mahomedans, armed with lathis, collected near the mosque from Hem Chandra Street, but they were quickly dispersed by the Police. Thereafter, a horn or conch-shell was blown from the Panchanantola temple and Hindus of the locality immediately collected there, out of fear that the temple was about to be desecrated. Mahomedans also arrived in large numbers and both parties were armed with lathis, but the Police were able to disperse the crowd after a brief exchange of brickbats. Again, at about 9 P.M., some 200 Mahomedans attacked the Shiva temple at the junction of Amherst Street and Sitaram Ghosh Street with brickbats and soda water bottles, but a contingent of soldiers and Police were immediately despatched to the spot and the mob was dispersed.

At 11-15 P.M., there was a disturbance in Nikaspara in North Calcutta, because the local Mahomedans feared that a body of Hindus were about to attack the Nikaspara mosque, while the Hindus had collected on receipt of a false rumour that the Mahomedans were about to loot their shops. The Police were immediately on the scene and the mobs were reassured and dispersed.

In two cases, more serious offences were committed. A party of Hindus attacked the mosque in Armenian Street with brickbats, but the disturbance ceased immediately on the arrival of the Police, and a Peshwari beggar was stabbed and killed in Harrison Road by some unknown Hindus.

April 7.—On the 7th April, there was a further decrease in open rioting. Some stones were again thrown at the desecrated temple in Watgunge Street, but further troubles was averted by the Police. A Mahomedan was found dead on Baranashi Ghosh Street, and another Mahomedan was stabbed at Posta by a party of Hindus and died in hospital the same day.

April 8th.—On the 8th April, the situation had still further improved and the only event of importance was the murder of a Mahomedan in Upper Chitpur Road by a party of Hindus.

April 9th to 11th.—On the 9th, one Mahomedan was wounded; on the 10th one Hindu and one Mahomedan; the 11th passed without any reported casualty; on the 12th two Hindus and one Mahomedan were wounded.

Thus ended the sporadic rioting which attended the later stages of the communal strife which began on Good Friday, the 2nd April. The Id-ul-Fitr on the 14th passed off peacefully and most of the troops were withdrawn that evening. The 15th was also without incident and the complete withdrawal of the troops from the streets late that afternoon may be said to mark the conclusion of the first phase of the riots.

It is to be observed that the foregoing narrative is by no means an exhaustive account of the innumerable incidents which occurred during the course of the riots in the various parts of Calcutta. It would be impossible to give a full list of such incidents in the sequence in which they occurred, and the narrative has therefore been confined to a recital of events which serve to convey some appreciation of the course and the character of the riots.

## Measures Taken to Quell the Riots.

Information regarding the outbreak of the riots was received by telephone at Lall Bazar at 3-50 p.m. on the 2nd April (Good Friday), and the Armed Police were immediately ordered to stand by. A patrol consisting of 20 Sergeants and 20 Constables from the Reserve Traffic Police under the command of Mr. F. D. Bartley, Deputy Commissioner of Police, Headquarters, was despatched at once to the scene of the outbreak and they were followed very shortly afterwards by another patrol consisting of 1 Inspector and 10 Constables of the Traffic Police. These patrols proceeded at once to quell the original riot and they were reinforced at about 4-30 p.m. by 2 non-Commissioned Officers and 20 Sepoys of the Armed Police, with whose assistance they were enabled to bring the situation under control. By these means all open rioting was stopped for the time being, but sporadic disturbances then broke out in the side streets and by-lanes, and a force consisting of 4 Sergeants and 30 Constables of the Mounted Police was therefore despatched at 5-30 p.m. for patrol duty. At about 7 p.m. the rioting began to extend beyond the scene of the first outbreak to other quarters of the town, and all Traffic Police were therefore withdrawn from posts in the city were held in reserve at Lall Bazar. As the disturbances still continued, at 9 p.m. a force of 40 Constables of the Traffic Police and 10 Sepoys of the Armed Police were despatched to the disturbed area, and at 9 30 p.m. another force, consisting of 24 Sergeants, 7 Head Constables and 70 Constables of the Tarffic Police, went out under the command of the Assistant Commissioner of Police, Headquarters. In addition to the above, a number of small patrols were from time to time despatched to various parts of the disturbed area, on receipt of telephone message to the effect that disturbances were taking o about to take place.

At about 10-30 p.m. the situation was comparatively quiet and the majority of the Police were therefore withdrawn, leaving a force of 10 Sergeants and 20 Sepoys of the Armed Police and 2 Sergeants and 15 Constables of the Mounted Police to assist the district police in the disturbed area throughout the night.

At about 8 a.m., on the following day, the 3rd April, rioting again broke out, and during the course of the next two hours a total force of about 150 Police was despatched to reinforce the piquets in the disturbed area. By 10 a.m., general rioting was taking place over a large area and, as the Police piquets were insufficiently mobile, five motor lorries were hired for the purpose of conveying patrols quickly to the place where they were required, and each of these was equipped with a force of 4 Sergeants, 5 Sepoys of the Armed Police and 10 Constables of the Traffic Police. Two of these motor patrols and four motor-cycle patrols, each consisting of 3 Sergeants in a motor-cycle and side-car, patrolled continuously throughout the disturbed area, while three motor patrols and two motor-cycle patrols were held in reserve at Lall Bazar for despatch to danger spots on receipt of requisitions by telephone. All possible reserves at the disposal of the Police, including a force of 100 recruits and constables undergoing refresher course at the Police Training College were pressed into service in connection with the riots. By this time, some five to six hundred police were concentrated in the main disturbed area of the North Town and this arrangement continued till the rioting had subsided. The district police in other quarters of the town and suburbs were standing by to deal with sympathetic outbreaks in their jurisdictions and were reinforced from Headquarters where necessary, while all reserves were held in readiness at Lall Bazar.

It soon became manifest, however, that these forces were insufficient and, at about noon, it was found necessary to requisition military assistance. This was readily given

and a force of 350 officers and men of the North Staffordshire Regiment, and four armoured cars, manned by crews provided by the Calcutta Presidency Battalion were placed at the disposal of the Police. In addition, a light Motor Patrol, consisting of about twenty men with two Lewis guns was provided by the Calcutta Presidency Battalion and a Lewis gun patrol was obtained from the Calcutta Scottish.

On the 4th April, a contingent of one hundred men of the Eastern Frontier Rifles, under the command of Captain L. Y Bazett, was received from Chinsurah, and twenty Armed Police were lent by the Superintendent of Police, 24-Parganas. This force continued to be employed throughout the period of the riots and, on the 6th April, a further reinforcement of 200 men was obtained from the Eastern Frontier Rifles at Dacca.

### A Network of Patrols.

With these reinforcements, it was possible to establish a network of patrols throughout the affected area Military piquets were stationed at all strategic points throughout the day and night and these were maintained at sufficient strength to furnish constant patrols radiating from the fixed posts and linking up with the neighbouring piquets.

Unarmed parties were sent out regularly from Lal Bazar and from police stations to patrol both the main streets and every side street where trouble had occurred and a number of reconnoitering parties patrolled all the threatening areas throughout the day and night.

The remaining military forces were held in readiness at Lall Bazar, where information of almost all alarms was received by telephone. As necessity arose, they were sent out in flying patrols, under officers from Police Headquarters, to the places from where the alarms were reported. In these cases, they dealt with the situation as they found it on arrival and, when peace had been restored, they returned to Lall Bazar after making local arrangements to prevent any fresh alarm or outbreak of rioting.

From the morning of the 3rd April, there were few collisions between large bodies of the two contending parties, and the great majority of the disturbances were entirely sporadic in character; they subsided as suddenly as they arose, and the difficulties of dealing with the belligerents were greatly enhanced owing to the excellent cover afforded them by the labyrinth of small lanes and gulleys which characterize that portion of the city. The particular feature of this warfare which was most difficult to control was the stabing of individuals by small roving bands of the opposite community, who pounced on their victims without the slightest warning and vanished in a moment. As the assailants in each case immediately sought shelter amongst their co-religionists, it was impossible for a patrol arriving even within a few moments of the occurrence to ascertain whether they had gone or to obtain the slightest clue to their identity. It has been freely suggested that firing should have been resorted to more frequently by the Police, but the foregoing description will serve to show that this suggestion utterly ignores the realities of the situation. The most that could possibly be done was to keep flying patrols continuously operating in the affected area and to search for bad characters and lethal weapons in the gulleys down which the assailants had disappeared.

Throughout the riots, members of the public have frequently complained that fixed piquets did not rush to their assistance when they raised an alarm, but this criticism too is equally uniformed and ignores the many other considerations that determined the conduct of these piquets.

As has been stated elsewhere the first phase of the riots may be said to have closed with celebration of the Id festival on the 14th April on which day the greater portion of the troops were withdrawn; on the following day and on the 16th April the detachments of the Eastern Frontier Rifles were permitted to return to their respective stations.

### Effect of Military Forces.

The reinforcement of the Police by Military units had a very beneficial effect on the situation. The appearance of British troops on the streets, and particularly of the armoured cars provided a grim and effective warning to the rioters, which went far from being unheeded, and on innumberable occasions their presence alone was sufficient to disperse menacing crowds.

In addition, however, to their moral effect and to their undoubted effectiveness in quelling actual riots, the mobility of the armoured cars made them of special value to outlving unarmed piquets, with whom they were constantly in touch, and they also formed a valuable reconnoitering unit.

Throughout the first phase of the riots, the armoured cars did excellent work and their utility in dealing with street riots in a town like Calcutta cannot be over-estimated.

The type of car at present used is possibly a little cumbersome and not adapted for narrow streets, but it is of immense use in the broader thoroughfares.

The greatest effect of the military forces was, however, achieved during the process of re-establishing normal conditions in the affected area, and there can be little doubt that the return to comparative normality would not have been achieved within so short a period without the feeling of security which was induced by their presence on the streets.

### Communities Participating in the Riots

In the first instance, the rioting was confined to the two communities who first came into conflict, namely, the Mahomedans and the Arya Samajists, but the conflict became almost immediately a struggle between Mahomedans and up-country Hindus. This state of affairs continued until 10 a.m. on the 3rd April, when the Kali Temple at Kalitola was attacked by Mahomedans. This outrage thoroughly roused the Bengali Hindus, who had hitherto taken no part in the struggle and against whom the Mahomedans had displayed no animosity whatsoever, and they took up the cause of their up-country co-religionists. Their part in the struggle was, however, confined almost entirely to the defence of their religious institutions and in only a few instances did they participate in any retaliatory measures.

### Casualties among the Public

So far as can be ascertained, the total number of casualties resulting from the rioting which took place between the 2nd and 12th April was 44 deaths and 584 injuries sufficiently serious to warrant admittance into hospital. Of the dead persons, twelve were killed outright, while the remainder died in hospital, and they include 24 Hindus, 19 Mahomedans, and 1 person of doubtful nationality.

The persons admitted to hospital consisted of 327 Hindus, 238 Mahomedans, 1 Anglo-Indian, 2 Jews, and 16 persons whose nationality is not known.

Appended is a statement of the casualties giving the dates on which they occurred :—

| Date. | Injured. | Death. |
|---|---|---|
| 2-4-26 ... ... ... | 171 | ... |
| 3-4-26 ... ... ... | 195 | ... |
| | | 28 |
| 4-4-26 ... ... ... | 134 | ... |
| 5-4-26 ... ... ... | 41 | ... |
| 6-4-26 ... ... ... | 17 | 5 |
| 7-4-26 ... ... ... | 15 | 4 |
| 8-4-26 ... ... ... | 9 | 3 |
| 9-4-26 ... ... ... | 1 | ... |
| 10-4-26 ... ... ... | 2 | ... |
| 12-4-26 ... ... ... | 3 | ... |
| | 588 | 40 |
| —4 | died subsequently | 4 |
| Total | 584 | 44 |

It would be unsafe, however, to assume that these figures represent the total casualties resulting from the riots, since a number of dead bodies may have been thrown into the Ganges, a considerable number of injured persons were undoubtedly treated at their homes, instead of being sent to hospital, and a large number of persons were dressed and discharged at the hospitals without any record being kept of their cases.

### Police Casualties

The total number of Police casualties amounted to 2 deaths and 91 injuries. The injured persons included Mr. F. D. Bartley, Deputy Commissioner, Headquarters, Mr. B. N. Banerjee, Assistant Commissioner, South District, 1 Inspector, 21 Sergeants, 4 Head Constables, 60 Constables and 3 Sowars.

### Arrests.

The total number of persons arrested in connection with the first phase of the riots is 500, of whom 327 are Mahomedans and 173 Hindus. This figure bears no relation to the number of persons engaged in the riots nor to the number of offences committed, but the difficulties in the way of securing evidence against the rioters are obvious and require

no comment. Of the persons arrested, 153 were released on personal recognizance to appear on the 30th April for discharge. 347 persons have been sent up for trial and details of the sections of law under which they will be prosecuted are given below :—

Sent up for trial under sections 302, I. P. C., (9 accused in one case and 1 accused in another)—10.

Sent up for trial under sections 147 and 148, I. P. C.—203.

Sent up for trial under sections 457-380, I. P. C.—8.

Sent up for trial under sections 454, I. P. C.—9.

Sent up for trial for minor offences, i.e., sections 29, 54A and 68 of the Calcutta Police Act—117.

### Looting.

Throughout the period of the riots, looting of shops was freely resorted to by members of both communities. In many cases, the object was purely to cause damage to a member of the opposing community, but, in many other cases, the motive was plunder by the unruly element of the population, who took prompt advantage of the unsettled conditions in that quarter. The total number of shops looted amounted to 197, of which 106 belonged to Mahomedans and the remaining 91 to Hindus. It has not yet been possible to arrive at even an approximately accurate estimate of the total loss sustained and enquiries in this connection are still being made. While many persons have omitted to give information to the Police regarding the looting of their shops, others have greatly exaggerated their losses and, in these circumstances, it would be unsafe and mis-leading to offer any estimate without further investigation.

### Goondas.

An important feature of the riots was the vigorous participation therein by the "goonda" element of the population, who speedily realised the opportunities for looting and violent crime which were offered by the conditions then prevailing and proceeded to take full advantage of these opportunities.

### Attack on Religious Institutions.

The most remarkable feature of the riots was the number of religious institutions attacked by members of the opposing communities, and this may be taken as symptomatic of the great animosity existing between the followers of the rival religions. Attacks on Hindu temples have always been a feature of Indian history, although their frequency has decreased very considerably since the British occupation, but they have never occurred in Calcutta, and it would be difficult to find, within recent times, in the whole of India a parallel to the events that have taken place in Calcutta during this outbreak of communal frenzy, since, during the course of seven days, no less than three temples and three gurudwaras were attacked or desecrated and five others were threatened.

Attacks on mosques, however, have not occurred since the beginning of the 18th century (circa 1712 A. D)., when the Sikhs under the leadership of Banda, a 'banagi' destroyed a number of 'masjids,' in revenge for the destruction by Aurangzeb of Hindu temples. From that date until the present time, destructive attacks on mosques have been practically unknown, but in the present instance five mosques were attacked and attempts were made to attack two others, while attacks were made on three "dargahs, one of which was entirely razed to the ground. These acts of vandalism have unquestionably intensified to an unprecedented degree the bitterness and hatred existing between the two communities, of which they are themselves the symptoms, and it is impossible to say how long this acute antagonism will continue.

A full list of the temples and mosques destroyed or desecrated is given below :—

### Temples.

(1) Shiva Temple at crossing of Zakaria Street and Mandir Street—Twice desecrated.
(2) Radha Kissen Temple in Watgunge Street. Once desecrated ; twice threatened.
(3) Kali Temple in Cornwallis Street.—Once attacked ; thrice threatened.
(4) Jain Temple in Belgachia Road.—Twice threatened.
(5) Shiva Temple in Amherst Street —Threatened.
(6) Pareshsnath Temple in Badri Das Temple Street.—Threatened.
(7) Shiva Temple in College Street.—Threatened.
(8) Sitalamani Temple in Prem Chand Boral Street.—Threatened.

### Gurudwaras.

(1) Tara Singh Sangat in Mechuabazar Street. Desecrated

(2) Hari Narain Singh Sangat in Syed Sally Lane.—Twice set on fire and three times attacked.

(3) Gurudwara in Belgachia Road.—Desecrated.

Mosques

(1) Dinu Chamrawala's Mosque in Harrison Road.—Desecrated.
(2) Massaripatti Mosque in Upper Chitpore Road.—Attacked.
(3) Nimtollah Mosque.—Twice desecrated.
(4) Amposta Mosque at Posta.—Attacked.
(5) Medical College Mosque.—Attacked.
(6) Canning Street Mosque.—Attacked.
(7) Armenian Street Mosque.—Attacked.

Dargahs

(1) Jumma Pir Dargah in Clive Street.—Desecrated.
(2) Sona Pir Dargah in Durga Charan Mitra Street.—Desecrated.
(3) Majhar at crossing of Baranashi Ghosh Street and Upper Chitpore Road.—Destroyed.

Incendiarism.

Another remarkable feature of the riots was the extraordinary degree to which incendiarism was resorted to by the rioters and, there is no doubt that, but for the splendid efforts of the Fire Brigade, an enormous conflagration causing incalculable losses in human life and property would have resulted. Incendiarism has been employed by the conflicting parties in previous disturbances, but the extent to which this means of revenge was employed in the present instance is entirely unprecedented. During the four days ending the 6th April no less than 151 fires were caused by the rioters and, although the resources of the Fire Brigade were considerably strained by this unparalleled call on their services and despite the difficult conditions under which they were frequently called upon to work, the Fire Brigade succeeded in all cases in confining the fires to the premises of origin. The first fire caused by rioters occurred on the 3rd instant and, between 10 a.m. and 1 p.m. on this date, the Fire Brigade extinguished no less than 51 fires, which probably constitutes a world's record. The control of this extraordinary wave of incendiarism would have been impossible, however, but for the very commendable foresight of the Chief Officer, who, at the first sign of danger, arranged for the maintenance of the maximum pressure of water in all the water mains in the disturbed area and allotted additional machines and staff to the Fire Brigade which received most of the calls.

The method chiefly employed by the incendiaries was to break open a window or a door and to throw into the premises a piece of cloth which had been saturated with kerosine oil and then ignited, but in many instances petrol was poured into the premises and set on fire.

It is interesting to record that although the crowds frequently behaved in a threatening manner when fires, which they had ignited, were being extinguished, they did not interfere except on one occasion when the Fire Brigade were extinguishing a fire in the Jumma Pir Dargah near the junction of Harrison Road and Clive Street. On this occasion, the Fire Brigade were severely stoned, but fortunately only two members of the staff were wounded and their injuries were comparatively slight. In many cases, the Fire Brigade found, on arrival, that people in the premises had been cut off by the flames, but in all cases they arrived in time to rescue these people from danger. In at least three of these cases, the inmates had been actully locked in by the incendiaries. It is difficult to estimate how many lives they were thereby enabled to save, but the number must have been considerable.

Valuable services were also rendered by the Ambulance Department of the Fire Brigade throughout the riots, in conveying wounded persons to hospitals. All the members of the staff were mobilised for duty in connection with the riots and, although they were frequently in positions of considerable danger, they performed their duty with unremitting zeal and were responsible for the safe conveyance of about 400 wounded persons to hospital.

The great efficiency displayed by these two departments and their ability to prove equal to the demands of an unprecedented situation reflect the greatest possible credit on Captain B. A. Westbrook and afford eloquent testimony of his powers of organization.

A material factor in the successful manipulation of the Fire Brigade and the Ambulance Department was the efficient working of the Fire Alarm System, which is maintained in conjunction with the Telephonic Company. Several thousand messages

were transmitted to the Fire Brigade Headquarters, but in no case was there any material delay, and, since any such delay might have resulted in a serious conflagration in cases where fires broke out in congested areas, the thanks of the public are due to the telephone operators for their arduous and efficient work in this connection.

### Conduct of Sikhs.

Another feature of the riots, which is worthy of comment, is the conduct of the Sikhs, who throughout the riots conducted themselves with most commendable restraint in spite of considerable and repeated provocation.

The whole Sikh community in Calcutta are to be congratulated on the restraint which they exhibited in the face of such severe provocation, and great credit is due to the leaders for their powers of control and for the very commendable public-spiritedness displayed by them.

On the 13th April, the procession of the Sikhs was forbidden by the Commissioner of Police, in view of the danger of the situation at that time. The Sikhs were far from willing to acquiesce in what they considered to be a further concession to outrageous Mahomedan demands and there was some talk of defying the order, but ultimately saner counsels prevailed and the procession was postponed.

### Indian Press.

Possibly the most disappointing feature of the riots, in view of the desire of Government to promote the growth of self-government in India, was the irresponsibility displayed by the Press. So far, indeed from assisting the authorities in controlling the situation, the whole of the vernacular press, in a greater or less degree, devoted their energies to inciting the followers of their respective religions, and to fomenting the existing attitude of disobedience towards the authorities engaged in restoring law and order. Some of the newspapers were admittedly worse than others, but all took full advantage of the absence of any legislation to control their productions and, on the 9th of April, the Hon'ble Member convened a conference of journalists, for the purpose of impressing on them their duties in regard to the riots. This Conference had a salutary effect but almost all the vernacular press continued their former propaganda, though in a subdued degree Their chief offences were the publication of false or one sided reports of incidents, which were calculated to incite their readers to retaliatory acts, unbridled criticism of the action taken to suppress the riots, which was calculated to promote general disaffection towards the executive authorities, and the publication of inflammatory leaflets issued by the opposite community. It is impossible to over-emphasise the danger of this form of propaganda, since the majority of the persons engaged in the rioting are almost wholly illiterate and derive their information from the newspapers which a few of their number are able to read aloud to them, and the natural result is that they are spoon-fed with highly sensational and extremely biassed reports which they are only too ready to believe.

### Leaflets.

Towards the conclusion of the first phase of the riots both the contending factions began to indulge in a highly mischievous and dangerous form of propaganda by means of anonymous leaflets which advocated the commission of murder and other acts of violence, in retaliation for the excesses committed by the opposing party. These leaflets have been very numerous and have taken a variety of forms such as notices, 'fatwas' and communiques regarding incidents or defining the general situation. They have been published in almost all the languages employed in Calcutta, and even the less dangerous types, such as the pamphlets issued by the various Relief Committee's explaining the functions of these Committees, in connection with the riots, have played an important part in exacerbating the existing tension between the two communities.

### Defence Parties.

Immediately after the outbreak of attacks on religious institutions on the 3rd April, proposals were made to organise defence parties for the protection of Hindu temples. Some defence parties were actually formed, notably the "Bray Club" in the jurisdiction of the Bartola police-station, the South Calcutta Defence Force under the presidency of Mr. S. N. Haldar, and another band of Bengali youths, who, under the leadership of Pulin Das, Nanda Ghosh and Nera Ghosh, defended the Kali temple in Kalitola.

Early in the riots, the Commissioner of Police was approached by Mr. J. M. Sen Gupta, Mayor of Calcutta, with a proposal that the latter should organise volunteer defence parties for the protection of mosques and temples and to assist in the work of restoring order. In discussing this proposal, the Commissioner explained to Mr. Sen Gupta the necessity, firstly, for recruiting these volunteers equally from both commu-

nities and, secondly, for their enrolment as "special constables" under the control of the Police authorities. Mr. Sen Gupta expressed considerable doubt regarding his ability to provide the necessary Mahomedan contingent and, in subsequent correspondence with the Commissioner, made it clear that in no case could he sanction the subordination to official control of any volunteer recruited by him. In the special circumstances existing at present, the employment of such independent bodies would be fraught with many obvious and serious dangers and Mr Sen Gupta's attitude made it impossible to pursue the matter any further. Attempts are still being made by the Police, in co-operation with prominent Hindu and Mahomedan gentlemen, to organise mixed defence parties of properly enrolled volunteers. Apart, however, from the difficulties of recruitment, it is impossible to say, without experience, how far such volunteer could be usefully employed in a communal disturbance.

It has been alleged that the refusal of the Commissioner of Police to recognise unenrolled volunteers deprived the public of a certain measure of protection. This contention, however, entirely ignores the obvious dangers inherent in the employment of bodies of men liable to be swayed by communal feeling and entirely divorced from effective control. These dangers so greatly outweigh the advantage of such protection as might have been afforded by these volunteers that the allegation carries its own refutation.

### Exodus of Members of the Public from Calcutta.

Even in the early days of the riots, the panic in the disturbed area was so great that a number of people left their residence for other localities and, from the 3rd instant until after the conclusion of the riots, there was a daily exodus of people of all classes from the portion of Calcutta. Generally speaking, the Marwaris and the Hindus intended that their departure should be purely temporary and proceeded to their garden houses or to the houses of their friends outside the disturbed area, until such time as it should be possible for them to return. Many Mahomedans, however, have left the city with the intention of remaining absent for some considerable time and have returned to their original homes. It is impossible to compute, even approximately, the number of persons who have thus left their homes in Calcutta, either temporarily or permanently, but it is safe to say that their numbers have run into many thousands.

This report would be incomplete without some reference to the adverse criticism which has been freely levelled against the Police by all sections of the community. Criticism of this character is not lacking, even in normal times, and from the very nature of the riots, it was only to be expected that there would be an outburst of unbridled criticism, since the Police were required to hold the balance between two violently opposed factions, whose members were blinded to all reason by religious prejudice and were impatient of any sort of control.

It must, nevertheless, be admitted that, in the nature of things the great preponderance of Hindus in the force, whether officers or constables, does afford some ground for the apprehensions of the Mahomedans that, in a communal crisis of this nature, Police measures may be conducted in a partisan spirit. It would, however be grossly untrue to assert that this spirit has influenced, to any appreciable extent, the general conduct of the Police in the present riots. It would be too much to expect that individual members of the force should not entertain sympathies for their co-religionists engaged in the struggle or that, in a force, numbering some 5,000 officers and men, these sympathies should not influence their actions in some isolated cases, but, generally speaking, it can be fairly maintained that the members of the force have subordinated their personal feelings to their sense of duty and have conducted themselves with most commendable impartiality in extremely trying circumstances.

The general body of criticism has been so vague and general in character that it has been impossible to undertake any investigation into the great majority of the allegations levelled against the Police, either individually or collectively. Such of the allegations, however, as have been supported by evidence are being carefully examined by responsible officers, but, in almost all instances, these allegations are found to be entirely baseless. The delay in examining these charges is due, firstly, to their vagueness, and, secondly, to the fact that practically the whole Police force have been continuously and fully engaged in quelling the riots.

Mention has already been made of the one outstanding case, in which it has been found that constables were guilty of removing articles from shops which had been looted. These constables have been dismissed, in default of sufficient evidence to warrant criminal prosecution.

As against this instance of a true allegation, the following may be quoted in illustration of the baseless charges which have been so freely levelled against the force, even by persons of public prominence and high position :—

On the 4th April Mr. H. S. Suhrawardy, Deputy Mayor of Calcutta, personally complained to the Commissioner that the Police and the Military had that day looted a shop at No. 37, Kengrapati, Burra Bazar. The Assistant Commissioner of the Detective Department (Mr. Hartley) and Inspectors Robertson, Malins, and P. N. Mukherjee, all of the Detective Department, were immediately deputed to accompany Mr. Suhrawardy to the scene of the alleged occurrence. A full enquiry was held without delay and it was found that the charge was entirely baseless. The shop in question was intact and a large number of the local residents testified that no looting whatever had taken placet in that particular locality that day. The Assistant Commissioner found, however, that two cloth-shops, at No. 47, Kengrapatti, had been looted on the previous day, but an eye-witness of the occurrence, who was produced by Mr. Suhrawardy, declared that no Police or Military were in the locality when the looting took place.

## The Second Phase of the Riot, 22nd April—9th May.

Shortly before 1 p. m. on the 22nd April, rioting again broke out throughout the disturbed area. The immediate occasion was a brawl between some Hindus and Muhammadans near the junction of Mechua Bazar Street, Cotton Street and Upper Chitpur Road. Considerable uproar and excitement followed on the heels of this incident and all important shops in Chitpur Road and Cotton Street were immediately closed. The Deputy Commissioner, North District, the local police and a force consisting of 1 Inspector, 6 Sergeants 10 sepoys of the Armed Police and 10 constables were quickly on the scene and the rioting was immediately put down. Two of the drunken Muhammadans who participated in the brawl were arrested and the crowds were dispersed.

The atmosphere in the disturbed area continued to be very uncertain even after the conclusion of the first phase of the riots and a force had accordingly been kept permanently posted on all important crossings to patrol that area both day and night. When the second phase of the riots broke out on the 22nd April, therefore, the district police under the command of Mr. H. C. Hunt, Deputy Commissioner, North District, who was immediately on the scene, were enabled to cope with the initial outbreak. Reinforcements were, however, immediately rushed out from Lall Bazar, on receipt of a telephonic message from one of the armed piquets. Strong piquets were posted at all important junctions and a reserve force was stationed at Burra Bazar thana. When the rioting began to spread beyond the scene of the original disturbance, further measures were adopted and by 2 p.m. all available reserves had been mobilised and every possible precaution taken. In addition to the piquets stationed on all important crossings, fifty men from the North Division, Port Police, had been drafted into Harrison Road : motor lorries had been hired, and motor patrols put into operation, and the whole of the Traffic Police, Armed Police and Mounted Police had been recalled from their normal duties and made to stand by at Lall Bazar.

In view, however, of the number of by-lanes and gulleys with which that part of Calcutta is honeycombed this force was unable to prevent the commission of isolated assaults which then began to occur. Other contingents of force were added later from Dacca and other places.

Moreover, the large number of individual assaults, which particularly characterised the second phase of the riots, required the establishment of an even closer network of patrols than previously and it was essential that as many as possible of these should be in charge of persons capable of exercising initiative. The decision to retain their services for a period of three months has been arrived at in consideration, firstly, of their moral effect and secondly, of the grave possibility of further outbreaks of rioting within this period, and particularly on the occasions of the "Bakr-Id" and "Muharram."

### Communities Participating in the Riots

As in the case of the first phase the rioting was confined almost entirely to the Muhammadans and up-country Hindus. The Bengali Hindus participated to a greater degree than in the first phase, but generally speaking, they remained on the defensive, The Sikh community remained completely aloof from the struggle and in only one isolated incident did a member of this community participate.

### Casualties among the Public

No less than 66 persons were killed, or died as a result of injuries received, during the second phase of the riots and 391 persons were so seriously wounded as to warrant their admission into hospitals. The dead persons included 30 Hindus, 31 Muhammadans and 5 persons of doubtful nationality, while the persons admitted into hospital consisted of 172 Hindus, 213 Muhammadans and 6 persons whose nationality is not known.

It is unlikely that these figures represent the total casualties resulting from the rioting which occurred between the 22nd April and 3rd May.

### Police Casualties

The casualties amongst the Calcutta Police force were comparatively slight and consisted of one death and four serious injuries. A number of other officers received minor injuries, but they were not admitted into hospitals and their cases have not been included.

### Arrests

The total number of persons arrested during the second phase of the riots was 567, of whom 398 were Muhammadans and 169 Hindus. A large number of these had to be discharged for lack of evidence, but 360 persons, including 272 Muhammadans and 88 Hindus, were sent up for trial.

### Individual Assaults

The chief characteristic of the second phase of the riots was the very large number of attacks on individuals by small roving bands of the opposite faction. These assaults were, almost without exception, committed in apparently deserted streets, out of sight of the police, and frequently just after a police patrol had passed and, in view of this fact and of the difficulties attaching to the control of the form of crime which have been indicated in the report on the first phase of the riots, many of the assailants succeeded in escaping the legal liabilities of their action. Such methods as were possible, however, were adopted. "Goondas" and other persons known to be addicted to this form of crime were rounded up and prosecuted whenever evidence subsequently proved available, and the localities in which the assaults were committed were raided immediately afterwards for suspicious persons and for illegal weapons. As is apparent from the narrative, these measures ultimately achieved their desired effect and the numbers of assaults decreased in proportion to the increase in the number of arrests.

### Looting

Instances of looting, however, were considerably less frequent than in the first phase of the riots, and throughout the whole period of the second phase, only 21 cases of looting occurred In some of these cases, the premises were deserted at the time when they were looted and the extent of the damage caused, therefore, is difficult to compute; whereas in other cases, the value of the property looted was almost certainly exaggerated. The difficulty of obtaining even an approximately accurate estimate of the total damage still remains, therefore. But it is improbable that the figure was less than Rs. 10,000.

### "Goondas"

As in the first phase, the "goonda" element of the population participated freely in the rioting, and the fact that all the available police were fully occupied in the suppression of open rioting and other acts of violence made it difficult to deal with them effectively. Such of the "goondas" as came actively to notice during the riots were, of course, arrested and where evidence was sufficient, were placed on trial but the leaders and the main body of the "goondas' still remained.

Despite great difficulties, however, forty-eight bad characters including several of the most notorious "goonda" leaders in Calcutta, were arrested, of whom twenty-five were proceeded against under the Goondas Act or were prosecuted under the ordinary law while forty-three others were elected to leave Calcutta.

### Attacks on Religious Institutions

It is gratifying to record that the series of attacks on religious institutions, which formed the most remarkable feature of the first phase of the riots, was not repeated during the second period.

### Incendiarism

Intances of incendiarism were also strickingly less frequent than in the first phase of the riots, and the total number of fires during the second period which can be definitely

attributed to the rioters was fifteen only. In no case did the fires assume serious proportions and they were quickly extinguished by the Fire Brigade. The Ambulance Department also had considerably less to do than in the first phase and the total number of calls made on them was 172.

### Allegations Against Police.

Four separate complaints were lodged in court on the 17th May by Muhammadan residents of Mechua Bazar, accusing Inspector R. D. Khosla of Sukea Street police-station of the commission of murder, tresspass and assault on the morning of the 27th April, shortly after the murder of Head Constable Bharat Roy. Three of these complaints were lodged before Mr. A. Z. Khan, Additional Chief Presidency Magistrate, who after a preliminary enquiry summoned the Inspector for trial, and all three cases are still pending. The fourth complaint, which accused the Inspector of murder and trespass, was lodged before the Chief Presidency Magistrate, who after examining the complainant's witnesses, dismissed the charge as being palpably false and a deliberate attempt to implicate the Inspector.

Charges under sections 448 and 824, Indian Penal Code, were also preferred against Sub-Inspector M. S. A. Ahmed, of Burra Bazar police station by a Marwari "benia," and this case is at present being tried by the Chief Presidency Magistrate.

### Scavenging by Bengali Boys.

One of the worst features of the second phase of the riots was the almost entire suspension, for a number of days, of the conservancy arrangements in the disturbed area, in consequence of the fear of the Hindu sweepers and scavengers that they would be attacked by Mahomedans during the performance of their duties The interruption of these arrangements threatened a serious general epidemic and remedial measures speedily became imperative. As soon as they asked for them, the Corporation authorities were furnished with police guards to protect such of their scavenging staff as could be persuaded to go out and the menace was successfully averted. In certain instances, Bengali youths displayed commendable public spirit by voluntarily assisting in removing refuse.

## The Bengal Pact Controversy.

The Krishnagore Conference held almost on the morrow of the Calcutta riots came to an abrupt end as the consequence of Mr. Sasmal's resignation of the presidentship and Mr. J. M. Sen Gupta, President of the Bengal Provincial Congress Committee, declaring the Conference dissolved. This, however, did not prevent a section of the delegates opposed to the continuance of the Hindu Muslim Pact, concluded by the late Mr. C. R. Das, from immediately holding a meeting under Mr. J. Chaudhury's chairmanship and annulling the Pact. (See p. 417).

Loyal to his late chief, Mr. Sen Gupta was against such an annulment. He issued a circular to the members of the B. P. C. C., calling an emergent meeting on the 13th June and stating that some among the Executive Council Members of the B. P. C. C. were actively working against the Pact and for that reason he urged the Committee to elect another Executive Council which would co operate with him. This circular, however, evoked columns of replies from the members, particularly of the Opposition, one of whom interpreted Mr. Sen Gupta's anxiety to retain the Pact as merely a device to snatch a few Muslim votes for the Swarajya Party at the coming elections which would not be available if the Pact were rescinded. Mr. Sen Gupta's opponents maintained that the suspension of the Pact pending the settlement of the Hindu-Muslim question on an All-India basis, will go a long way to reassure the Hindu feeling. Mr. Upendranath Banerji, one of the anti-Pactists, in an open letter to Mr. Sen Gupta, took strong exception to the latter's charge of disloyalty levelled at "the very men who put the triple crown on your head and helped to make you what you are" (meaning the Mayoralty, Leadership of the Bengal Swarajists and Presidentship of B. P. C. C).

## The B. P. C. C. Meeting.

The general meeting of the B. P. C. C. was held at the Indian Association Hall, Calcutta on Sunday the 13th instant. It was a record gathering, for out of 319 members about 250 members including 30 Mahomedans attended the meeting. Such an attendance did not take place in the course of last four years.

Mr. J. M. SEN GUPTA, the President of the B. P. C. C., arrived punctually and he was supported by Mrs. Sarojini Naidu, the President of the Indian National Congress who sat on the left and Maulana Abul Kalam Azad sat on the right.

The President in opening the proceedings referred to the circular he had issued to the members of the Bengal Provincial Congress Committee. He said he had done it after much thought. Recent events had conclusively proved to him as well as to many of his colleagues that if the work of the Congress in Bengal, particularly the forthcoming election, were to be carried to a successful issue then they must set their house in order. It was idle to deny that people who had no faith in the present programme of the Congress were working while remaining inside the Congress organisation, against its policy as laid down in the Cawnpore Congress. The Bengal Hindu-Muslim

Pact, which formed an integral part of the Congress Programme of the province and on which the success of the coming election greatly depended, was jeopardised by a section of the Provincial Congress Committee. In view of all these he appealed to the members to address themselves seriously to the agenda before them and to carry on the proceedings with dignity, decorum and tolerance.

The Secretary then read a telegram he had received from Pandit Moti Lal Nehru who was unable to come on account of his bad health.

The Secretary having read that telegram, the President then ruled that the resolution of Mr. Lalit Mohan Das regarding the meeting held at Krishnagar under Mr. J. Chowdhury as President should come first.

Syed Majid Bux objected to this but he was over-ruled. Mr. Lalit Mohan DAS then moved the following resolution :—

## The Krishnagar Conference.

"Be it resolved that considering the present critical political situation in the country and the urgent need of united and whole-hearted action on the part of Congress members, this meeting of the B.P.C.C. do not think it desirable to discuss the question whether the meeting held under the presidency of Mr. J. Chowdhury at Krishnagar at the Bengal Provincial Conference Hall on May 23 was a meeting of the Bengal Provincial Conference.

Mr. Upendra Nath Banerjee supported the resolution. Mr. Nagendra Nath Sen of Khulna also supporting. The motion was declared carried by show of hands.

When the next resolution was about to be taken up certain members requested the President to put the previous resolution to vote again, their complaint being that they were misled in the first instance. They further stated that they demanded a poll which ought to have been given.

Mr. Mrinal Kanti Bose objected to the procedure.

The President however in deference to the wishes of these members, put the motion to vote again and declared it carried when Mr. Nurul Huq Chaudhuri demanded a poll.

The poll was granted with the result that 128 voted for the motion and 118 against.

At this stage, on enquiry from the Secretary, the President stated that there were only 230 members' signature on the attendance register but the counting showed 246. So he would take votes again and every member should record his vote by rising in his place when his name is called by the Secretary of the B. P. C. C.

Then, after the Secretary had begun to call the names from the attendance register, some members wanted to deposit their membership fees. But the President ruled that subscriptions must not be taken as polling had already begun. He also directed that subscription could be given before the next polling. Mr. Amarendra Nath Chatterjee asked the President to stop polling for a few minutes and to allow payment of subscription but the President could not accede to this request as votes were already being recorded.

While names were being called by the Secretary and votes were being recorded a gentleman who recorded his vote for Mr. L. Das's motion in the name of an absent member was detected and was compelled to leave the meeting.

After votes on all the members present were recorded the motion was declared lost, 103 voting for and 135 against it.

Then Dr. Mohini Mohan DAS moved :—

"That in the opinion of the B. P. C. C. the meeting presided over by Mr. J. Chowdhury on Sunday, the 23rd May, at Krishnagar, was not a meeting of the Bengal Provincial Conference, and that there should not be any further session of the Bengal Provincial Conference this year."

Mr. K. S. Roy seconding asserted that Mr. Chowdhury was not a delegate and therefore the meeting presided over by him was not a meeting of the Bengal Provincial Conference.

The name of Mr. Chaudhuri did not appear in the list of delegates submitted by the Reception Committee.

Mr. Satcowripati Roy, as Secretary of the Bengal Provincial Congress Committee, vouched for the same and said that he did not issue any delegation certificate in the name of Mr. Chaudhuri.

Mr. Bhagwati Shome referring to rule 10 of the Bengal Provincial Conference contended that Mr. Chowdhury was an ex-officio delegate by virtue of his being elected president by the delegates. Therefore no question about his election could be raised now.

Mr. Nurul Huq Chaudhuri :—Mr. J. Chowdhury was not a delegate and how could he find his way into the meeting of the delegates ?

Mr. Mrinal Kanti BOSE said that if Mr. Chowdhury was not a delegate how was it that he was allowed to take part in the proceedings of the delegates at which Mr. J. M. Sen Gupta presided ? The fact that no objection was raised then showed that he was a delegate and the question had been raised now simply because the pact had been rescinded by the conference presided over by Mr. Chowdhury. There was also no substance in the contention that Mr. Chowdhury's name did not appear on the list of delegates elected by the Reception Committee. Citing the Rules Mr. Bose said that while the Congress Committees had to apply lists of delegates to the B.P.C.C. Secretary, the Reception Committee was not so required. The Rules also stated that delegates alone could take part in the proceedings. Mr. Chowdhury was allowed to speak at the meeting of the delegates several times and raised many legal and constitutional questions. Why no objection was taken to his taking part in the proceedings either by the Secretary of the B.P.C.C. or anybody else? He maintained that the election of Mr. Chowdhury as president was perfectly legal and the way Mr. J. M. Sen Gupta had interpreted rules only misled the public.

Mr. Jogesh Chandra DAS GUPTA said that the issue to be determined were three, namely, (1) If the president abruptly left the meeting what would happen, (2) whether Mr. Chowdhury was rightly elected president and (3) whether the proceedings were valid. Mr. Das Gupta submitted that even if the election of Mr. Chowdhury as president was not valid, it did not vitiate the proceedings and in this instance he quoted the proceedings of the Bengal Council where election of members had been declared void but this did not nullify the whole proceedings.

Mr. S. N. Biswas emphasised that under the rules no one who was not a delegate could take part in the proceedings.

The closure was then moved and adopted, and the resolution was carried by a majority.

## The Hindu-Muslim Pact.

Mr. S. N. BISWAS next moved:—

"That in the opinion of the B P.C.C. it should not now consider the question of rescission, revision or modification of the Hindu-Moslem Pact of Bengal having regard to the present state of feeling in the country."

He said that as by rescinding the pact they would be wounding the feelings of the Mahomedans and by reaffirming it they stood in danger of incurring the opprobrium of the Hindus, it was better that they as members of the Congress should, whatever their personal feelings be, adopt an attitude of neutrality. As regards any question of revising the Pact it should be considered on an All-India basis and should be left to the Indian National Congress for consideration.

Mr. Anandamohan Chowdhury of Jessore seconded.

### Amendments Moved.

Mr. Lalit Mohan DAS moved by way of amendment that, whereas according to the first clause of the preamble of the Bengal Pact its provisions are to take effect when the foundation of self-government is secured, and whereas there is a tension of feeling between the Hindus and Mahomedans at the present moment which prevents calm and dispassionate consideration, this meeting do not think it desirable to reconsider the question of the Pact at present.

The amendment fell through for want of a seconder.

Mr. S. K. Roy CHOWDHURY moved another amendment that all discussions regarding the Hindu-Moslem Pact be postponed till the next session of the Indian National Congress.

Mr. Upendra Nath BANERJI opposing the resolution said that they had been asked not to raise the question of the Pact, but they had not been told the why and wherefore. From his conversation with several members he came to know that although they held that they did not believe in this Pact they would support it all the same. Why this duplicity, why this attempt to avoid the discussion of the Pact? If they held that the Pact had no utility whatsoever, why this hesitation not to declare it so? On the other hand if they desired to stick to the Pact let them re-affirm it and go out and ask the Hindus to stop music before mosques.

Proceeding Mr. Banerji said there was no denying the fact that the relation between the two communities was most strained at present. Believers as they were in Hindu-Moslem unity it was now time for them to consider how best to bring about that unity without which the establishment of Swaraj would remain a dream. He, therefore, proposed that the matter should be left to the All-India Congress Committee to consider on an All-India basis. It would serve no useful purpose to avoid the question and it would not advance the country's cause by a jot or a tittle. They should sit together and find out a solution of the difficulty. For the sake of Hindu-Moslem unity and in the name of the country he requested the mover to withdraw the resolution.

Another amendment by Mr. S. C. BOSE was ruled out of order as being in direct opposition to the original motion. Mr. Bose's amendment was to the effect that the Bengal Pact being a dead letter as evidenced by the recent Hindu-Moslem disturbances in Calcutta and in different parts

of this presidency it was unnecessary in the opinion of the B.P.C.C. to consider the question of rescission, revision or modification of the Pact.

The PRESIDENT remarked that to say that the Pact was a dead letter was really a consideration of the Pact which was against the spirit of the original motion and ruled the amendment out of order.

Mr. Gour M. ROY moved for the addition of the sentences after the original resolution that "and it recommends that the question be considered at the next session of the Indian National Congress at Gauhati." He said this had been the opinion of Pandit Motilal Nehru and they should carry it into effect.

Mr. Mrinal Kanti BOSE spoke from his experience as a journalist that Hindu Bengal and even many among thoughtful Mahomedans were opposed to the Pact. The Pact allowed music to stop before mosques at all times. And every day they get letters by shoals from correspondents in the mofussil—many of them members of the B.P.C.C. itself—to disprove the contention of Mr. Ghaznavi that music is always stopped before mosques. "If you vote for this motion, i.e., if you would retain the Pact please don't write such letters to newspapers." "Be consistent and sincere in your vote and act"—said Mr. Bose. This Pact, Mr. Bose continued, was at the root of present dissensions and strife. Even Dr. Kitchlew had admitted it. It had been found that the more they were trying to get the Mahomedans to their side by pacts and compromises, the greater was the estrangement between the two communities. Even Maulana Mahomed Ali said so at the Cocanada session of the Congress. When Deshbandhu made the Pact he believed that by it Hindu-Moslem unity would be assured. Had he lived to-day he would have admitted his error and abandoned the Pact and explored for a more stable foundation of unity. Therefore they must remove the pact and broad base Swaraj on a surer foundation, that of nationalism.

Sj. Amarendra Nath CHATTERJEE quoted the testimony of Pandit Motilal and said that if Swaraj was to depend on pacts and compromises, they must wash their hands clean out of it. He asked the members not to practice self-deception. What was the good of saying, he asked, that as Congress members they were neither Hindus nor Mahomedans? The fact remained that in this way they were establishing communalism instead of nationalism. They must look to the interest of the country and not to the interest of a section. They should try to convert Musalmans by love and truth and not by bribes such as by giving them services. Could not Musalmans think of Swaraj like Hindus? Could not they be actuated by the same patriotism? Let not Musalmans forget their honour. They wanted unity of two communities and not shilly-shally Pacts. To achieve this let them go to villages and serve Mahomedans as well as untouchables with a view to raise them. A new situation would have arisen if the Musalmans condemned desecration of temples. Election was coming. What had they got to say to the Hindus? Time had come to decide the issue and let the matter be referred to the All-India Congress Committee.

### Motion Carried.

After Mr. Chatterjee's speech closure was moved and adopted. The two amendments were moved and lost and that of Mr. Biswas carried. A

poll was demanded with the result that the original motion was carried by 153 to 88 votes.

The president then intimated that by the passage of the former resolution all other resolutions on the Pact automatically dropped.

## Dissolution of the Executive.

Mr. Kiran Sankar ROY moved that the present executive of the B.P.C.C. be dissolved.

Mr. Jogesh Ch. Das Gupta on a point of order enquired whether under the rules such a resolution was in order. The President ruled that it was in order.

Mr. Roy said that he did not mean this resolution as a reflection or vote of censure on their executive. There were certain members he said who were against the Cawnpore programme and therefore the executive should be reconstituted. He emphasised that this was not a move against the ex-revolutionaries.

Mrs. Urmilla Devi seconded the motion.

Mr. Suresh Chandra DAS opposing said that this resolution was based on the circular of Mr. Sen Gupta. He submitted individual members had every right to give expression to their views. He thought, the resolution was the outcome of the motion submitted at the Conference on the Bengal Pact. It was a zulum practised on them because they were anti-pactists. But it should be noted that the pact was a local affair. In these circumstances he challenged Mr. Sen Gupta to prove their "flagrant breach of loyalty to the Congress," when they were prepared to give their support to the Cawnpore Congress programme. They were even prepared to give Mr. Sen Gupta every opportunity to run the election, but now they must be got rid of. He further stated that the Congress workers had practically become canvassers, for they had no other programme except Council election. He asked the other side to prove their allegations, be they private or public, and not to have recourse to vague charges.

Mr. Wahed HUSSAIN said that the purpose behind the resolution was to get whole-hearted support to the present programme of the Congress and not to drive out inconvenient workers. Incidentally he said that the Hindu-Muslim Pact was not insisted upon by the Mahomedans, and speaking for himself he joined the Congress not in a spirit of bargain and he would remain in it so long he lived, pact or no pact.

Mr. Atul SEN regretted that insinuation had been made that the members of the B. P. C. C. Executive had been disloyal to the president. He challenged anyone to cite a single instance where they had violated a single mandate of the Congress. He asserted that the Executive had followed the Congress mandate in toto. If some of them wanted to rescind the pact it was because they desired to give vent to the natural feelings of the people after the Calcutta riots and because they felt that the Swaraj party if they swore by the pact would stand in danger of losing 50 Hindu seats in the Bengal Legislative Council.

Mr. Purushottam ROY warned the house against dissolving the Executive Council. It would be an evil day for Bengal if the present workers were removed from the Congress Executive.

Mr. Mrinal Kanti BOSE thought that a dangerous precedent would be created if the present Executive was dissolved for the supposed remissness of a few. He did not know if the majority of the members of the Executive Councils were opposed to the President. If that was so, it was the duty of the President te resign and leave it to the B.P.C.C. to consider whether it would have the President or the Executive Council. If, however, only a minority of the members of the Executive Council did not share the views of the President on certain matters, there was absolutely no difficulty to carry on the President's policy and programme. "It was an unheard of thing," said Mr. Bose, "to dissolve the whole Executive for the alleged disloyalty of a few." Even these few, Mr. Bose said, was not at all disloyal to the Congress programme but they were opposed on the Pact which the Congress had rejected and in this attitude they reflected the views of the country more correctly than the President and his supporters.

Mr. Kiran Sankar ROY replying said that the reason why they could not postpone the reconstitution of the Committee was that the general election was near at hand. In his opinion the work before them during the next four months was to canvass votes for the Council. However trifling the matter might appear to be to others it was in his opinion the only work before them at least till November next. In the Executive Committee there were men who held other views and that was why a dissolution was essential.

Referring to the Karmi-sangha Mr. Roy said that although it was a new body its decisions had become almost mandatory. Therefore if they wanted to continue the Council programme of the Congress the present Executive should be dissolved.

Mr. J. M. Sen GUPTA, the President, addressing the meeting said that his grievance against the present Council was that certain of its members had recently formed themselves into an association styled "Karmi-sangha" who had been trying to force their decision on the B.P.C.C. that some of the principal workers had no faith in the Congress-Council programme. They had been talking about that the Swarajist programme was no programme in that it did not countenance the acceptance of office. He charged the workers with having allied themselves with the Independent and Nationalist parties. In face of all these it had, he said, become impossible for him to work with the present executive. All that he wanted was that he should be allowed to work unhampered and in that view he proposed a dissolution of the whole council. He wanted to make clear that he had nothing to say against ex-revolutionaries. Any one believing in the Council programme of the Congress in toto, whether he was an ex-revolutionary or not, was welcome to the new Council. With the present members of the Council, some of them having definite anti-Pact view, it was impossible for him to continue the Congress work any longer. It was not a threat, emphasised Mr. Sen Gupta, but was rather an expression of conviction in him that the Pact was the very foundation upon which the Congress Work in Bengal, and for the matter of that, of the whole of India depended.

The resolution was carried by a majority. As the result of the voting was announced a very large number of delegates including the members of the Karmi-sangha left the house in a body. The new Council was then reconstituted. Thirty members were elected, one from each district, and Mr. Sen Gupta, the President, was empowered to nominate the remaining thirty.

Mrs. Urmila Devi then brought a motion expressing confidence of the B.P.C.C. in Mr. Sasmal. The motion was withdrawn on an appeal made by Mrs. Naidu. The Conference was then adjourned till the next day.

### The Adjourned Meeting.

The adjourned meeting of the B. P. C. C. took place on the next day, the 14th March at the committee's office. The following resolutions were passed without any dissension :—

1. That this Provincial Congress Committee recommends to the A. I. C. C. to take measures to convene a special session of the Congress to consider the present Hindu-Moslem differences and to devise measures to compose it.

2. This meeting of the B. P. C. C., deplores the desecration of Temples and Mosques and urges upon the Leaders of both the communities to take steps to prevent the commission of such outrages on places of worship in future.

3. This meeting of the B. P. C. C. requests its Hindu and Moslem members to publish a joint manifesto with separate declarations over their signatures deprecating the desecration of the places of worship and other acts of violence in different parts of Bengal.

4. This Committee deplores the communal feeling that has arisen between the Hindus and Mahomedans in Bengal and is of opinion that unless good feeling is restored between these two Communities and unless they work together for Swaraj it is impossible to attain it.

For the reasons stated above it is resolved that several batches, each consisting of Hindu and Mahomedan members of the B. P. C. C should go out at once to the different parts of Bengal to preach amongst the people the necesssity of the unity between Hindus and Mahomedans for the purpose of attaining freedom.

Following members with others to be selected by the Secretary will form such party.

1. President of the B. P. C. C.
2. Secretary of the B. P. C. C.
3. Sj. Lalit Mohan Das.
4. Sj. B. N Sasmal.
5. Moulana A. K. Azad.
6. Moulvi Syed Jalaluddin Hashemy.
7. Moulvi Ashrafuddin Ahmed Chowdhury.
8. Moulvi Haji Abdul Rashid Khan.
9. Dr. Mohini Mohan Das.
10. Sj. Amarendra Nath Ghosh.
11. Sj. Surendra Nath Biswas.
12. Sj. Basanta Kumar Mazumdar.
13. Sm. Hema Prava Mazumdar.

5. Having regard to certain misleading and incomplete reports in reference to a resolution of confidence in Mr. Sasmal appearing in to-day's newspapers, it is resolved that a statement be issued by the Secretary that the resolution of confidence in Mr. Sasmal moved by Sm. Urmila Debi was withdrawn on Mrs. Naidu's and the President's appeal after the whole house without a single exception had agreed that they had complete confidence in him as a recognised Leader and as a self-sacrificing worker and that such a resolution was unnecessary.

All other resolutions were withdrawn.

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## The Congress Karmi Sangha's Manifesto.

Some of the Congress Workers in Bengal who were excluded from the Executive Council of the B. P. C. C. meeting published a manifesto stating their grievances as well as their aims and objects. The manifesto was

**issued on behalf of the Congress Karmi Sangha over the signatures of Messrs. Amarendra Nath Chatterjea, Upendra Nath Bannerjea, Suresh Chandra Majumder and Suresh Chandra Das. The following is the text of the statement :—**

' Systematic attempts have of late been made by certain Congress leaders to villify the Congress Karmi Sangha and to mislead the public as to the aims and objects of that Institution. We feel, therefore, that we owe it to the public to make an authoritative statement regarding our activities.

It is well-known how the Congress was sharply divided into two more or less hostile camps for about three years after the Gaya Congress. After the Cawnpore Congress in December 1925, when the Congress practically adopted the Swarajist programme, it was felt that time had come when an attempt should be made to re-unite all Congress Workers with a view to further the constructive programme which had for some years past been neglected owing to the pre-occupations of the leaders with the Legislative Councils. The following extracts from the preamble to the rules and regulations of the Sangha will explain the object with which it was started :—

" Whereas a feeling of disappointment and confusion is growing in the country for lack of activity in carrying out the constructive programme, and whereas it is absolutely necessary for the Congress workers to reunite themselves in a solid and disciplined group to consolidate their energy and influence and bring about a common understanding for a hearty co-operation among themselves, and whereas the session of the Indian National Congress held at Cawnpore had offered an opportunity for the unification of all parties within the Congress, it is hereby resolved that Congress workers in Bengal be formed into a Sangha under the name and style of Congress Karmi Sangha."

After Deshbandhu's death it became increasingly eminent that the Congress leaders had very little faith in village re-organisation, formation of peasant and labour unions, or other items of the constructive programme. All that really interested them was wordy warfare inside the legislature and inspite of the occasional mention of civil disobedience in their speeches and writings, the fact could no longer be concealed that what they really cared for was a histrionic display of their dilectic skill inside the legislature. They would neither find money for reviving the moribund Congress organisation in the villages nor would they undertake the organisation of agricultural and industrial labour. All the work that they really wanted the Congress workers to do was to serve as their canvassing agents at the time of the elections. Naturally there was dissatisfaction at this state of things ; and it is this attitude which has been referred to as disloyalty to the Congress oligarchy and its president.

This unfortunate discussion has been further accentuated by the intrigues of a group of self-seekers who had been seeking for opportunity to discredit the Karmi Sangha and the honest difference of opinion over the question of the Bengal Hindu-Muslim Pact is now being interpreted by them as disloyalty to the Congress ideal ! We do not propose to enquire too closely into the methods which they employed to obtain their victory at the last B. P. C. C. meeting ; nor do we care to refuse the foul slanders in which they freely indulged. We will only mention here that inspite of great provocations from this body of men who have now gathered round the President, we have done our best to support the President in all his legitimate activities and that it is a malicious perversion of truth to say that our activities were in any way directed against Congress ideals. As a protest against the present methods of the B. P. C. C., we have decided not to seek re-election to the Executive Council of the B. P. C. C., and to make our position clear we wish to announce to the public,

(1) That our creed is the Congress creed of winning Swaraj by peaceful and legitimate means.

(2) That so far as work inside the legislature is concerned the Karmi Sangha as a body abides by the programme of the Cawnpore Congress including non-acceptance of office in the gift of Government till the Congress itself decided otherwise ; and that we have got no connection with the Moderates, Independents or Nationalists so far as their political programme is concerned.

(3) That we do not countenance communalism in any shape or form and we are therefore against communal electorate, communal representation or recruitment to public services on communal basis.

(4) That we believe that both the Lucknow and Bengal Pacts have failed to bring about unity between Hindus and Mahomedans.

(5) That there should be perfect freedom of religious worship, propaganda and association for all communities.

(6) That there should be no interference with the civic rights of any community to take processions with music along public roads.

(7) That the work of village reconstruction and organisation of industrial and agricultural labour should be taken up immediately.

## Split in the Swaraj Party.

The stormy meeting of the Bengal Provincial Congress Committee on the 13th instant terminated, much to the surprise of his friends as well as his opponents, in a resounding victory for Mr. J. M. Sen-Gupta. Not only was the Hindu-Muslim Pact saved for the moment, but he was himself placed in a position of unassailable supremacy in the Congress organization of the Province, to do with it just what he may be pleased to do. For, by a special resolution, he was allowed, in the capacity of President, to add to the Executive of the Committee as many nominees of his own as there may be elected members, thus, giving him a standing majority on that body. However gratifying this personal triumph might have been to Mr. Sen-Gupta's vanity, it did not avert a split in the Swaraj Party, but rather made it inevitable. Indeed, hardly a week passed since the B. P. C. C. meeting when the split actually took place by the secession of a number of prominent members of the Swaraj party who were among the most loyal lieutenants of Deshbandhu Das. How and why the split occurred is evident from the Manifesto, the full text of which we give below, issued over the signatures of Messrs. T. C. Goswamy, B. C. Roy, N. C. Chunder, N. R. Sarkar and S. C. Bose :—

## The Seceders' Manifesto.

We, the signatories to this statement, desire to place before the public our view of the present situation so far as Congress and other nationalist activities are concerned—which situation has been created by various circumstances leading up to the extraordinary meeting of the B. P. C. C. on the 13th of June last. Having worked for some time past on behalf of the Congress and the Swarajya Party and still continuing to be members of these bodies, we feel that it is our duty to inform the public why we are unable to support the new Executive Council of the B P. C. C. which came into existence as a result of a B. P. C. C. resolution of the 13th June last. Srijuts T. C. Goswami, Nalini Ranjan Sarkar and Sarat Chandra Bose who, among the signatories, were offered nominated seats on that Executive Council have declined the offer; while Srijut Nirmal Ch. Chunder has resigned the seat to which he was elected as representing the Central Calcutta (District) Congress Committee. We have decided upon this serious step after anxious deliberation and under the compulsion of a sense of duty which forbids hesitation.

### Unconstitutional.

In our view the Resolution of the B. P. C. C. dissolving the Executive Council and empowering the President of the B. P. C. C. to nominate half the number of Members on the new Executive Council was unconstitutional. It was entirely subversive of all democratic ideals. Besides it was thoroughly ill-advised. We feel that if we let the situation pass without challenge, we cannot escape responsibility for the inevitable destruction of the solidarity and the prestige of the Congress and the Swarajya Party in Bengal. We took little or no part in the marshalling of arguments or of human forces for the contest which took place on the 13th of June for the following reasons :—

It appeared to us that the contest was a personal one. It is common knowledge that Mr. J. M. Sen Gupta owed his election to the Presidentship of the Provincial Congress

Committee, as well as other offices in the gift of the Swarajya Party, to the support of a group of members who have subsequently formed themselves into the "Workers' Party." We soon found out that Mr. Sen Gupta was all along being led by this group. We did not mind Mr. Sen Gupta's primacy; but we always regretted that the position in which he had willingly placed himself did not allow him to put the interests of the country above those of himself and his group We are aware that this group consisted of diverse elements, which were in the habit of voting "en bloc." They were, at the time of the death of the late Deshbandhu C. R. Das and until early this year, without the guidance of leaders like Srijut Amarendra Nath Chatterjee and Srijut Upendra Nath Banerjee; and we had reasons to suspect that in this group there were one or two weak individuals whom suffering, adversity and temptation had made unreliable. Last year we freely discussed this matter with Mr. Sen Gupta and asked him to investigate it, acknowledging all the time that we may be under misapprehensions with regard to those individuals. We pointed out to him further that constructive work in the villages would give those workers scope for activity and incidentally, provide means of livelihood for those who needed it. We found, however, that things were drifting and that the officials of the B. P. C. C. and of the Swarajya Party were not taking any steps to start work in the country. In fact, no constructive work was done in the country beyond a few well-advertised "tours."

Finally, the manner and circumstances in which Sir Abdur Rahim got into the Bengal Legislative Council made us very uneasy as to the prospects of the elections which are to take place at the end of this year. It would be clearly remembered that the objection to Sir Abdur Rahim was not then on the score of his being an extreme communal leader. We were interested in the return of a Swarajist (or Congress) Mahomedan gentleman against one who had formed part of the Government which had sanctioned and indeed gloated over the Bengal Ordinance etc There can be no doubt that the return of Sir Abdur Rahim was partly, if not wholly, due to the fact that the President and the Secretary of the Swarajya Party were both absent from Calcutta at a time when their personal efforts were absolutely necessary for securing the nomination of a suitable and sound candidate. We were staggered by their amazing unconcern, we were even more shocked by their subsequent listless impenitence.

### Attitude of B. P. C. C.

In course of time, it became increasingly apparent that the B. P. C. C. officially were not able to accomplish to any appreciable extent any of the "Constructive" items of the Congress Programme. On the other hand, their attitude of hostility towards the work of the Deshbandhu Village Reconstruction Fund, merely because the Trustees of that Fund refused to hand over the control of the funds to them, did not advance the "Constructive" programme of the Congress in our province.

We suggested to Mr. Sen-Gupta, that a Board with a personnel consisting of members who would have confidence in one another, formed with the approval of the B. P. C. C. and the then Executive Council of the B. P. C. C. should be entrusted with the work of running the elections in all their details. The elections are far more important than the Councils; for the elections afford (1) Political training of a considerable section of the population, (2) opportunities for strengthening Congress organisations throughout the province, (3) funds which by a co-operative management of the elections, would leave a large surplus for constructive work. We were anxious to secure the services of men like Sj. Akhil Chandra Dutta, Rai Harendra Nath Chowdhury and others who were not, at the time, members of the B. P. C. C. This matter was practically shelved by the appointment of a nominal Committee consisting of Mrs. C. R. Das, Mr Sen Gupta and Moulana Abdul Kalam Azad, the impracticability of which was soon perceived. By co-option this Committee was enlarged. There was substantial agreement as to the personnel of this enlarged Committee. The Committee started work, but about 2 months later Mr. Sen Gupta attempted to pack it by the introduction of new members. On this, some of the members of the Committee tendered their resignation and thereafter, the Committee ceased to function.

### Real Issue Deliberately Confounded.

About that time the President and some of the officials of the B. P. C. C. were losing the support of the "Workers" many of whom naturally looked to Sj. Amarendra Nath Chatterji and Sj. Upendra Nath Banerji for direction. It is true that in Bengal since early April, the communal question has clouded issues; but we do not believe that the differences between Mr. Sen Gupta and others on the one hand and the "Workers'

on the other centred round the Hindu-Muslim Pact. The fact was that Mr. Sen Gupta was deprived of the principal support on which he had till then relied. Therefore, when he raised the cry of "Save the Congress" from the undesirable by saving the "Pact" and driving them out of the Executive, we felt that the real issue was being deliberately confounded. It was evident that the problem facing the B. P. C. C. could not be solved by counting of heads. While, therefore, the contest on the 13th June was personal, the step taken by the B. P. C. C. in dissolving the old Executive and allowing the President to nominate nearly half of the new Executive is at once ridiculous and serious.

### The Pact.

We state below our attitude towards the question of the much-debated 'Hindu-Muslim Pact.' Mr. Sen Gupta could well claim sympathy for his view that the Pact should not be discussed in the present atmosphere. The Pact was drawn up by our late Leader. The principles, as we understand them, behind the Pact were (1) that some sort of arrangement should be made between the two great communities of the province and (2) that the Hindus ought to be prepared cheerfully to surrender a great deal in the matter of the spoils of office for the sake of unity. We endorse these principles. But it is impossible to overlook the fact that the Pact has never been ratified either by the Indian National Congress or by either of the two communities. Indeed, it has been denounced by both the communities. Therefore, the Pact cannot be an issue for the next elections. It is always open to a Leader or Leaders—with the courage "to stand or fall" by the terms of that or any other Pact to endeavour to secure its ratification; but no Pact which has not been ratified can be regarded as a live issue. We should make earnest efforts to arrive at a real settlement. While to attempt to rescind the Pact, which in the words of Deshbandhu was never a "concluded agreement" would be an unnecessary gesture which may outrage feelings, we ought to state that separate electorates are fraught with the danger of creating a permanent division in our civic life. With regard to the vexed question of "Music before Mosques" as on other questions affecting the relations between the two communities, we feel that Resolution 4 of the Unity Conference (1924) which was carried unanimously has greater weight than an inference drawn from certain clauses of the Bengal Pact which were meant, if ratified, to come into effect after the foundations of Swaraj had been laid.

### Acceptance of office unthinkable.

We believe that the Indian National Congress is the only political institution in the country which, by its traditions, its organisation, and its representative character is better fitted than any other to advance India along the path of freedom. We abide by the mandate of the Congress and feel that the Cawnpore resolution afords scope for the formulation of a course of effective and practical policy.

We have, after earnest discussions, agreed upon a clear-cut programme, consistent with the Cawnpore Resolution, which we propose to offer. We are of opinion that acceptance of office ought to be unthinkable except under an honourable settlement with Government; and we think that for such a settlement Deshbandhu's Faridpur Speech (1925) ought to be our guide.

### The Alleged Revolutionaries.

We do not think that merely because certain persons were in the past accused as "revolutionaries" or convicted as such, we should ask them to stand aside from Congress activities. If they are pledged to the policy of the Congress, their past should not stand in the way of a welcome into peaceful and legitimate activities. Some of them are men of character, who have suffered and sacrificed much; some of them are good organisers; and as to the accusation by Government against the internees, past and present, in the absence of open trial, it is devoid even of the merit of a "bonafide" assertion. We, however, think that there should be no dual policy—a secret one of violence and an ostensible one of non-violence. The Congress policy excludes violence.

We do not despair of the Bengal situation. We appeal with confidence to all supporters of the Congress; and we look forward to a closing up of the ranks on clear issues, clearly thought out and clearly stated, by which alone we can be sure of our own conduct and receive the convinced support of the people.

# Mr. Sen Gupta's Statement in Reply.

In reply to the above manifesto, Mr. J. M. Sen Gupta, President of the B. P. C. C., issued the following statement to the press on the 24th June: —

The manifesto which has appeared in the press over the signatures of Messrs. T. C. Goswami, N. C. Chunder, Nalini Ranjan Sarkar, Sarat Chandra Bose and Dr. B. C. Roy has caused me no little pain and surprise. Their intention evidently is either to secede from the Congress ultimately or to start a new party within the Congress. Until now they have taken no steps in either of these directions. In view of this fact I consider and I believe the public will agree with me that their manifesto is nothing more than an academic dissertation. I cannot, however, altogether ignore it as it contains certain statement which should not go unchallenged.

Dr. B. C. Roy has never been and is not now a member of the Swarajya Party although since Deshbandhu's death we were assured more than once that he would join the party. He is not a member of the B. P. C. C., and until lately was not even a member of the Congress. As a member of the public and of the Congress he is certainly entitled to criticise the B. P. C. C., and its President. But his claim to criticise in the capacity which he has assumed in the manifesto is absolutely without foundation.

Messrs. N C. Chunder, Nalini Ranjan Sarkar and Sarat Chandra Bose were all along aware of the circumstances under which my circular letter dated the 1st of June, 1926, to the members of the B. P. C. C , was issued. Messrs. Chunder and Bose had seen and approved of the circular letter before it was actually issued to the members. Mr. Chunder was present at an informal meeting in my house where the draft of the circular letter was finally settled after some alterations suggested by Mr. Chunder himself, and Mr. Chunder sent me subsequently a list of names for inclusion in the new Executive Council in case the old one was dissolved. Mr. Sarkar's present attitude is to me particularly inexplicable. Mr. Sarkar admitted to me the reasonableness of the suggestions I had made in my circular letter and as far as I know he voted for all the resolutions moved at the last meeting of the B. P. C. C., and the success which attended my proposals at the B. P. C. C., meeting was in no small measure due to his efforts.

Mr. Goswami was not in Calcutta when my circular letter was issued and he absented himself from the B. P. C. C., meeting on the plea that he "had no place in the strife of tongues and hearts." The manifesto of which is a signatory indicates a certain change in his angle of vision. The public are no doubt entitled to speculate as to the antecedents of this change.

The signatories disapprove of the dissolution of the Council in the manifesto that was effected by a resolution at the last meeting of the B. P. C. C. Mr. Sarkar voted for the resolution. Messrs. Chunder and Bose left the meeting just before the dissolution resolution was taken up. As regards Mr. Goswami, I need not repeat that he was not present in the meeting at all and came down to Calcutta from Shillong a few hours after the meeting had ended. The public may well ask why Messrs. Chunder and Bose did not stay on and oppose the resolution if they disapproved of it and why Mr. Goswami was not present to oppose a measure which he now considers "unconstitutional and ill-advised." The B. P. C. C., and its President should not have been deprived of his views and suggestion.

The signatories have made a grievance of the fact that Sir Abdur Rahim was elected uncontested by the Mahomedan constituency of Hooghly-Howrah. I can assure the public that the executive of the B. P. C. C., did not spare themselves in their efforts against Sir Abdur Rahim.

But the candidates on whom we relied for contesting him at Howrah-Hooghly failed us at the last moment. I was at Dacca with the Secretary of the Swarajya Party where Sir Abdur Rahim had filed his nomination paper long before he filed it for the Hooghly-Howrah seat. The Swarajya Party candidate was returned by the West Dacca constituency as against the candidate in whose favour Sir Abdur Rahim subsequently withdrew. Leaving out the Howrah-Hooghly election, I ought to add here that the Swarajya Party and the Congress won all the other three Mahomedan bye-elections which have taken place since Deshbandhu's death.

Apropos of the constructive programme of the Congress I ought to bring it to the notice of the public that the signatories along with Mr. G. C. Bose, Principal, Bangabashi College constitute the Finance Committee of the Village Reconstruction Fund which was raised in December, 1921 and that it was the intention of Deshbandhu that they should

work in co-operation with the Executive Committee of the B. P. C. C., and the Working Committee of the Swarajya Party.

I place it on record here that the Finance Committee have refused to co-operate with the other two bodies I have mentioned. The public in fixing responsibility for failure of village reconstruction work will not lose sight of the fact that the signatories are in possession and control of the whole of the Village Reconstruction Fund.

In the last but one pragraph in the manifesto the signatories say that "merely because certain persons were in the past accused as revolutionaries or convicted as such we should not ask them to stand aside from Congress activities. If they are pledged to the policy of the Congress their past should not stand in the way of welcome into peaceful and legitimate activities." I agree entirely with the sentiments expressed in this passage. But I do not know why this passage should have been inserted in the manifesto unless it was for the purpose of insinuating that my action in asking for the reconstitution of the Executive Council was contrary to the sentiments expressed in it.

I have never objected to the presence of any ex-revolutionaries in the Executive Council. All I asked for in my circular letter was that the Executive Council should be composed of men who really believed in the present Congress programme. In my opinion any one may be a member of the Congress and also a member of the B. P. C. C. But I am strongly of opinion that the Executive Council can make no room for members of the Congress who have no faith or enthusiasm for its programme.

In conclusion, I would like to draw the attention of the public to the sudden and unexpected change in the tone and policy of "Forward" since Mr. P. K. Chakrabarti's resignation on the 15th instant. The paper was founded by Deshbandhu Chittaranjan Das to serve as the organ of the Swarajya Party. It served that purpose till his death and continued to do so until only last week. Whatever the legal rights of the Directors may be, five of whom are signatories of the present manifesto, the public are entitled to know their reasons for this change.

From being the organ of the Swarajya and the Congress the "Forward" has now come to be the organ of the six Directors of the "Forward Publishing Company Ltd." Neither the President of the All-India Congress Committee nor the leader of the All-India Swarajya Party who is also the Chairman of the Board of Directors, or the President of the B. P. C. C. and the leader of the Bengal Swarajya Party was consulted by the Directors before they brought about this change. Before the signatories "can be sure of their own conduct and receive the sure support of the people" in favour of the "Clear-Cut Programme" which they have placed before the country they owe an explanation to the latter of the recent change of policy and programme of "Forward" which to say the least is a breach of faith with the Congress and the Swarajya Party and shows scant recognition of the trust undoubtedly reposed in them by its Great Departed Founder, Deshbandhu Chittaranjan Das.

## Mr. Bose's Reply in Contradiction.

In reply to Mr. J. M. Sen Gupta's manifesto, Mr. S. C. Bose issued a lengthy statement to the Associated Press, in the course of which he referred to the letter written by him to Mr. Sen Gupta, on June 6th explaining among other things, his attitude towards retention or otherwise of the Bengal Pact. Mr. Bose expressed the opinion that the Bengal Hindu Moslem Pact being practically a dead letter as evidenced by recent disturbances in Calcutta and other parts of the Presidency, it was unnecessary in the opinion of the Bengal Provincial Congress Committee to consider the question of rescission, revision or modification of the Pact and that the Working Committee of the All-India Congress Committee should be requested to go into the question and decide at an early date, the ways and means of restoring unity between the two communities. The Bengal Pact was in fact rejected by the Congress and when the Congress and not Bengal Swaraj Party was running elections, the question of the Pact really did not arise. In his letter Mr. Bose made it clear that he did not agree with the views of Mr. Sen Gupta, regarding the Bengal Hindu-Moslem Pact or those regarding dissolution of the Executive Council of the

Bengal Provincial Congress Committee. Mr. Sen Gupta had enquired as to why Mr. Bose left the meeting just before the dissolution resolution was taken up. After he had listened to the discussion over the resolution on the Pact, Mr. Bose had no doubt in his own mind as to the fate of any resolution or amendment opposing the dissolution of the Executive Council and he thought it would be perfectly idle to stay on and engage in any discussion over that question.

## Goswami—Sen-Gupta Statement.

Happily the difference did not last long. As it is obvious, the dispute was over the Pact. Mrs. Sarojini Naidu and Mr. Rangaswami Iyengar, who had come down to Calcutta to attend the Congress Working Committee's Meetings, were impressing on them the colossal folly of fighting over such a matter when what had to be effected was a real union of hearts. They met Mr. Goswami at his residence with Mr. J. M. Sen Gupta and the following joint statement was the outcome. It was issued over the signatures of Messrs. Sen Gupta and Goswami :—

"We are glad to announce that the points of difference and misunderstanding with regard to Congress work in Bengal, which unfortunately arose but which were not of a fundamental character, have been set at rest. After a free and heart to heart discussion on all the points at issue, we feel satisfied that we have agreed on such steps to be taken as would ensure the solidarity of the Congress in our province. We now look forward to harmonious work in the best interest of the country and of the Congress, which we believe to be her best and truest servant. It would be more or less than human if, in the heat of the controversy as to matter in which both parties believed ardently and honestly no recriminations were made. Nevertheless, we wish they could have been avoided. So far as we are concerned, any reflections cast on each other during the last few days are completely erased from the memory of our countrymen in whose service we have in the years past worked in concord and hope to do so in future.

## The Bengal Pact.

Regarding the Bengal Pact, the 'Servant of India' wrote the following in its issue of the 24th June :—

"..... And the Pact? It is dead as mutton. No one wants it and no one can appeal to it without imperilling his chances at the election. The Hindus as a body are sick of it and in their existing humour will make short work of the public career of any among them who proposes a large share of the public employment and of representation on public bodies for Moslem brethren than at present. The Moslems, on the other hand, are confident, thanks to the unwearied efforts of Sir Abdur Rahim, of securing with their unaided exertion and without entering into a bargain with the Hindus, all that any pact might give them in the best of circumstances. It is publicly stated that Sir Abdur Rahim, though then in Government service, was with Deshbandhu the joint-author of Pact. If it suited him at the time to make a secret compact with the Hindus in order to advance communal interests, it does not evidently suit him now to do so. For one thing, he is now at liberty, as he was not before, to champion the Moslem cause, which he is doing with remarkable zeal. For another, the communal consciousness of his coreligionists has grown much keener now than before, and he himself is not a little

responsible for intensifying it. And for a third, the pact was to come into full effect only after the attainment of Swaraj, which presents itself now even to the most ardent zealots as none too near an event. If, then, merely by appealing to communal conceits, the Moslems are now in a position to put their fellow religionists into office and by that means fully satisfy communal ambitions and aspirations, it would indeed be surprising if they showed any disposition to rely upon the continued self-denial of the Hindus to give them a power and an influence which, in any event, under the Swarajist creed, they could not use. What part Sir Abdur Rahim actually played in bringing the pact into being we do not pretend to know. But even if he were at any time keen on it, there is no reason why in the altered circumstances he should continue to swear by it. And, in point of fact, he does not swear by it; nor does any other prominent Mahomedan. With the result that the pact is already dead, Mr. Sen Gupta's capture of the Congress organization notwithstanding.

"Neither do we regret that the pact has no vitality left in it. For, ardently as we desire a speedy redress of the balance between Hindus and Moslems and a firm understanding between the two communities on the basis of right and justice, we confess we have no predilection for any settlement, which has in view only the political exigencies of the moment and has no reference to fundamental principles. The motive which inspired the framing of the pact was undoubtedly the desire to down the bureaucracy by a consolidation of the non-official element, and if Moslems could be persuaded to make common cause by doling out, or rather by promising to dole out, to them a few more jobs, Hindus thought they might do so. But Moslems have now realized that if they did not subscribe to the Swarajist creed but on the other hand combined with a few non-Swarajist Hindus, they could from their own administration, which would be infinitely better than any ineffectual defeat which they might be enabled to inflict on the Government by joining up with Swarajists. The Pact therefore has no advantages now to offer to the Mahomedans on the low plane of politics on which it took shape and the Mahomedans as a community therefore stand aside from it. As for the better order of Mahomedans, they have ever held this bribe as beneath contempt. What the newly founded *Moslem Chronicle* says of it may be taken to reflect the feeling generally of the Mahomedan community about it. "We have always had grave doubts," observes this paper, "as to the sincerity of its framers. It was to take effect after the advent of Swaraj, when, if it comes at all, the Swarajists will probably be nowhere. Moreover, it is our firm belief that, pact or no pact, the future of the Moslem community will depend upon their own stength and not upon the grace of others." Again it says: "We confess we were never enamoured of this artificial alliance which Mr. C. R. Das's instinct of self-preservation prompted him to conclude with the Moslems as a community. The Moslems never cared for it and always looked upon it as a ha'pworth of political cheese which could be thrown into the dustbin any moment they liked. And to-day the Moslem's position is so very secure that he can easily afford to ignore it altogether." This admirably sums up the prevailing temper of the Mahomedans in regard to the Pact. Combinations made with a view to a passing phase in politics cannot, from their very nature, outlast that particular phase and the Deshbandhu's Pact, intended to give strength to Swarajism, cannot endure after the decline of Swarajism itself. But no one need waste a tear over it, as the Pact was never meant to subserve and never did subserve the broad national interests."

# The Bengal Pact.

The A. B. Patrika of Calcutta wrote the following on the Bengal Pact:—

The so-called Hindu-Muslim Pact made on behalf of the Swarajya Party for Bengal was virtually an one-sided undertaking. It forbade "music in procession before any mosque," ignoring altogether the existence of temples, churches and other places of worship. Not only this. The prohibition was to apply for all time of the day or night, whether there was prayer or not. We need hardly say that the concession was against prevailing custom. Even the Calcutta Police authorities have observed far greater respect for the existing rights of non-Mahomedan communities to take out processions with music on public streets. The license for processions in Calcutta prohibits music before temples, mosques, churches, Gurudwaras, Synagogues and other places of worship at the time of public worship which means congregational prayer. The much abused author of the Calcutta Municipal Act (among whose "vices" orthodoxy was not certainly one) incorporated almost the identical terms of this provision in Police license in his Act. The Mahomedans also as a community never put forth the demand, and as a matter of practice processions with music have passed from time immemorial before mosques at all times of the day and night irrespective of any prayer, congregational or otherwise, that might be going on. Sir Abdur Rahim and a few Mahomedans of his ilk extorted the concession from Deshbandhu Das who was in a mood to make any concession if thereby he could get the support of the Mahomedans in the Legislative Council.

A storm of protest burst in the country when the terms of the Pact were published. Hundreds of protest meetings took place and at a public meeting of the Hindus held at the University Institute presided over by Maharaja of Durbhanga, the following resolution was unanimously adopted :

That the Hindu-Moslem Pact made for Bengal by the local Swarajya Party and accepted by the Bengal Provincial Congress Committee has greatly wounded the communal and religious feelings of the Hindus for which this meetings of the Calcutta Hindus records its emphatic protest and begs to inform the All-India Congress Committee at Cocanada that if it also accepts the Pact according to the recommendations of the Bengal Provincial Congress Committee then the Hindus will not on any account accept the Pact.

The Bengal Pact was concluded on the 17th December, 1923. The Congress was to meet soon after at Cocanada. The Committee appointed at the Delhi session of the Congress had, in the meanwhile, made a draft of the terms of what was called the Indian National Pact. Dr. Ansari was a member of the Committee, Lala Lajpat Rai was another. The Committee were unanimous, except for differences on certain minor matters. The Committee were unanimous in regard to the vexed question of music before mosque. Clause 9 of the Pact relating to the subject runs thus :

In order to secure and preserve a calm atmosphere for public worship, it is hereby declared that no music shall be allowed in front of places of public worship at such time as may be fixed by Local Mixed Conciliatory Boards.

It will be seen that the restriction on music was to be observed only to secure a calm atmosphere for "public worship," that is, congregational prayer and not only mosques but other places of worship were to be respected in the same manner.

Clauses 10 and 11 of the Pact relating to religious processions run thus :

Religious processions of different denominations when falling on one and the same date shall follow such different routes or be fixed for such different times as may be determined by Local Mixed Conciliatory Boards.

In order to prevent friction and settle all questions giving rise to differences and conflicts between different religious communities, e. g. on the occassion of Dushera, Moharram, Rath-Jatra processions, Sikh divans etc. etc. Provincial and Local Joint Boards will be appointed to act as conciliatory and arbitration boards.

Here is sincere anxiety to be fair to all communities and at the same time avoid conflicts by the efforts of the representatives of the communities concerned.

What was the fate of the Bengal Pact in the Congress? The iniquity of it shocked even not a few of the Mahomedan leaders and the fact was summarily rejected by the Congress by an overwhelming majority, the voting being 775 for and 205 against. The motion that was carried in the Congress runs thus :

Resolved that the Committee appointed by the Delhi sessions of the Congress do call for further opinions and criticisms on the draft of the Indian National Pact and submit for further report by 31st March, 1924, to the All-India Congress Committee for its consideration and Sardar Amar Singh of Jeswal be included in place of Sardar Mehtab Singh in Jail.

In spite of this resolution of the Congress, the Bengal Provincial Conference that met at Serajgunj accepted the Bengal Pact on the 3rd June, 1924.

Moulana Mahomed Ali who presided at the Cocanada Congress expressed himself strongly at the meeting of the Subjects Committee against the idea of the Pact. We read in the report :—

Mr. Mahomed Ali thought there was no necessity for any Pact Committees and special sessions. What was needed was the carrying out of the constructive programme. These Pacts and Committees would only accentuate the differences, while the work of constructive programme would remove them.

No truer words were uttered and his prophecy about Pacts and Committees has, as we now see, been fulfilled to the letter.

The Bengal Pact was concerned not merely with music before mosque. It allowed separate electorate to Mahomedans for Council elections leaving open the question as to the electorate of local bodies. It granted also 35 per cent of the Government posts to Mahomedans.

The National Pact, on the other hand, conceded separate representation to the Mahomedans to the legislatures "in view of the present state of feeling prevailing in the different communities and in view of the insufficient development of political sense and responsibility in them." But the principle was not to be extended to local bodies. Dr. Ansari was the only member of the Committee who wanted to extend the principle to municipalities and local boards. But the Committee were unanimous that "the electorate in all cases must be joint."

The question of percentage of posts in Government services does not find any place or mention in the National Pact. The Committee perhaps thought that the question was altogether irrelevant and showed only the meanness of a few educated people who in their eagerness for Government service were prepared even to bring about communal conflicts. These people, the Committee thought perhaps were of absolutely no worth in the struggle for Swaraj and should not find any place in any scheme of Swaraj.

# European & Anglo-Indian Polity

January–June 1926.

# The European Associations

## The Calcutta Europeans on Reforms.

Speaking at the European Association's annual meeting at Calcutta, on the 9th February, Sir Hubert CARR, in the course of a lengthy speech, said the report of the Muddiman Committee revealed the expected difference of opinion as to the best way of dealing with the experimental scheme of Government at present functioning in the country. The attention of the legislatures had been concentrated more on the Constitutional question than on the more practical question of how to improve the conditions of the people. He did not wish to suggest that the Legislative members had done no useful work, for individuals had done good constructive work in various directions. He did not doubt the wisdom of insisting on co-operation from responsible parties, as a *sine qua non* to any political advance, and he asked the Association to watch the test.

Proceeding, Sir Hubert said that the Reforms had unquestionably done something to awaken national consciousness, and they had got to watch whether it was directed to racial considerations in industrial and social activities.

After referring to the hesitation of the Swarajist Corporation in Calcutta, regarding the New Market question, he said that if one considered the magnitude of the Reforms experiment, it was no easy matter for Indian politicians to assist in the working of the Reforms in the face of political and social opposition. The fact that many had done so called for respect and inspired hope. He recognised that there were irreconcilables, but they had to keep a balanced outlook, and the Association must remain unaffected by racial antipathy and must whole-heartedly stand the orderly development of India.

### Indians in S. Africa.

Referring to the treatment of Indians in South Africa, Sir Hubert observed that all shades of opinion were united in the keenest resentment against the latest legislation before the South African Government. Indeed the Asiatic Bill was of a character which impelled those who spent their days in India to take steps to try and rectify the position. Their sympathy must be with their Indian friends in the struggle against the laws under which they laboured in South Africa. It was not easy for their Indian friends to be patient under those conditions. But it was useless to attempt retaliation. The only course open to them was to press the Home Government to second the efforts of the Government of India, to awaken a more considerate spirit in the South African Government.

Continuing, Sir Hubert paid a glowing tribute to the staff and particularly to Colonel Crawford, and welcomed Sir Charles McLeod.

After Sir Hubert Carr had delivered his address, Sir Charles McLEOD said :—

"Naturally, the most important point before us, at present, is the fate of the Reforms Act, which has now run about 7 out of the 10 years' probation. As the time draws nearer for considering the future, examination of the position exercises our minds. There were many of us who had spent the best part of their lives in the country, who doubted the wisdom of the late Mr. Montagu's proposals when they were made public, not because we grudged Indians their legitimate aspirations, but because, rightly or wrongly, we held the opinion that Indians had not yet grasped the enormous responsibilities that must be shouldered in administering millions of people who were quite incapable of realising what self-government meant. The Act, however, was passed, and it became the duty of every good Britisher to help, in every possible way, to make it a success. That course, I may say, was adopted. Co-operation was invited, as an avenue for progress towards the goal indicated; but it is much to be regretted that this was not met in the same spirit here in India. Indeed, the history of the past 7 years points more the other way.

"We, commercial men, are accused of coming out here to pluck the pagoda tree and retiring to Europe with the spoils. This is an utter fallacy. The fortunes taken from India only represent a very minute percentage of the capital sunk around this great city. The European Association, under its present policy, is out to help the cause of earnest co-operation and well-considered progress. It will oppose any measures that militate against these important factors. There are welcome signs that a more reasonable attitude is now spreading. It is our earnest hope that it may continue to do so, and enable India to retain her enviable title of the brightest jewel in the British Crown."

## The Calcutta Europeans' Address to Viceroy.

The Council of the European Association, Calcutta, presented to Lord Irwin on the 15th May at Simla a neatly couched welcome address assuring His Excellency of its assistance and support in the coming 5 years which promise, according to the Association, to be the most momentous in the history of this country. Mr. Langford James headed the Deputation of the Association which consisted also of Colonel Crawford, Mr. Owen Roberts and Mr. Dignasse. The former two represented the Council of the Association. Mr. Owen Roberts represented the Chairman of the Branches, and Mr. Dignasse, the ordinary members of the Association.

Before reading the address Mr. James acquainted His Excellency that the Association had branches all over India with the exception of one province. Its policy was regulated by the central body in Calcutta, the members of which were nominated by various branches. The Council had intended to present the address in Bombay, but proved impracticable. The Association had now however taken the earliest opportunity of waiting on

His Excellency. Mr. Langford James read the address to which Lord Irwin briefly replied emphasising that it was only through mutual understanding and confidence of all the peoples of India that India's future could be fashioned, and that, for his part, his one desire was to join hands with all official or unofficial British or Indians who were striving to build the India of the future. The Address stated :—

### The Association's Address.

"The European Association desires to take the first opportunity of offering to Your Excellencies its most cordial welcome on your arrival in India. The Association, which was founded in 1883, for the purpose of safeguarding and maintaining the rights of Europeans in India, represents non-official Europeans of all classes and creeds in the country. Its membership is drawn from the European populations alike in the great cities as in the country districts, and comprises the employers and the employed, those interested in land and agriculture, those concerned in commercial and industrial enterprises of all sorts and professional men. The members of this Association are certainly as much concerned as any of the peoples who inhabit India, that stable and efficient government should be established and maintained throughout India ; and it is the object of the Association, not only to safeguard the rights of its members, but also to work constructively for the good of the various populations of this vast country.

"The Association sympathises with the aspirations of the educated classes in India for gradual development of self-governing institutions in British India. It agrees that, wherever it is found possible or desirable to establish the principle of responsible government, the tests to be applied for the time and manner of the advance to this end are the co-operation received from those on whom the new opportunities of service have been conferred and the extent to which it is found that confidence can be placed in their sense of responsibility. The problem is one which emphatically demands goodwill and mutual understanding from all who would seek to solve it. But, in a matter which so vitally concerns the welfare and prosperity of all, the Association feels that there should be no cause for apprehension that sentiment will be permitted to override sane judgment.

"Your Excellency is arriving in India in the later stages of the first period of the experiment promulgated by the Government of India Act 1919. The period of Your Excellency's normal term of office therefore promises to be one of the most momentous in the history of this country. Throughout that period Your Excellency may confidently rely upon the loyal support of this Association. It is the opinion of the Association that it can give Your Excellency the best assistance by frank criticism and by stating its honest opinion upon all matters on which it may please Your Excellency's Government to consult it. It is in the sincere hope that Your Excellency may enjoy your term in this country and may be afforded the health and strength to perform the arduous duties of your high-office that we beg to subscribe ourselves."

### H. E. The Viceroy's Reply.

The Viceroy replying said :—

Gentlemen, I should like to say, at the outset, how highly I appreciate the feelings by which you have been actuated in coming to Simla to present this address of welcome to Lady Irwin and myself. Your visit here has not only involved the inconvenience incidental to a long journey, but has also been made at a moment when climatic conditions hardly allow that journey to be comfortable. But, I can assure you that I am very sensible of the advantage of making the acquaintance of your President and the members of your Council, and thus being brought in direct touch with the aims and objects of your Association in the first months of my period of office.

Your Association was, I understand, founded rather more than 40 year ago, and up to recent times found little necessity or inducement to take any very continuous or active interest in politics. But the great changes which subsequently found expression in the Reformed Constitution in India led you to re-examine your methods and activities from a new angle. I can readily appreciate how weighty was the decision which your Council arrived at as to the course then to be pursued. The terms of that decision are clearly set out in the published policy of the Association and in the statement of the

considerations which govern the action of your Council; and it would be superfluous for me to congratulate you on the decision or on the manner in which it has been carried out.

My predecessor in December last has already paid an eloquent tribute—the fruit of his close observation during the past five years—to the part you have played in the public life and in working the Reforms. It was hardly possible that with sympathies and political ideals rooted in British traditions, you should have followed any other course. Your duty was clear. Your inclinations, your past services in the development of this country, your intimate association with it, the great interests you represent and the contribution which it was in your power to make, all these conspired to import responsibility and to preclude indifference. It was thus inevitable that you, well versed in the spirit of representative institutions, should have felt impelled to take a direct and important part when India made her first steps towards Responsible Government.

Each one of us can interpret, in terms of his own experience and thought, the objects which representative institutions are designed to serve. Such institutions, in turn, make a direct claim upon every community and upon every individual to subordinate personal interests, ambitions or prejudices to the common good. From each and all, these times ask a contribution according to capacity. There is none so rich and powerful that he may afford to turn a deaf ear to their appeal; and there is none so poor or weak that his contribution is not of value.

Behind and beyond all the political or religious differences and disputes the Government and the people of India, as I conceive the position, are partners, in a great undertaking—that of fashioning the future of India, with its, as yet unknown, reactions upon the lives of 300 millions of our fellow human beings. Some can bring gifts to the inspiration by which the whole must be illumined. Some can assist in tracing the design. Many can be at work on the intricate mosaic, out of which the picture is to take shape and colour. Real progress, indeed, can only come through responsibilities realised and accepted; and we may feel very sure that the task is one which will be successfully accomplished only by those who approach their work with hope in their eyes and trust in their hearts; for only through the mutual understanding and confidence of the workers, can the design reach completion. And it must depend on the efforts of all those who love India and seek to do her service whether the completed picture will be worthy to adorn the Temple of History.

Meanwhile, as you observe in your address, the day is drawing nearer when the accomplishment will be weighed on its merits, and when the Mother of Parliaments will be called on to give an impartial verdict upon the measure of achievement in a sphere in which her store of experience invests her with special qualifications to judge. It is a source of encouragement to me that, in my administration, which must be expected to cover the period in which these grave questions will claim decision, I may count upon the support of your Association and may look forward, as occassion may demand, to receiving the benefit of your judgment and advice. I shall value this help.

In conclusion, gentlemen, let me assure you that, at the inception of my work in India, I knew only the single desire of joining hands with all, whether British or Indian, official or unofficial, who are striving to build the India that is to be. It is permissible to hope that by such common efforts we may win the privilege of giving something to the solution of those problems, on which depends the well-being and ordered progress of this country and its people.

The deputation then withdrew.

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## The Punjab Europeans on their Rights and Privileges.

Colonel J. D. Crawford, the General Secretary of the European Association, in his address to a gathering of members and friends of the Association's Punjab branch, at Lahore on the 12th February traced the history of the Association, and referred to its origin having been

brought into existence by a measure brought in not by an Indian, but by the Government of India, under which it was proposed for the first time, to make a European liable to trial by Indian judges. The Planters from Bihar and all sorts of people had rushed into Calcutta and threatened to put the Viceroy and everybody concerned into a ship and send them all off to sea. The measure was not passed, said Colonel Crawford, and from that occasion the European Association had its being.

Some of those present would not, perhaps, realise the importance of what those who took part in agitations of that kind had done on behalf of Europeans in a country like this, but it might be made clearer to their mind if the speaker recounted a recent experience which was unfortunately only too common. Recently in Calcutta a motor car owned by an Englishman ran over a cooly. There were two English ladies and an Indian chauffeur in the car. The case came before a Coroner's jury entirely composed of Indians. It was alleged that the lady was unable to drive a car at all and that it was the Indian chauffeur himself who admitted that he was driving the car at the time of the accident. The jury found a verdict of "rash and negligent driving" on the part of the lady. It was not the speaker's intention to criticise, but it would be easily understood that it was very necessary that there should be a body of Europeans capable of looking after and ready to vindicate the Europeans' interests in general.

### Association's Activities.

The speaker considered that the finest work of the Association ever done was to effect the passing of the Racial Distinctions Bill, reserving the right of an accused to be tried by a majority of his own countrymen. That in itself was a justification for the existence of the Association.

Colonel Crawford warmly congratulated the Punjab branch of the Association on its recent activities, and referred to its decision to send its legal representative to watch as many as possible of the trials of Europeans This again, he said, should encourage support for the Association from Europeans throughout the length and breadth of India. The Association might be described as a White Man's Trade Union. Its purpose was to protect their interests, and to voice their needs in very much the same way as the Union of the working man did at home. The only real difference was that a Home membership was compulsory whereas here it had to remain voluntary. Originally the organisation had been merely a defensive one ; then it had fallen into a state of stagnation and disuse until in 1898 there were some who said it had served its purpose, and that its place might be taken by the Chamber of Commerce and similar organisations. The speaker considered there was a fallacy in this suggestion, for a commercial organisation was always liable to be charged with being a capitalist organisation, and on that account its views would be very seriously discredited, for instance, in the eyes of a Labour Government at Home. It was decided in the end that the Association should not be allowed to die, and during the past four years, during which the work of reorganisation was undertaken, extraordinary success had crowned their efforts.

### A Recognised Body.

Both in the Government of India and at Westminster the Association was now recognised once and for all as the body responsible for, and repre-

sentative of, Europeans in India in general. Its influence stood side by side with that of the Chambers of Commerce of Bengal and Bombay. This might be proved by the references made even in the House of Commons to the Association merely by name, and a statement by the representatives of that Association was now recognised as conveying the considered opinion of the European community in India.

The speaker went on to mention further signs of the times. The President of the Association Sir, Hubert Carr, had recently been knighted, He considered that it showed more than ever the respect which the Association itself was inspiring in the view of the Government of India. Similarly invitations received from all political bodies in India for representatives of the European Association to attend important meetings showed also the general feeling that the Association had become an element to be considered in public affairs.

Colonel Crawford dealt at some length with the political point of view and, referring to the statutory Royal Commission he said it was most desirable that there should be no tinkering with the Reforms except through the Commission itself and he asked Europeans to do everything in their power prior to the appointment of a Commission to collect, in an unbiassed manner, evidence as to the working of the administration under the present Reforms. The Constitutional policy of the Association, above all things, must not be a selfish one. It must stand for, and produce, conditions which would be beneficial to India as a whole. Such, he contended, had been the liberal policy of the Association for the past three years, and it was the only successful one for the future.

## The Punjab Governor on India's Need for British Protection.

Sir Malcolm HAILEY, Governor of the Punjab, who was the guest of honour at the second annual dinner of the Punjab Branch of the European Association on the 26th February, replying to the toast of his health, delivered a speech reviewing the present political situation in India, and pointing out the need for Europeans in the country for many years to come, and explaining the causes of communal and religious differences in the Punjab. Said His Excellency :—

"It will be many years, before India can dream of dispensing with British troops, or with the strong element of British officers in command of the Indian section of its army. Perhaps we who live in the Punjab and who have a somewhat close connection with the problems of the Frontier are better able to appreciate that fact than are our friends in Madras and Bombay. We, perhaps, are aware somewhat more acutely that in the last resort the bayonet is more potent than the ballot-box. I should doubt whether you would find in the Punjab at large, which after all contributes the greater bulk of the recruits to the army and has a somewhat intimate acquaintance with the work which lies before it, any belief that India could raise a national army in the near future which would allow it to dispense

with the British troops. No argument that I have ever heard would convince me of the feasibility of maintaining British troops in the service of a purely Indian Government. It is unnecessary to prove the reasons. For my part I am convinced of the fact ".

Mischief of Communal Differences.

Referring to communal differences, Sir Malcolm Hailey said: "The mischief of these communal differences does not lie in the fact that such differences exist. I maintain that every community has a right to promote and defend its own interests, communal and religious. Differences have been rife in the past history of Europe and are rife to-day. Differences though I trust not in the present form, are inevitable in the future. The mischief does not lie there. It lies in the fact that the value of honest work is constantly impaired by unjust suspicion based on circumstances of birth or religion. I firmly believe that I have a mass of opinion in the Punjab behind me when I say that so long as this continues then it is necessary that the administration of this country should contain an element of sufficient strength to allow the administration as a whole to carry on its work without being impaired by these differences."

Concluding, His Excellency said: "Great as has been our contribution to the development of this country, great as we believe the field to be for further assistance which is open to us, great as is the value of India as a partner in the Empire, yet I believe that Europeans at large are convinced that there would be little value in that partnership unless it were maintained by a full and free recognition from India herself of the necessity of this connection, not only for her security, but for her development and her happiness. We wish to stand neither on power nor on prestige. We base our position rather on the needs of the future than on claims connected with the past. Our ambition is to stand in India as friends and coadjutors of a people who know our value and welcome our presence."

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## The Madras Europeans on the Political Situation.

Presiding over the annual general meeting of the Madras European Association on the 24th February at Madras, Sir Alexander MAC DOUGALL congratulated the Association on having gained an accession of more members and said that during the coming year, he hoped they would still increase their membership. There was ample room for the increase in membership as they had not quite an efficient number of members on the rolls judging the percentage of European residents in the city from the census report. Continuing the Chairman referred to the fall in the subscription and hoped that with the support and co-operation of the members the subscription amount would be very much improved next year. After referring to the particularly good report of work they had received from the branch associations at Bangalore and Trichinopoly, the speaker went on to refer to the address of Sir C. Sankaran Nair, delivered

last year at the Association meeting with a view to get the support of the Association in his election for the Council of State. It was, the speaker said, a very successful meeting, though not in point of number of attendance. When a gentleman of Sir Sankaran Nair's position addressed their meeting, the members were to have taken more interest in such a meeting and he thought that Sir C. Sankaran Nair deserved a little better treatment at the hands of the members by attending the meeting in large numbers. He was glad, however, that the Executive Committee advised the members to vote for Sir Sankaran Nair and that they were all pleased that Sir Sankaran Nair had come out successful in the elections.

### Present Political Situation.

It had been usual for the speaker to say something, on an occasion like the present, about the political affairs of India. But he had been absent from the country for the greater part of last year and he did not feel he was sufficiently acquainted with the political affairs to refer to them at great length. Their Association, as a provincial branch, was not so much interested in Imperial affairs as they might be, because they had a Council of the Association in Calcutta and that Council was better qualified to speak on such matters. The members of the Council were more adoptive to look after the interests of their community imperially than the members of the branch association. That Council consisted of a very strong body of Europeans and at the meeting of the Council recently held, the Chairman, Sir H. Carr, had reiterated the position which the Europeans had adopted in this country.

### Co-operation with Indians.

That speech of Mr. Carr was fresh in the memory of them all that it was needless for him to go over the same ground. "The position of Europeans in the country," the speaker said, "has in no way altered from last year. They still adopt the attitude that they are out to serve in India in the best possible way and the best way in their view is to support the reasonable demands of the Government and to endeavour a further extension of reforms, if need be, by all constitutional means. They are willing to co-operate with the Indian who is really anxious to the welfare of his country and who will agitate for any further instalment of reforms in all constitutional ways. But we have no time and will never have for those who, in the form of Swarajists, were out for destruction and not for construction. During last year Lord Birkenhead had in his speech referring to this country made the Indians understand that unless there is a little more co-operation with the Government by the various political parties, no further instalment of reforms would be received in this country. That is the belief that has been held for many years by the Europeans in this country. Unfortunately I believe many Indians thought that by agitation and non-co-operation with the Government they would force the hands of the Government at home to give a further instalment of reforms before ten years have elapsed. They now distinctly understand that no such thing is possible."

### "A Distinct Improvement."

"Since His Lordship's speech," the speaker continuing observed, "I believe there has been a distinct improvement in this country. People are

getting down to real facts and they understand that without co-operation with the Government nothing further would be given to them. We, Europeans, welcome the change of attitude and trust that it will continue until parties in the country would be out for co-operation. We do not wish to keep the country with British bayonet or other armed force. Our position was summed up very tersely by Sir Malcolm Hailey in his address he gave to our association recently in the Punjab. Sir Malcolm Hailey had said that our ambition is to stand in India as a friend and co-agitator of the people who know our value and welcome our prestige.' That, I think, sums up our position and to the really honest minded Indian who has no gallery to speak to and has his own silent thoughts, it would be seen that is what we exactly want and what he too wants. He would be willing to state so if he is quite honest. But I am afraid that many fear to give free vent to their thoughts and instincts on account of what would be said of them in the Indian press and elsewhere."

## Hindu-Muslim Unity.

Concerning the problem of bringing about unity between the Hindus and the Mussalmans, the speaker said that not very long Mr. Gandhi or Mahatma Gandhi fasted when he thought there was disunion between the two communities. As a result of that fast the leaders of all parties met in a "Unity Conference" and passed resolutions calling upon the people to preserve and work for unity between the Hindus and Musalmans. One would have thought that the resolutions passed in that atmosphere would have borne fruit. But unfortunately the two communities did not seem to trust each other. In a country like India, where there were so many sections one community seemed to be in a minority in one Province and in another the same community was in a majority. The majority in one Province would ask the minority in the same Province to trust them, to sink their communal differences, to give up communal representation and if they joined them, they would safeguard the minority's interests. Just the opposite views would be held in the other Province. To explain what he meant, the speaker went on to say that in Madras, they had a vast Hindu majority who would ask the minority community, the Muslims, to trust them and to sink their communal differences. The Mahomedans on the other hand would say 'no' to such an offer. In the north in some places the Mahomedans were in majority. But the Hindus in the minority would not trust them. So the great game was going on. But the real thinkers of India believed, that the country could only advance with the nationalistic spirit, if all people, the Hindu, the Mahomedan, Parsee, Sikh and other communities, would think that they were Indians first and sectarians next. Instead of sitting in the Councils and saying that they would non-co-operate and disturb the Government, if they would go out to their own communities and preach the gospel of trust to the people they might then be able to do away with communal interests and carry on better national work, Until they would do that, the speaker did not believe they could ever have unity in this country.

# The Anglo-Indians & Domiciled Europeans

Presiding at the annual general meeting of the Anglo-Indian and Domiciled European Association on the 6th April at Calcutta, Col. H. GIDNEY said :—

" I have a message to you from our late Viceroy, Lord Reading. He has really evinced a great interest in the welfare of our community. I remember so well my first interview with him when he did not know much about our people, and I also remember my interview with him 3 months afterwards when he seemed to be quite at faith with everything relating to us. Since then, I have had several interviews with him, and I can safely say that he has been a real and true friend of our community. He came to India, when the ship was in a very stormy and troubled waters, and he leaves it now when it is lying in smooth waters, and I feel sure it will be kept in smooth waters by Lord Irwin. Lord Reading sent me this message through his Private Secretary on March 30th last: ' His Excellency has been greatly impressed by the recent strides made by the community which you represent.' He sent us this the day before he left Delhi. I feel sure I am voicing your opinion when I say that you should record in a formal resolution of our grateful thanks to Lord Reading and also to Lady Reading."

The resolution was carried.

Concluding his speech, Colonel Gidney said :—There is one thing I am proud to be able to report, and that is that throughout India, and I speak especially of Burma, there is a perceptible awakening of the political and economic consciousness of the Anglo-Indian who is at last awakening from his sleep to realise that the time has come when if he wishes to keep any position in India, it will be by his own efforts and not by seeking the assistance or support of any other community. It is the grandest thing I have witnessed during the last ten days of my tour. This is the beginning of the future of Anglo-India. Why should we not now, when our political conscience has been awakened, go forward and accomplish everything we undertake ? "

At the concluding sitting of the Anglo-Indian Association the need for pressing the claims of the Anglo-Indian community in the changing conditions of India and their claims upon the Central Government for the education of their children were urged. The necessity of having a journal of their own and a proposal for floating a limited company, with the members of the Association as share-holders, for running the same was discussed, and a resolution to continue the existing journal meantime with Mr. Curtis of Agra, as printer and publisher and Mr. Maguire of Calcutta, as editor was adopted.

As regards Anglo-Indian education, Colonel Gidney pointed out the uncertainty about the future of European education. It was unfair, he said to expect the Indian taxpayer to pay for European education which was five to times more expensive than his own. The provincial revenues received

very little augmentation from the community and could have no claim for the education of their children upon the Provinces.

Whatever tax the community paid went to the Central Government. They contributed two-thirds of the Auxiliary Force, thus saving the employment of 16 to 20 British units and effecting a saving of Rs. 2½ crores in the Military Budget. The community thus had a claim on the central revenues for the education of their children.

The meeting unanimously passed a resolution claiming that Anglo-Indian education be made a Reserved subject under the control of the Central Government.

Resolutions were passed requesting the Provincial and Central Governments to enquire into the working of the Anglo-Indian and European charitable endowments, and urging early sanction for the admittance of Anglo-Indian units in the Indian Army and Navy with equal opportunities for entrance into all ranks as enjoyed by Indians. Other resolutions inviting the community to focus their political needs for presentation before the Statutory Commission on constitutional Reforms and requesting the Government of India to either appoint a member of the community on the Royal Commission on Agriculture or to allow one of them to give evidence before it were adopted.

As regards the formation of an All-India and Burma organisation, it was decided to seek legal advice as detailed steps for the dissolution and subsequent fusion of the existing associations into one big body involved legal and constitutional issue.

Colonel Gidney was re-elected President-in-Chief of the Association after the delegates had expressed confidence in him.

## Col. Gidney Entertained.

On the 16th April Col. Gidney was entertained to a dinner by 150 members of the Anglo-Indian and Domiciled European community at the Grand Hotel.

Responding to the toast to his health, Colonel Gidney impressed upon the audience the necessity of unity and the desirability of their regarding themselves as statutory natives of India who had to create their own place in Indian National life under Swaraj. One thing which had impressed itself upon him during his recent visit to England was the fact that the Anglo-Indians had to create their own position in the new India which was daily being brought into being. For that reason he appealed to them to sink their differences and join the Anglo-Indian and Domiciled European Association.

## The Round Table Conference.

A Round Table Conference of the delegates representing the Anglo-Indian community all over India and Burma was held at the Town Hall to-day. Col. Gidney was voted to the chair.

Questions for discussion related mainly to the amalgamation of all the different provincial associations with the all-India body, and to the future policy of the community.

Amalgamation Scheme Approved.

The amalgamation was agreed to by a majority. There was only one dissentient—a delegate from Burma: but he stated that he did not belong to any association.

Delegates from the Madras and Allahabad Associations remained neutral, because, although they were in favour of amalgamation in their individual capacities, they had no mandate from their Association.

Colonel Gidney of need for a Central Organisation.

On the question of the future policy of the community, the resolution moved by Colonel Gidney and seconded by Mr. H. A. Stark was unanimously adopted. It stated that the Anglo-Indian community should join hands with the Moderate Indian and the Moderate European for the advancement of India and the attainment of Dominion Status within the British Empire, and that it should be an article of faith with every Anglo-Indian to treat the Indian as his equal and not as inferior as they expect to be treated themselves.

Emphasising the need of unification of the Associations into one compact representative body with a central organization, in the interests of the community, Colonel Gidney said that it must be obvious to each one of them that the interest of the majority of the Anglo-Indians was not provincial interest. Most of them were mainly maintained by the All-India services, and as these were directly under the Central Government, it was all the more imperative that the community should have a strong central body and should be able to speak on matters Imperial, with authority. All that they wanted was unity of thought of word and of action, and a central organization for conducting all matters of Imperial importance. They must begin to learn to think imperially and not purely provincially.

The Conference was representative of every province in India and every association in India and Burma. Mr. Campagnac (Burma) Mr. Desanges (U. P.) Mr. Barton (Bengal) as also Mr. Stark, editor, "Anglo-Indian Citizen" attended the Conference.

# India in Parliament and Abroad

January–June 1926.

# The Asiatic Bill.

## *HOUSE OF LORDS—24TH FEBRUARY 1926.*

On the 14th February in the House Lords, Lord OLIVIER drew attention to the apprehension publicly expressed by the Viceroy with reference to legislation proposed by the King's Ministers in the South African Government affecting the rights and interests of the King's subjects of Indian origin and descent domiciled in South Africa. He asked for an assurance, that these rights would be equitably guaranteed and maintained. He quoted a Reuter telegram reporting a speech of the Viceroy published on 20th January, which they trusted would really bring matters to a head and let them have some kind of moratorium from this great pressure which was put upon Indians "and which is leading great disturbance in our own Imperial relation."

Lord Olivier, proceeded to deal with the history of the question, declared that the position had become more serious in South Africa by the re-introduction of the Colour Bar Bill. He quoted extracts from a speech of Gen. Smuts including a passage in which he said South Africans would gather on their heads the hatred of the whole of Asia. Lord Olivier said Gen. Smuts was not an alarmist, but a statesman who had studied history and knew from experience what the effects of the policy would be upon India. Lord Olivier said that generally in the opinion of Lord Reading, and, in the opinion of anybody who had been connected with the India Office, "these oppressive enactments—the Colour Bar Bill and Areas Registration Bill—were a distinct infraction of the rights belonging to Indians which the King's Government was bound to maintain and safeguard." In conclusion, Lord Olivier asked whether they were going to maintain the principle of colour equality or not; because that principle had repeatedly been declared on behalf of the Government by the previous Governments as the Empire's bedrock.

Lord LAMINGTON said there was no analogy between Indians in Kenya and Indians in Natal and South Africa. Generally, he was in entire sympathy with Lord Olivier with regard to the general statement of the case.

Lord BIRKENHEAD, replying, said the position being that the Government of India and South African Indians had been given an opportunity to state the Indian case before a a Select Committee, he was confident the House would agree, in the circumstances, that no good, possibly much harm, might result from a full discussion here of those matters. That was the view taken by all political parties in India in similar circumstances, and he could not too highly pay a tribute to their good sense and moderation in agreeing to the Viceroy's request to postpone the debate in the Assembly on the subject. Lord Birkenhead earnestly hoped that the new examination of the problem now proceeding and the presentation of the Indian case by those directly affected would lead to a satisfactory and enduring settlement.

Lord Olivier welcomed Lord Birkenhead's statement and withdrew his motion for papers and the debate was ended.

## *HOUSE OF LORDS—19TH MAY 1926.*

On the 19th May in the House of Lords, asking for official information on the agreement between the Government of South Africa and the Government of India, Lord OLIVIER said that the announcement made in the press was of a very satisfactory character, namely, that the Union Government had generously abandoned its enquiry and had agreed to proposals made by the Government of India for an open Conference between the two Governments. He declared that the manner in which the correspondence had been conducted by the Government of India and the deputation was a matter for highest congratulations to Lord Reading, who, by his diplomacy and the admirable character of the representatives he selected, had really achieved important success in the history of Imperial relations. He asked what arrangements were contemplated as regards the date and the place of the Conference. Would it be held concurrently or associated with the Dominions Conference in October? He was of opinion that the Conference might raise points, which might similarly arise between Dominions and possibly also Imperial Government. In view of its connection with India and the Dominions, he emphasised the need for maintaining the Western standard of life but such standard was impossible in any

community in which any class was treated as serfs and helots or was in any way excluded from whole of the privileges of that civilisation. He also asked whether the effects of the Colour Bar Bill on the Indians would be raised at the same Conference. He said they were as great an infliction as the other Bill which had now to be considered. Lord Olivier repeated that the maintenance of western civilisation was impossible while any class was excluded from certain occupations.

Lord BIRKENHEAD stated that no conclusion had yet been reached regarding the time and place of the Conference. He would inform the Parliament when a decision was taken. As regards the query whether the discussions will overlap, or be connected with the Imperial Conference, the answer must depend on considerations which, at present, cannot be precisely foretold. It depended on the date of the discussion. If, for instance, the discussions were held in London and synchronised with the Imperial Conference, all kinds of questions of convenience would require consideration.

It was also impossible to give a precise answer at this stage to the question whether they could usefully invoke such examination of the Conference at the Imperial Conference. He declared it was not proposed that the Conference should deal with the proposals of the Colour Bar legislation. It was now quite certain that the Colour Bar legislation would become law, though there were proposals in it, which, to put it mildly, were not received with favour and gratitude in India. There was a fundamental distinction from the viewpoint of the Indian settlers between the Colour Bar and Asiatic legislation. He pointed out that Asiatic legislation, particularly on the face of it, was pointed at the Indian population in South Africa. This discrimination was felt in many quarters to be harsh and difficult to bear. On the other hand, they had to recognise that the Union Government had an unquestionably grave and general Native problem with which to deal, that they were the custodians of the affairs and interests of South Africa in relation to the problem which beset them, and in the general problem, such Indian questions as might arise were secondary, and secondary also as regards the numerical importance of Indians in proportion to the population.

Lord Birkenhead added that one can not take the view that some considerations must, or even ought, to be decisive as regards Colour Bar legislations, as the Government of India had, not unsuccessfully, urged on the Union Government, to be a relevant and possibly decisive consideration in the matter of Asiatic question. Therefore, it was neither hoped, nor expected, nor would it be possible for the Colour Bar question to be in any way affected by the proposed Conference.

Lord Birkenhead agreed that an important advance had been marked by the agreement to hold a conference, but it would be premature to say that the holding of the Conference necessarily connoted certainty of agreement, or even compromise, but much had been gained. He declared that when the controversy was threatening to create and exacerbate feelings of ill-will between citizens of different parts of the Empire, it must cause the deepest anxiety to those who had the interest of the Empire at heart. It was not in the power of His Majesty's Government to suggest and, obviously, still less, to dictate a solution. The Government of South Africa, after discussions with the Indian deputations, had, not without sacrifice to the course to which they appeared already committed, consented to the holding of the Conference, which necessitated a postponement, which could not be welcome to many of their own supporters, and they made the Conference conditional only upon broad general considerations which Lord Olivier superficially examined in his speech. Lord Birkenhead would not at present discuss it because, in his position, it might, to some extent, embarrass the negotiations. Lord Birkenhead emphasised that they were indebted, as indeed the Government of India was deeply indebted, to the consideration and patience of the Government of South Africa in the matter deeply concerning many elements of population of that self-governing Dominion. Lord Birkenhead paid a tribute to the services of the deputation, whose constitution was a matter of considerable discussion between Lord Reading and himself. He was gratified that the deputation had presented the case with tact, persuasiveness and dignity. He endorsed Lord Olivier's praise of the efforts of Lord Reading on behalf of this cause. Throughout his Viceroyalty, Lord Reading had handled the matter, which, in many stages, presented elements of combustion, with his characteristic tact and conciliatory intuition. Lord Birkenhead repeated that it would be wrong even now to hold out the impression that the matter would be completely dealt with, but a large measure of success had been attained for two parts of the Empire by friendly discussion and patient negotiation. They had avoided a clash on a great Imperial issue and they were at least entitled to hope that the maintenance of this spirit and display of the same patience during the negotiations might permanently end the source of misunderstanding and anxiety, which had perplexed his predecessors at the India Office for generations.

Lord OLIVIER thought that Lord Birkenhead had given all satisfaction that could be expected at the present stage, although he was a little disappointed that Lord Birkenhead thought it impossible to bring into the Conference the question of the rights of Indians to which he had referred.

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# The Judicial Committee Bill.

The following is an account of the Debate on the Second reading of the Judicial Committee Bill in the House of Lords in June 1926 :—

The LORD CHANCELLOR (Viscount Cave): My Lords, the purpose of this Bill is to authorise the appointment of two members of the Judicial Committee with experience of Indian law and at a reasonable remuneration. Appeals to the Privy Council, including the special references, have grown very rapidly during the last twenty years, and the Indian appeals especially, which in the years 1906 to 1910 averaged 52, have, I believe, in the last five years averaged 91 per annum. It has often been necessary for the Council to sit in Divisions. It has sometimes been difficult to provide sufficient members of the Judiciary both to man the House of Lords when it is sitting on appeals and to man the two Divisions of the Privy Council. We never sit now in this House with fewer than five members. It is desirable to have five members sitting in the First Division of the Privy Council and not fewer than three in the Second Division. It is not always easy, with the present material, to provide that number.

I think that even my predecessors in my present office found some difficulty, but mine is greater. Whereas they had the assistance usually of four ex-Lord Chancellors I have only one upon whom I can rely. Three of our ex-Lord Chancellors by a chapter of accidents, have their time fully occupied elsewhere, but my noble and learned friend Lord Haldane still gives his invaluable help, both in the Judicial work of this House and at the Privy Council, sometimes, I am afraid, without regard for considerations relating to his own health. Also one is able to have the voluntary assistance of those distinguished ex-Judges of the Court of Appeal who sit in this House, but it is absolutely necessary that we should have two members of the Privy Council with special experience of the diverse systems of Indian law and able and willing to give the whole of their time to the judicial work when the other tribunal is sitting.

We have had, since 1887, two members of the Court appointed under the Judicature Act of that year, but under terms which provide for them a remuneration which is really not sufficient even to pay their ordinary expenses. One of those, Sir John Edge, retired at the end of May last at the age of 84, and I should like to take this the first opportunity I have had since his retirement, of paying a tribute in a few words to the great public services which he has rendered. He was appointed a Justice of the North-Western Provinces 40 years ago He returned to this country in 1898. Since then he has been, firstly, a member of the Council of India, and since the year 1908 an active member of the Judicial Committee of the Privy Council, and I think that not only his knowledge of Indian law but his experience of the Indian character, and his strong common sense, will long be missed by his colleagues on that tribunal. The other member sitting from India is Mr. Ameer Ali, who has also been with us since the year 1907, and who has done, I need hardly say, admirable work, but during the last year or two has sometimes been prevented from sitting by reasons of health.

I think I have said enough to show that some further assistance is required. Last year, after consultation with the Secretary of State for India, and with the late Viceroy, who was then here, we proposed to the Government of India that two new members should be appointed at a salary of £4,000 a year each to be contributed as to one half by this country and as to one half by India. That proposal was brought before the Indian Legislature, but after debate was rejected. I have read the debate and I am not quite sure that all the members who took part fully understood what was proposed, and I am told that it is possible that a different view may be taken at some future time. Of course the matter cannot wait, and what we now propose to Parliament is that His Majesty

should have authority to appoint two members of the Judicial Committee of the Privy Council, with special experience of India, at a remuneration af £2,000 per annum each, but that if hereafter India should provide a further sum, then that sum shall go to the members appointed. Meanwhile, we think that a remuneration of £2,000 plus such pensions as the person appointed may happen to have would form sufficient remuneration for each of them. Such details as the age of retirement, the qualification for appointment, and matters of that kind, have been discussed with the Secretary of State for India and are inserted in the Bill. It is not proposed that the two members to be appointed should interfere with the appointment of the surviving member appointed under the Act of 1887, but when he vacates his office it is not proposed that any further appointment should be made under that Act. Those are the short details of the proposal. I think every one who is acquainted with the facts will agree that some such measure is required. Of course I am ready to discuss details in Committee. Meantime I ask your Lordship to give the Bill a Second Reading.

Lord BANBURY of Southern: My Lords, as I understood it, the effect of the Bill is to cost this country £4,000 a year more, and India has refused to contribute anything to the salary of these Judges, who really are appointed to deal with Indian matters. That seems to me to be the effect of the Bill. After the speech of the noble Viscount, the Lord Chancellor, I am loth to do anything to interfere with the Second Reading of the Bill, but at the same time I cannot help expressing my regret that even in such a small matter as £4,000 a year economy seems to be on the side of the Indian Government and not on the side of this Government. I should have hoped that the Indian Government would have paid the salary of these gentlemen, and that in the parlous state of our finances we should have withheld payment of salary until a better time.

Viscount HALDANE: The noble Lord who has just sat down has spoken as if the Judicial Committee on the Privy Council, in what it does for India, was only an Indian institution, but the Judicial Committee—

Lord Banbury of Southam; I should have said Indian cases, as I understood it.

Viscount Haldane: The Judicial Committee of the Privy Council is one of the great institutions of the Empire—one of the really living links which remain. The Navy is one, the Judicial Committee is another, and of course there is the Sovereign. But if you take it away, or if you cause it do its work with insufficient means, all I can say is that it is very bad for the Empire, and you are losing one of the most valuable means of holding the Empire together. It was with great relief that I heard the speech which the Lord Chancellor has made from the Woolsack. He has watched over the Judicial Committee with affectionate care, and now he shows that he is alive to its grievous necessities. I call them grievous necessities advisedly. I have sat there on the Judicial Committee longer than, I think, any Judge alive, unless it be Lord Dunedin, who has sat there since he was Lord President of the Court of Session, and all I can say is that the Committee is getting into a deplorable condition.

I will take India first. The cases from India are, on the average, double what they were twenty years ago, and not only double, but they are not diminishing in importance, and it is urgently necessary that we should have more assistance in Indian appeals. I am never satisfied when I hear that only three Judges have sat in Indian appeals—not that three is not a very good number, but that the Empire expects that we should sit in a Court of five, which is the size of their own Courts in most of the other parts of the Empire. Not only that, but the volume and the importance of the business is increasing. It may be that we are not of the quality and swiftness of our great predecessors, but I am told that to-day an appeal averages two hours and twenty minutes more to dispose of than it did in the days of Lord Cairns and Lord Selborne. That may be either because we are not so quick or because the business is increasing in magnitude and importance. But this is certain, whatever else is obscure, that the Privy Council is not diminishing in its jurisdiction.

I hear great complaints of the Empire having to come to Downing street to have its appeals heard. It may be that these things are said in the Dominions, but the fact remains that the volume of business is growing and growing. Even from Canada and Australia there come more appeals than ever, and we are just entering at present on a long list of New Zealand appeals. It is not only that, but now Overseas Dependencies of the Crown are bringing their appeals. We are very busy just now with appeals from Palestine. I have been presiding over an appeal from Palestine the last two or three days. We are very busy with appeals from West Africa—a place from which there was no such thing only a short time ago. And from all parts of the Empire new activities and new developments of commerce and industry are bringing more business to the Judicial Committee.

In that state of things I have something to say which I am afraid will be of very little comfort to the nobel Lord, Lord Banbury. Not only do I think that it is essential that this country should give some assistance for the provision of two more Judges to sit on the Indian appeals, but we require urgently more Law Lords for disposing of the appeals that come from the rest of the Empire. At this moment how are we carrying on? We beg, borrow and steal because we have not got Judges of our own The President of the Divorce Court is so kind as to come and sit this week He is a Privy Councillor, and he will help us out of a law of awkward difficulty. And, as the Lord Chancellor says, we are not rich in ex-Lord Chancellors as we used to be. Lord Finaly is serving his country on the International Tribunal at the Hague. Lord Buckmaster is called away to other occupations, and Lord Birkenhead holds a high office of State. There remain the Lord Chancellor and myself, an ex-Lord Chancellor, from what may be called the Chancellor's list. Then, in addition to that, we have six Law Lords, full Law Lords —what in India would be called pukka Law Lords. That makes eight. And then, for the rest, there have been two Judges from India, and I Hope there will again be two Judges from India if this Bill passes. That brings us to ten.

What business has to be disposed of? Six years ago the Privy Council was able to do its work sitting in one Division, and this House too took the Judges for another Division That was practically two Divisions of the Law Lords. But it became apparent that the Privy Council, to get through its work, had to sit in two Divisions—the growth in Indian business in itself was enough to account for that—and it does sit in two Divisions, and two Divisions of the Privy Council, and one here, require fifteen Law Lords. I have already done a sum in arithmetic from which your Lordships will perceive that there are only ten Law Lords available, including the two Indians, who cannot sit for the other business. What do we do? The patriotic energy of my noble and learned friend Lord Phillimore and the patriotism of my learned and noble friend Lord Darling and of others come to our assistance, and they, with great public spirit, make up the unfortunately ragged regiment which is all that we have to bring to bear upon our task. That is deplorable We have to man a tribunal of fifteen in the three Divisions from ten normal Judges and such others as we can get. Some how we do get them. The patriotism of people is extraordinary. During the strike we had old, retired Judges of over eighty coming down, mainly on foot, long distance from the West End of London to sit, and sit they did. The other day a learned colleague of mine in the Privy Council who was eighty-eight came and sat with us. That is the way we have to get along. But it is not right. It is not really consistent with the duty of the Government towards the Empire to leave it with a state of things like that.

Your Lordships will say that we do not hear about it; it must be going on very well, for nobody complains. Nobody complains because who goes to Downing-street to look at that Court? The Judicial Committee of the Privy Council advises the Sovereign on appeals from the whole of the Empire, except England and Scotland and a part of Ireland. The other appeals come here, and your Lordships dispose of them, and people come and see these beautiful benches. They see a serious and sedate looking body of five sitting and disposing of the appeals, and they say, "That is all right." But who ever goes to Downing-street. A great many people from India and from Africa go. There you may see a swarthy local monarch in full uniform, with a great apparatus of staves and banners, attended by his court, coming to listen to the hearing of his appeal against the British Crown. We have these things every now and then But nobody from this Chamber, so far as I can observe, takes the trouble to turn into Downing Street to look at the supreme tribunal of the Empire doing its work, although every subject of the King-Emperor is entitled to go in there and see that the duty is done.

The neglect of this very important body is deplorable. It may go, and, if it goes the Empire will go on all eight, but a link is in the process of being eaten away by sheer neglect and decay at this moment. It is impossible to go on as we are going on just now. We have been working here in the last few days, and we have disposed of a large number of appeals. But that is not because they happen to be short appeals. The appeals sometimes take a week, sometimes a fortnight to hear, and we sit only four days a week. Be it remembered, too, that the judgments have to be put into writing, and that they are long judgments, and have to be very long judgments dealing with very intricate affairs. A considerable part of the work done is work done in interpreting such Constitutions as that of Canada where very intricate questions arise involving long training and study, and in which not only the hearing of the case but the writing of the judgments is a matter of very great labour. These things have to be disposed of and unless you have a body of Judges who have been there a good while and are familiar with the work it is impossible for them to cope with that work. Fortunately, I think the Judicial Committee

stands to-day high in reputation in the Empire, but that is only because a great deal of trouble has been taken, and it is trouble which could only be taken because the Judges were very willing to work, and did work, very hard. But now we are broken down. There are fewer of us available than there were two or three years ago.

I have added these observations because I wished to bring home to your Lordships the substance of my appeal, which is one not confined to this Bill. I am as certain as that I stand here that the Government will have, and as quickly as possible, to bring forward a Bill for the appointment of two new regular Law Lords who could sit in the Privy Council. Nobody regrets the increase in the number of Judges more than I do. I struggled against it when I was Lord Chancellor and I have always been against it, but there are times when necessity presses these things upon us just now. The work cannot be done without the assistance for which we are asking. Those of your Lordships who have had experience of these things, men like my noble and learned friend Lord Dunedin, know as well as I do what the pressure is that we are under. I have ventured to make these observations relevant to the immediate purpose of this Bill merely to show that my noble and learned friend on the Woolsack is only, in this Bill, dealing with a part of the trouble.

Viscount DUNEDIN: My Lords, the only reason why I trouble your Lordships with a very few remarks lies in the fact that it just twenty-one years since I had the privilege of pronouncing my first judgment in this House and in the Judicial Committee, and since that date I have been acting, sporadically up to 1913 and absolutely continuously since 1913. The result is that I have been a witness of that development of business of which my noble and learned friend Lord Haldane has just spoken and I have also seen the struggles, the continually increasing struggles, that we have had to make in order to cope with that increasing business. The present Bill deals with the reinforcement of our Tribunal as regards Indian appeals alone and there, indeed, there is the most pressing necessity.

I suppose for a good Judge the first requisite is certain judicial instinct, the second is that he should have learned the law, and the third undoubtedly is experience. But, besides that, there is another thing that is necessary. It is not necessary perhaps for every member of the Tribunal, but there ought to be somebody there who thoroughly knows the body of law of the system which he is presently administering. That was recognised when the Lords of Appeal were first created. They were created in a much smaller number than their present number—the number was four—and at that time, although it was not actually put in the Act of Parliament, it was understood that there were to be two Englishmen, an Irishman and a Scotsman. I know my English friends and I am perfectly certain that the typical Englishman of the class of my old and noble friend Lord Banbury would never put up a Scotsman unless he knew it was absolutely necessary. It is the same thing that we want in Indian cases and what, unfortunately, in our present circumstances we have not got

This very day I have been writing a judgment in an Indian case—a most important case—and yet I only had the assistance of one Indian Judge. While I entirely associate myself with what the learned Lord Chancellor has said, it is some time since the Indian Judge who was assisting me left India. I thing there ought to be Judges in practical touch with the law as it is administered. I should have been glad, indeed, if I could have had more help—not help so much to make up my own mind as to give me the certainty that I was not going against any current of opinion which was, so to speak, buried in the book and with which I was not familiar. While I think there is no question of the desirability of the present Bill, I would like to say that I thoroughly associate myself with the remark which Lord Haldane has made as to the necessity of increasing our numbers for other purposes. Really the whole question depends upon the numbers of the tribunal. Nobody can say that a tribunal of three may not be a very good tribunal. Suppose, for example, Lord Cairns, Lord Selborne and Lord McNaghten were sitting in one tribunal, you would then have the finest tribunal that has ever sat.

But it is not only a question of three being able to do the work. You have to a certain extent to deal with other susceptibilities. Just as I have always thought that it is the duty of a Judge not only to decide a case right but also to send away the defeated litigant with a feeling that he has had a fair run, so, when you come to interfere with the judgment of high Courts in other parts of the Dominions, you should remember that they have a right to feel that their views have been adequately considered. I think it it is only a natural feeling on the part, for instance, of Canada and Australia, where they have tribunals of five and sometimes of seven, that there ought not to be a reversal of the judgments of those tribunals by three sitting here and three only. If that is the case, then I think five should be the minimum number by which we ought to have any impor-

tant case adjudicated upon. I shall not go over again the arithmetical sum which Lord Haldane did, but I think a tribunal of five for each of the three Divisions is perfectly proper tribunal.

Lord JESSEEL: My Lords, I think the House ought to be very grateful to Lord Banbury for his criticism of the Bill if for no other reason than that it has provoked two magnificent speeches from Lord Haldane and Lord Dunedin. I should not have spoken myself in this debate if it had not been for the fact that I once sat under Lord Haldane when he gave a superb lecture on the Empire at the University of London on the duties of the Privy Council. In that lecture he showed how the Privy Council bound the Empire together more than any other factor. It seems to me that this debate ought to be considered all over the Empire and that it may have one effect—namely, that India may recognise what this country is doing and supplement the amount of money that is proposed. I am sure if it is known in India what the Mother Country is doing in this respect they will go forward and emulate the generosity of this country.

There is only one provision in the Bill to which I think some exception may be taken, because I have heard many arguments on this matter in another place, and that is the reason for the limitation of age. I have heard it argued so many times that the judicial mind does not fail at 72 years of age and when one thinks of the example of Lord Halsbury and other eminent Judges much beyond the age of 72 one is rather apt to have a shock at seeing a provision of this kind put in this Bill. That may be only a Committee point, but having heard that argument so often expressed by those competent to express an opinion, I am somewhat surprised that the provision should have been put in this Bill.

The LORD CHANCELLOR: My Lords, this Bill has evoked some very interesting speeches, and I have listened with great interest to what was said by my noble friends Lord Haldane and Lord Dunedin as to the need for appointment of more Lords of Appeal. I do not mean in the slightest degree to express dissent from what they have said. It may well be that at some future time I or a successor of mine may have to deal with that matter before your Lordships, but nothing they have said makes this Bill less necessary. Whatever you may do as to other Lords of Appeal you must have two effective Judges with special experience in the difficult and diverse system of law administered in India. I am sure that, whatever happens, something in the nature of this Bill is absolutely necessary. As to what my noble friend Lord Jessel said, I have a good deal of sympathy with him. The nearer I approach to the age of 72 the more I think it is not altogether a proper retiring age. The figure was inserted in the Bill to meet views which were expressed on behalf of the Government of India, but I am quite prepared, if any different proposal should be made in the Committee of your Lordships' House to give it full consideration.

*On question, the Bill was read a second time and committed to a Committee of the Whole House.*

## The Text of the Measure.

**The following is the text of the Judicial Committee Bill :—**

An Act to amend the law with respect to the constitution of the Judicial Committee of Privy Council.

Be it 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 :—

1.—(1) His Majesty may by Letters Patent appoint two persons qualified as provided in this section to be members of the Judicial Committee of the Privy Council, and may from time to time fill any vacancies caused by death or otherwise in the offices of the persons so appointed.

(2) A person shall be qualified for appointment under this section if he is a Privy Counsellor and is or has been a Judge of a Court which is a High Court within the meaning of clause (24) of section three of an Act of the Indian Legislature known as the General Clauses Act, 1897, or is a barrister or advocate of not less than fourteen years standing who practises or has practised in British India.

(3) There shall be paid to each person appointed a member of the Judicial Committee under this section a yearly salary of two thousand pounds, and the said salary shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof.

Provided that the salary of any such person may be increased by such sum not not exceeding two thousand pounds as may be provided out of the revenues of India.

(4) A person appointed a member of Judicial Committee under this section shall hold his office during good behaviour, but shall on attaining the age of seventy-two retire therefrom, and shall at any time before attaining that age be removable by His Majesty on an address from both Houses of Parliament.

(5) Section thirty of the Judicial Committee Act, 1883, as amended by section four of the Appellate Jurisdiction Act, 1887, shall be repealed, but nothing in this repeal shall affect the rights of any persons who at the passing of this Act are entitled under that section to attend the sittings of the Judicial Committee or the payment to them of the allowances payable under that section as so amended.

2. This Act may be cited as the Judicial Committee Act, 1926

# Indians in South Africa

## The Class Areas Bill.

In opening the South African Parliament on the 22ND JANUARY the Governor-General's speech had the following reference to the Class Areas Bill :—

"For the purpose of securing healthier relation between the various elements of the population and safeguarding the proper economic development of the country, a Bill will be introduced for the reservation to various classes of persons of areas for residential and trading purposes and for amending registration and immigration laws in certain proposals and representations have been received from the Government of India, and, although my Ministers found themselves unable to agree to the particular method of dealing with problems involved proposed by that Government, they have given an assurance that the representations made will receive their earnest consideration."

### The First Reading Passed.

On the 8TH FEBRUARY the Union Assembly passed the first reading of the Class Areas Bill by 81 votes to 10. The division was called by Mr. Alexander, who briefly protested against the Bill, on the ground that it proceeded on racial and class lines, and pointed out that Government had been requested to grant a Round Table Conference, but this reasonable request from a sister member of the League of Nations had been refused without adequate reason. There was no opportunity for discussing the matter and they were faced with a cut and dried Bill.

General Smuts and other prominent members of the South African Party walked out of the House and did not vote.

### New Clause Inserted.

After the passing of the first reading the issue of the above Bill revealed a new clause of immense importance dealing with the conditions under which Indians may hold property anywhere within the Union subject to section 10 and subsection (I) already known. The Viceroy's Commission and other Indian opinion took very intense interest in the new clause and endeavoured to secure complete elucidation.

Mr. C. F. Andrews, who was at this time touring in South Africa, in an interview stated that after a careful consideration of the new draft of the Areas Reservation Bill, he was certain that the re-drafted Section 10 Subsection 1 was really intended to mitigate any hardship that might occur between the passing of the Bill and the establishment of reserved areas. It was a method of, helping to tide over this intervening period and he did not think that it in any way implied that a succession of leases of five

years' duration could be taken up by anyone outside the reserved areas after they had been established.

An explanation for the insertion of the new clause in the Bill was offered by the Ministerial organ, *Die Burger*, which said that, under the original Bill, Indians would have been able to acquire land only in the Cape Province, and, in order to prevent this, it was now proposed to make the prohibition apply to the Cape also. The paper pointed out that Indians themselves had broken the Smuts-Gandhi agreement by aiding their countrymen to find loopholes in the Immigration Laws.

The following is the clause in the Asiatic Bill (Sec. 10, sub-sec. 1) which was amended :—

The Governor-General may by proclamation in the "Gazette" declare that from and after a date to be specified therein no member of any race indicated therein shall acquire immovable property or the lease or renewal of lease of immovable property in the Province of Natal save in the coast belt as provided in sub-section (2) of this section : Provided that nothing in this section contained shall be deemed to prohibit a renewal of a lease of immovable property held under written lease at the commencement of this Act.

According to the amended section the Governor-General may, by proclamation in Gazette, declare that from and after a date therein specified, not being earlier than the first day of August 1925, no person of any class indicated in such a proclamation shall, firstly, anywhere within the Union hire or take over, or, as lessee, renew the lease of any immovable property for a period exceeding 5 years, or, secondly, in the provinces of the Cape of Good hope and Natal, acquire any immovable property save for residential purposes in class residential area or for trading purposes in class trading area or for any purpose in class residential and trading area.

## Bill Referred to Select Committee.

On the 17TH FEBRUARY, in the Union Assembly, after making a statement on the Asiatic question, Dr. MALAN moved that the second reading of the Asiatic Bill be discharged and the subject matter be referred to a Select Committee to report before the 1st March.

Dr. Malan announced that negotiations with the Government of India have reached a definite stage— almost to finality. The first and chief object to achieve was a Round Table Conference. But the attitude adopted by the Union Government was that the particular problem was a South African one, to be solved by South Africa alone with a view solely to the interests of South Africa. If a conference was held South Africa might have been called upon to make concessions without counter-balancing advantages and the conversations would not have taken place on an equal footing and the people of South Africa would have had a right to interpret the conversations as an interference in our domestic affairs from outside, and, as far as we could gauge the opinion of the people of South Africa, we had a right to say to the Government of India that any interference from outside in our domestic affairs would have been tolerated neither by the people of South Africa as a whole nor by the bulk of the followers of any of the political party in the Country.

### Indian Government and Repatriation.

The Union did not oppose, in principle, the holding of a Round Table

Conference but it was held it urged that the particular point should be included, namely, that the Indian Government should be asked to be willing to co-operate and assist in making a scheme of voluntary repatriation more effective than it is by the possibility of advantageous land settlement in India or in adjacent territories. But the Government of India did not see its way to agree to the discussion of the particular point.

### Genesis of Paddison Deputation.

The Government of India, then, further approached the Union with a request to send a Commission to South Africa to inquire into the whole position of India's share and give the Indian Government first hand information. The Union had no difficulty to agreeing to this request especially as the Government of India undertook that the members of the Commission would be men of discretion, not coming as agitators and would not inflame the mind of the Indian community here and make the problem more difficult. Dr. Malan said that the deputation had been here for a considerable time and the Union had no complaint against them. On the contrary, the Union had every reason to be satisfied in the way they acted in the most difficult circumstances. The Union offered that the deputation should, in the name of the Government of India and the Indian community, be allowed to lay the opinion of the Indians before a Select Committee appointed after the second reading of the Bill.

The Government of India subsequently requested the Union, not to proceed with the legislation any further but to appoint a Commission similar to the Asiatic Commission. The Union was not in a position to agree to this request, considering that the position, since 1921, had not materially changed, besides which it would involve delay and prevent legislation in this session and in the face of the impatience which existed with regard to the solution of the question the Union had no right to accede to the request.

### The Select Committee Proposal.

So far, we had turned down two of the most important requests on the part of the Government of India and realised that a feeling was springing up in India and also among the Indian community in South Africa, that the Union was forcing through a most important legislation in which they were so vitally concerned, not only against the will of the Indian community and the will of the Government of India, but forcing through a legislation without giving them any proper opportunity to lay the case of Indians before the Government, the country and the Legislature. We felt that, while this feeling lasted, an atmosphere existed which certainly was not conducive to a successful solution of this most difficult and most important question. We, therefore, felt it necessary, as far as possible, to create an atmosphere of goodwill conducive to a successful solution of the question. Under the circumstances we thought that this feeling must, as soon as possible, be removed. The only way to remove the feeling was to afford an opportunity for wider and less restricted evidence to be laid before a Committee appointed by the House. Under these circumstances we had definitely offered to the Government of India to propose to the House that the proposed legislation be referred to a Select Committee before the second reading.

### Conditions of "This Special Opportunity."

To this proposal we felt it was only right to attach certain conditions and

safeguards, because this was, under the circumstances prevailing in South Africa and in the House, unusual procedure, and because the particular measure introduced certainly had behind it, and to support it, a volume of opinion in the country and, as far as I could judge, there was no great division of opinion in this House with regard to the matter. The conditions were, firstly, that the Indians were willing to make use of this special opportunity offered to them, secondly, that if they thought it necessary to lay any evidence before the Select Committee before the second reading such evidence should be brought forward by the deputation now in South Africa, and nobody else from India, either on their behalf or on behalf of the Government of India would be allowed to make use of this special opportunity, and, thirdly, that the Select Committee appointed before the second reading be required to report within such a period as would enable the House to pass the proposed legislation, during the present session. This offer with the conditions had been accepted by the Government of India.

Dr. Malan then read the following correspondence between the Union Government and the Government of India and then moved for a Select Committee.

## The Text of the Correspondence.

The most important part of the correspondence was the clear line telegram from the Government of India communicating to the Union Government the purport of the interim report of the Paddison Deputation and the views of the Union Government on it and the telegrams which show how the decision as announced by Dr. Malan was secured. In their clear line telegram of 10th January the Government of India stated :—

### Telegram to the Union Cabinet.

"Our deputation, after enquiry in Natal, have telegraphed their interim and provisional conclusions and recommendations to us. Firstly, they have been unable to find any justification for the general opinion, held by the Europeans in Natal, that Indian competition in trade is increasing and is closing fruitful avenues of employment to Europeans. Similarly, they are unable to obtain accurate or complete statistics to indicate how far, if at all, the Indians have recently displaced Europeans in the skilled or semi-skilled occupation. They suggest that fresh survey of the situation, if one were undertaken, would probably prove the fears to be unfounded, so far at least as trade and commerce are concerned. Their investigations tend to show that, during the last few years, Indian penetration has increased only in certain trades, such as, tailoring and furniture, especially in the Durban area, while, in the sphere of business proper, the Indian has not improved his position since the report of the Asiatic Enquiry Commission. Further, the expansion of Indian trade is barred by the action of municipalities who refuse the issue of any new licenses to Indians and frequently refuse transfer of old licenses to new premises even in close proximity to the old ones. The same policy is being followed by the licensing boards in rural areas. For these reasons they suggest that, in order to verify the facts on which the demand for the Bill is based, a fresh enquiry is advisable. Secondly, our deputation lays stress on the point that it is questionable whether the Bill will effect any mitigation in the economic competition between the two races, which European opinion in Natal regards as the crux of the whole Asiatic problem.

"The positive remedies which the Bill contemplates are: (1) Commercial separation: (2) residential segregation; and, (3) the restriction provided for in Clause 10. As regards (1) our deputation find that municipal administration of the existing licensing laws has already resulted in Indian traders being concentrated in areas distinct from those occupied by Europeans except in the case of certain old established Indian firms which carry on business in European quarters. From the European point of view, therefore, the legislation now proposed appears unnecessary, while it will seriously aggravate the position of the Indian trading community. They assume that the elimination of Indians from trade is not aimed at, as such a policy would not be in accordance with the general standard of fairness, particularly, since they report that aliens from Europe are monopolising new opportunities for trade. If the object aimed at is the mitigation of competition, other remedies seem more likely to be effective. The allegation of unfairness of Indian competition is said to be based on the payment of lower wages to shop assistants and the evasion of regulations governing the terms of employment. They consider that means could be devised to prevent such evasion, and are strongly of opinion that the matter deserves investigation, especially, as they have been told that if board and lodging and other amenities allowed free to Indian assistants are included, the total wages of the latter equal those paid for the same class of work by the European employers.

"With regard to (2), residential segregation, the enquiries of our deputation confirm the objection to this measure, which I have consistently urged upon Your Excellency's Government, that any measure tending to depress the social and economic standards of ot Asiatics may be expected to intensify rather than mitigate the industrial and commercial competition between them and the White population.

"Clause 10 of the Bill will, in the opinion of our deputation, have the most serious consequences. They point out, firstly, that Indian market gardeners who tend to cluster in every township in Natal and a large proportion of whom hold land on monthly and early leases from Europeans, will be driven into the coast belt, where no fresh land is available for them, as the area within that belt is small and almost entirely taken up. Secondly, the Indian market gardeners, who are now tenants of Europeans, will be deprived of their means of livelihood. Thirdly, Indian traders outside the belt, who now carry on business in premises leased from Europeans, will be driven into the belt on the expiration of their lease. This will not only impose great hardship on Indians, but many Europeans will suffer as well. Asiatic congestion around Durban, which is already great, will be seriously intensified, for the sanitary conditions of the Asiatic suburbs of Durban, which are already regarded as a menace, will become a greater source of danger to public health. Indians shut off from land will turn for a living to more or less the skilled trades, in which the position of Europeans will be further threatened.

"It is stated by our deputation that the Durban Corporation seems to be alive to the sanitary danger of this provision of the Bill, and they add that the Europeans with whom they have discussed the question, have also begun to realise its probable effects. These facts and considerations strengthen our conviction which we have often pressed on the Union Government that a Round Table Conference would be the most satisfactory method of dealing with the situation. We hope that as a result of the discussion during the last months and of the wider appreciation of the implications of the Bill, there may have been some such modification in the attitude of the European public referred to in your telegram of September 24th so as to justify your Government in considering the view they have taken of this proposal. We wish to make it clear that we are still willing and anxious to participate in a Round Table Conference in any place or manner which may seem to them most convenient.

"If the Government of South Africa, for any reason find themselves still unable to agree to a Round Table Conference, we hope that the Union Government will agree that there is a *prima facie* case for some fresh enquiry before the proposed legislation is proceeded with. Apart from other considerations, an enquiry appears to be necessary, firstly, because the exact facts regarding the extent of Indian competition in trade and industry do not seem to be fully known, and, secondly, because the ultimate consequences of the proposed legislation may be reverse of those which are expected and desired.

"Our deputation will, we understand, reach Cape Town on January 10th and we should be gratified if a Minister of the Government would consent to receive them informally, and give them an opportunity of explaining and illustrating more fully the arguments in favour of holding an enquiry which we have only been able to indicate in brief outline. We believe that there is a great deal to be said in favour of allowing the representatives of the Indian community in South Africa and our representatives to place their views before a committee of enquiry before the Bill is proceeded with any further. The moral effect of holding an enquiry would be great. It would convince Indian opinion

that the Union Government are not averse to hearing representations which can be urged against the policy embodied in the Bill and that Parliament will not allow the Indian case to be prejudiced in consequence of their not being represented politically."

## South African Cabinet's Reply.

The reply of the Governor-General of South Africa, dated 5th (received 6th), February, 1926, was as follows:—

"Your telegram dated 16th January. My Ministers desire me to thank Your Excellency, very cordially, for your courtesy in communicating to them so fully the provisional conclusions and recommendations of the Deputation sent to South Africa to enquire into the position of the Indian population in the Union.

"With regard to Your Excellency's suggestion that it might still be possible for the Union Government to agree to the holding of a Round Table Conference, my Ministers fully appreciate the desire and motive of the Government of India in pressing for this particular method of dealing with the problem. They wish me to state, however, that they have repeatedly given their most earnest and anxious consideration to the proposal, but that, for the reasons already stated and in spite of their desire to meet the wishes of Your Excellency's Government, if possible, they cannot see their way to alter the decision to which they had previously come.

"With regard to the observation in the Deputation's report on the general situation in South Africa and more particularly on the probable effect of the various clauses of the proposed legislation, my Ministers wish to point out that any conclusions to which the Deputation have come, must necessarily, and do admittedly, rest on very fragmentary evidence gathered within a very limited period. This evidence must be supplemented before final and reasoned judgment shall be possible. They cannot, however, agree that such further evidence must be collected by means of a fresh enquiry on the part of a commission appointed for the purpose. This course seems to be unnecessary in view of the very exhaustive enquiry by the Asiatic Enquiry Commission, held only a few years ago and of the information which can be made available from official sources. Besides, any fresh enquiry as suggested, will, of necessity, further delay the legislation which is urgent and is already long overdue, while, on the other hand, the Parliamentary Select Committee, to which it is proposed to refer the Bill, will provide the most suitable means and opportunity to supplement, as far as such may be required, any evidence which is already available.

Select Committee before Second Reading Agreed to.

"Whilst, on the one hand, my Ministers must regret their inability to accede to the request of a Round Table Conference or a fresh enquiry, on the other hand, they fully realize the anxiety of that Government to place, as fully as possible, the case of the Indian community in South Africa before the Government of the Union. It is for this reason that they previously adumbrated the possibility of evidence before a Parliamentary Select Committee by the Deputation from the Government of India, now in the country after the Bill shall have passed the second reading. Although reference to a select-committee after the second reading will imply the maintenance of the general principle of the Bill, it will, at the same time, offer a very wide scope for evidence, and will not even exclude evidence on such a fundamental question in which the Government of India is primarily concerned, as to whether the proposed segregation shall be voluntary or compulsory. To this suggestion, which they have offered, my Ministers have thus far received no reply, and they are consequently in doubt as to the existence of any difficulty on the part of the Government of India in accepting same. If such difficulty should however exist on the ground of too great a restriction on the evidence which the Deputation might desire to bring forward my Ministers would agree to propose the reference of the Bill to a Select Committee before the second reading, thus widening the scope for evidence so as to include the principle of the Bill. They wish it, however, to be understood that such a proposal, on their part will be subject to the Government of India intimating their willingness to availing themselves of this oportunity specially offered, to place evidence before the Select Committee, through their deputation now in South Africa, and further that it will be subject to the select committee being required to report to Parliament within such limited period as will enable Parliament to deal finally during the present session with the legislation proposed.

"My Ministers have gladly acceded to the request of Your Excellency's Government that the Deputation, who are now in Cape Town, shall be received by one of the members

of the Union Government. Intimation to this effect was sent to the head of the deputation immediately after receipt of Your Excellency's last communication and the proposed interview has already taken place."

### Further Representation by the Indian Government.

Thereupon, the Government of India despatched to the Governor-General or South Africa, the following telegram on the 9th February :—

"We are in receipt of Your Excellency's telegram, dated 5th February, and would be grateful if you would be so good as to convey to Your Excellency's Ministers our warm appreciation of the courtesy and consideration they have extended to us and to our Deputation. While we cannot conceal from Your Excellency our deep disappointment that Your Excellency s Ministers have found it impossible to agree to either of the alternate methods put forward by us, as best calculated to lead to a satisfactory solution of this problem, we recognise that our proposals have been given the fullest and most anxious consideration. We further understand that the offer now made to us involves a departure from the normal parliamentary practice and procedure, and we see in this another proof of the desire of Your Excellency's Ministers to find a solution of the difficult question. My Government are, in the circumstances, prepared to accept, subject to the conditions stipulated in Your Excellency's telegram, an enquiry by a parliamentary select committee before the second reading of the Bill. We note with satisfaction that the terms of reference to the Committee will be sufficiently wide to include consideration of the principles of the Bill, and we assume it is the intention of Your Excellency's Ministers also to allow representatives of Indian opinion in South Africa an opportunity of presenting their case to the Committee, which, we feel sure, Your Excellency's Ministers will agree, could not fail, materially, to assist the Committee in its task.

"As the Union Government are aware, our objections to the Bill are fundamental, and are against the principles on which the Bill is based. We propose, therefore, to instruct our deputation to present the case before the Select Committee in respect of the general principles. It necessarily follows, from our arguments, that we object also to the details of the Bill. We realise that Your Excellency's Ministers are anxious to avoid unnecessary delay, but we trust, in view of the very grave consequences to Indians which the proposed legislation must involve, that the fullest possible opportunity compatible with the limitation laid down in Your Excellency's telegram, will be afforded for the presentment of the Indian case.

"We are anxious that the offer made by Your Excellency's Ministers and our reply thereto should be published here with the least possible delay, and should be glad to know urgently, by telegram, when it is proposed to make these public in South Africa, to enable us to arrange for publication here."

### South African Government's Final Reply.

The final reply from the Governor-General of South Africa was received through his telegram, dated 12th February :—

"Your telegram dated 9th February. My Ministers note with great pleasure and appreciation the readiness of the Government of India to avail themselves of the opportunity specially offered to them for the presentation of the Indian case, through their deputation now in South Africa, in accordance with the contents of my telegram dated the 5th February. For the further information of the Government of India, they desire to state that ample time will be given to the proposed Select Committee to hear and consider evidence, and that reference of the Bill to a Select Committee before the second reading implies that the Indian community in South Africa will, through their representatives, have the same opportunity and scope for presenting their case as will be accorded to the deputation from India. With reference to the last part of your telegram, I am informed by my Ministers that they propose to lay, on the table of the House, a copy of the correspondence between the Government of India and the Government of the Union with regard to the position of Indians in South Africa, on Wednesday afternoon, the 17th instant. The Minister of the Interior will then make a statement in the House, and give notice that he will move reference of the Bill to a Select Committee before the second reading. My Ministers submit it will be suitable if the publication referred to in your telegram could take place in India at the same time."

## Text of the Statement in the Indian Legislature.

Sir Muhammad Habibullah, Member in charge, Education Department, and Mr. Bhore, Education Secretary, made the following statement on the 17TH FEBRUARY 1926 in the Council of State and the Legislative Assembly, respectively :—

"In his speech at the opening of the Legislative Assembly, His Excellency the Viceroy outlined the general course which the negotiations with South Africa, regarding the Asiatic question, have taken, and appealed to the House to continue to trust the Government while the negotiations were still proceeding. The Government of India and the Union Government of South Africa have now agreed that a stage has been reached at which the correspondence that has passed between the two Governments, during the last year, can suitably be made public. I am, therefore, placing in the library of the House, copies of the communications that have passed between the two Governments on the subject of the position of Indians in South Africa.

### Course of Negotiations.

"From the correspondence it will be seen that, last April, with the approval of the Secretary of State for India, the Government of India took up direct with the Union Government, negotiations on the question of formulating a comprehensive Indian policy in South Africa which would be acceptable to all the parties concerned, and utilised the suggestion thrown out by Mr. Thomas, Secretary of State for the Colonies, to propose a conference on the subject preferably in South Africa, but, if the Union Government so desired in India or on neutral ground such as Geneva. In the alternative they asked the Union Government to make other suggestions to bring about a satisfactory settlement of the Indian question. The Union Government replied in June last, that, while they were quite ready to receive suggestions from the Government towards making their policy of repatriation more effective, they regretted their inability to agree to a conference, since it was the policy of all the parties in South Africa, by means of strict prohibition of Indian immigration and of active repatriation to reduce the Indian population in the country as nearly as possible to an irreducible minimum, and such a conference would be viewed with suspicion as an interference from outside.

"On July 14th, the Government of India renewed the suggestion for a Conference on the ground that repatriation could not, by itself, provide an effective solution of the problem, since, 63 per cent of the resident Indian population were born in South Africa and regarded that country as their home, and on the ground that, in order to arrive at a satisfactory settlement, alternative measures of mitigating European and Asiatic competition in the economic sphere should be explored. In July the Areas Reservation and Immigration and Registration (further Provision) Bill, embodying the policy of the Union Government towards the Asiatic problem, was introduced, and in September the Union Government replied, regretting their inability to hold a conference on the Indian question unless its main object was more effective repatriation, and unless it was limited to some definite and concrete questions connected therewith. They seemed, however, inclined to favour conversations, both in connection with repatriation and with the methods of reducing Asiatic and European competition.

## The Paddison Deputation.

"In October the Government of India replied to the Union Government, that, before entering into a discussion of the repatriation question or the general question of alleviating direct competition, they would like to send a deputation to South Africa to collect information regarding the economic condition and general position of Indians residing in the Dominion. The Government of South Africa agreed to this proposal on November 10th, and the Deputation sailed from Bombay on November 25th. Its defined purpose was to enquire into and report on the economic condition and general position of the resident Indian community in South Africa, and to form an appreciation of their wishes and requirements, with a view to furnish material to the Government of India for use in connection with their negotiations with the Union Government. That Deputation has collected material and come to provisional conclusions which enabled the Government of India on January 10th, to press once again, on the Union Government, the desirability of a Round Table Conference on the whole question or, failing that, a fresh enquiry before the proposed legislation was proceeded with.

"The Union Government replied, on February 6th, that they fully realised our anxiety to place the case of the Indian community in South Africa as fully as possible before them. They expressed their willingness, therefore, to propose the reference of the Asiatic Bill to a Select Committee before the second reading, so as to empower the Committee to take evidence on the principles of the Bill, as well as on its details subject to the understanding that the Committee should be required to report to Parliament within such limited period as would enable Parliament to deal finally with the proposed legislation during the present session. This offer, the Government of India have accepted, but they have made it clear that their objections to the Bill are fundamental and they are instructing their Deputation to present the case before the Select Committee in respect of the general principles.

"It will follow from the statement of their objections to the principles, that the Government of India are also opposed to the details of the Bill, but it is not proposed to discuss the latter, because the Government of India cannot take any action which might be thought even remotely to imply that they are prepared to waive fundamental objections or acquiesce in the principles of the Bill.

## "Two Important Results."

"From this very brief summary of the course which the negotiations have taken it will be clear that the Government of India have obtained two important results. They have, for the first time since Sir Benjamin Robertson's deputation, their own representatives on the spot in South Africa, who are in a position to keep them informed of the progress of events and to present the Indian case, on their behalf, before the Select Committee when it is appointed, and the Government of India have, on their record, a mass of evidence relating to the position of Indians in South Africa. They feel the necessity of keeping it up to date and abreast of the Union. They are anxious, moreover, to establish closer touch with the wishes and needs of the Indian community in South Africa. It is in these aspects that the presence of their deputation in South Africa is proving

invaluable to them. They have induced the Union Government to agree that the Asiatic Bill should be referred to a Select Committee before, instead of after, the second reading. The principles involved in this Bill are so grave, and its effects on the position of Indians in South Africa are of auch far-reaching consequence, that the Government of India attach great importance to this concession, India naturally takes the strongest objection to measures calculated to relegate Indians to a position inferior to that of other classes of His Majesty's subjects. The Select Committee before the second reading gives a desired opportunity of stating the case and opposing the Bill on these grounds, before the legislature of the Union is committed to the principle of the Bill. The Government of India gratefully acknowledge the assistance that they have derived, in the past, from the attitude of the legislature in regard to Indian affairs in South Africa and the trust that, when the members of the two Chambers have had an opportunity of studying the correspondence which is now made public, they will approve of the line which they have taken."

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## The Class Areas Bill Postponed.

On the 23RD APRIL in the South African Assembly, Gen. Hertzog made a long statement on the international status of South Africa and declared that the Union had secured a complete international status equal to that of any other Dominion or any other part of the British Empire. South Africa was in the position of absolute equality even with regard to the question of secession, but it would be very unwise and ill-advised for them to exercise the right of secession except by devolution through the agency and means of Great Britain. One of the first and weightiest problems to be dealt with at the Imperial Conference was the question of Dominions taking over their own duties and responsibilities where opportunity offered and their interests demanded.

### Dr. Malan's Speech.

Subsequent to the above statement on the international status of South Africa, Dr. MALAN, with the special permission of the House, moved the adoption of the report of the Select Committee which approved of the agreement reached recommending that the Bill be postponed untill the results of the Conference were available and that subsequent legislation to be enacted be retrospective to the date when the Bill would otherwise have come into force. In the course his of speech Dr. Malan said :—

"When the Areas Reservation Bill was referred to the Select Committee on the 17th February, I made a statement to the House, setting forth the general course and result of the negotiations which had taken place between the Union Government of India. I then defined our attitude towards the holding of a conference, which was the immediate objective of the Government of India, and which, as then understood to be proposed was not acceptable to us. I stated definitely that we were not, and could

not, with any justice, be opposed, in principle, to conversations with any outside Government but that, on the contrary, we were strongly and in principle opposed to any conference which was one-sided, in so far as it would admittedly have been expected from us to make concessions in connection with our proposed legislation, while there apparently would have been a failure to counterbalance these concessions with a corresponding prospective advantage. We did not consider the Conference, as then proposed by the Government of India, to be otherwise than one-sided and as such having the appearance of an unjustified interference from outside with our domestic affairs.

Conversations with the Paddison Deputation.

"After my statement on that occasion negotiations were resumed between the two Governments on a representation on the part of the Government of India that their attitude was not correctly understood and on an assurance on the part of the Union Government that, consistently with their previous standpoint, they still considered that the door was open to holding a conference if a satisfactory assurance could be obtained as to its nature and scope. With the very valuable assistance from the informal conversation between the Prime Minister and myself, on the one hand, and the Leader and the Secretary of the Government of India Deputation on the other, a formula was agreed upon which, if accepted by this house, will form the basis, and determine the nature of the conference which, before our legislation is further proceeded with, will make a serious and honest attempt to arrive at a real and effective, but, at the same time, amicable solution of the Indian problem. This formular definitely excludes the possibility of a conference which could justly be interpreted as merely an attempt from outside to prevent the Union Government from dealing with its own problem in its own way and which, as such, would be resented by the people of South Africa and is, and would remain, unacceptable. On the contrary, it definitely ensures the co-operation of the two Governments in exploring all possible methods of setting the Asiatic question in South Africa on the basis of the maintenance of the western standard of life by just and legitimate means."

Dr. Malan then read the formula (see p. 134) and proceeded:—

Conditions for Success of the Proposed Conference.

"It is hardly necessary for me to point out that the success of the proposed conference will almost exclusively depend upon the extent to which public feeling in India as well as in South Africa will allow the respective Governments to co-operate with each other in finding a real and effective solution of the problem. It is equally evident that a new and favourable atmosphere, which is required, can only be created by utmost circumspection and self-control; and, let me add, by absence of suspicion and by presence of faith on the part of the leaders and peoples of both the countries. Under these circumstances, I have a right to appeal—and I know that I shall not appeal in vain—to the good sense and wise discretion and patriotism of the Hon'ble Members of this House when they shall proceed to discuss the report of the Select Committee on the Asiatic question generally inside or outside the House before the conference is held. I have an equal right to appeal—and I know that I shall not appeal in vain—to the

the good sense and wise discretion and patriotism of the people of South Africa. If Parliament should think it worth while to agree to the holding of a conference, then it is surely worth while to make most of the opportunity which that conference offers in the interests of South Africa.

"Before concluding, I desire to place on record my very high appreciation of the way in which the Select Committee has dealt with this most serious and important question. I may say without any reservation that every member, without exception has, from the beginning to the end approached the problem without any party considerations but from a broad South African point of view, and with the sincere intentions of serving the best interests of our country. I also desire to express on behalf of the Government our great satisfaction with the way in which the Government of India, including the members of their Deputation, have conducted the negotiations and other relations with the Union Government and the Select Committee. By looking upon the subject of our negotiations and by practically dealing with it as a matter solely concerning South Africa and India, they have made a valuable contribution towards the practical recognition of the status of both the countries; and, by inspiring confidence in their ability and sincerity, they have laid the foundation of that sincere and friendly co-operation between the two Governments which alone can ensure the success of the conference and lasting friendly relations between the two countries.

## Publication of the Text of the Correspondence.

### Government of India's Statement.

On the same day, the 23rd April, the Government of India published the correspondence which had passed between them and the South African Government regarding the position of Indians there. It revealed a temporary victory for the Indian Government inasmuch as the Union Government had agreed to a Conference to discuss the best method of arriving at an amicable solution. This victory was due, in a great measure, to the efforts of selfless workers like Mr. C. F. Andrews in South Africa and the propaganda carried on in India by Doctor Abdur Rahman and other members of the South African Indian Deputation. But for these two factors, it would have been very doutful if the Union Government, constituted as it was, would have ever climbed down, and agreed to the proposal, of a "Subordinate branch of the British Administration," for a Conference.

The despatches of the Government of India were marked by firmness and friendliness towards the Union Government, but the latter scored on one important essential, namely, that, whatever solution was arrived at must be such as "to safeguard the maintenance of the Western standard of life by just and fair means." To this condition, the Government of India agreed, although, in their telegram sent to the Union Government soon after the adjournment motion in the Assembly in Delhi, they emphasised that both parties should enter the conference without being committed, in advance, to any particular solution of the questions at issue. Otherwise, Lord Reading's

Government, backed by the strong force of Indian opinion both in India and South Africa, carried on the negotiations successfully.

The following is the text of the Government of India's official statement on South Africa :—

" On February 17th last, the Government of India published the correspondence, (see p. 124) which had passed between them and the South African Government, since April 8th 1925, regarding the Indian question in South Africa. The papers then published showed that the Government of India, being gravely concerned at the series of Ordinances curtailing India's civil and economic rights and privileges recently passed in South Africa, took the initiative in suggesting a conference between their representatives and the representatives of the Union Government as a preliminary to the formulation of a comprehensive Indian policy in South Africa which would afford an acceptable solution of the whole question.

The Union Government saw, however, difficulties in the way of accepting this suggestion, and decided that a preferable course was to be put forward in the form of a Bill, the alternative proposals for dealing with the Indian question, which they favoured. This Bill, known as the Areas Reservation and Immigration and Registration (Further provision) Bill, was introduced into the South African Parliament last July. In order to place the Government of India in a position to appreciate the circumstances which had led up to the Bill and to make representations regarding it with special reference to the general question of alleviating direct competition between Asiatics and Europeans, they agreed that the Government of India should send a deputation to South Africa. The deputation sailed on November 25th 1925, and its preliminary report was received in India early in January.

On the basis of the fact disclosed in that report, the Government of India felt justified in renewing their proposal for a round table conference, and pressed that, if that proposal was still unacceptable, there was a case for a fresh enquiry before the proposed legislation was proceeded with. Neither of these suggestions commended themselves to the Union Government, who, however, expressed their willingness to give the Government of India an opportunity of placing the case of the Indian community in South Africa fully before them, by offering to take the course of proposing the reference of the Areas Reservation Bill to a select committee before, instead of after, the second reading in order that the Indian objections to the Bill might be heard in respect of its principles as well as in respect of its details.

This offer, the Government of India accepted, and their deputation appeared before the Select Committee, early in March, and presented the Indian case against the Bill on broad grounds of principle. In the meantime it appeared, from the report of the speech in which the Minister of the Interior had moved that the Areas Reservation Bill be referred to a Select Committee, that the Union Government were possibly under some misapprehension regarding the attitude of the Government of India towards a round table conference. They, therefore, again addressed the Union Government, pointing out that they were as anxious as ever to participate in a round table conference, and had no desire to limit the scope of its discussions in the manner which the Minister seemed to suppose.

Ministers' Consultation with Paddison Deputation.

In reply to the communication the Union Government stated that they

were prepared to take such steps as were still at their disposal, to keep the door open for a further consideration of the Indian question, provided that they had an assurance of the probability that the problem would be really and effectively solved through the instrumentality of a conference. This evidence that the Union Government were no longer averse to the idea of a conference on certain terms, was welcomed by the Government of India, who expressed themselves as equally anxious that the conference, if arranged, should not prove abortive, and pressed the view that the right methods of arriving at a real and effective solution of the Indian question would be for both the parties to enter the conference without being committed in advance, to any particular solution of the questions at issue. They suggested that the Union Ministers might confer informally with the Leader of the Indian Deputation, in order to ascertain whether the obstacles in the way of a conference could not be overcome. The suggested conversations took place at Cape Town early in April, and resulted in a better understanding and appreciation of the respective points of view and difficulties of the two Governments.

The Union Government have impressed upon the Government of India that public opinion in South Africa would not view with favour any settlement which did not hold out a reasonable prospect of safeguarding the maintenance of western standards of life by just and legitimate means, and on this basis have agreed to enter a conference, the recommendations of which will be subject to confirmation by the Government of both the countries. They have also agreed, subject to the approval of the Union Parliament, to postpone further progress with Areas Reservation Bill until the results of the conference are available. The basis on which the conference will be held is embodied in the following formula which has been accepted by the Governments :—

THE FORMULA AGREED UPON.

"The Government of the Union of South Africa and the Government of India have been in further communication with each other regarding the best method of arriving at an amicable solution of the Indian problem. The Government of the Union have impressed upon the Government of India that public opinion in South Africa will not view with favour any settlement which does not hold out a reasonable prospect of safeguarding the maintenance of standards of life by just and legitimate means. The Government of India are prepared to assist in exploring all possible methods of settling the Asiatic question, and have offered to enter into a conference with the Union Government for the purpose. Any proposals that the conference might make would be subject to confirmation by the Governments of the two countries. The Union Government have accepted the offer of the Government of India; and in order to ensure that the conference should meet under the best auspices have decided, subject to the approval of the Select Committee and the Parliament, not to proceed further with the Areas Reservation and Immigration and Registration (Further Provision) Bill until the results of the conference are available."

## Text of the Correspondence.

The following is the text of the correspondence which preceded the announcement regarding the agreement of the Union Government to a conference to come to an amicable settlement of the Indian question.

### Telegram from India Government.

Telegram to the Governor-General of South Africa, Cape Town, dated Delhi, 20th February 1926 :—

The Government of India understand, from the reports which they have received, that the Minister of the Interior in his speech, moving that the Areas Reservation Bill be referred to a Select Committee before the second reading, stated that the Government of India had been informed by the Union Government that, while they were not opposed in principle to a round table conference, the discussions must include the question of ways and means required to make the scheme of voluntary repatriation of Indians more effective and that, had the Government of India agreed to this point being included in the Agenda, a Round Table Conference would have been held, but, that as we did not see our way to agree to a discussion of this particular point, the Union Government could not agree to the Conference.

If Dr. Malan has been correctly reported, we fear that there has been some misunderstanding regarding our attitude on this point. In our telegram dated 9th October we made it clear that a Conference of which the main object was to expedite Indian repatriation, was not contemplated by us. We, nevertheless indicated that we were prepared to discuss the working of the existing system of voluntary repatriation, and maintained the same attitude in subsequent communications. We have never refused to include the question of repatriation, as above described, within the scope of the discussion of the proposed conference. We are as anxious as ever to participate in a Round Table Conference wtich would include the repatriation question, limited, as above stated, in scope.

We should be very grateful if the Minister of the Interior would take an early opportunity of dispelling the misconception to which, we fear, his speech may have given rise. We understand that *The Cape Times*, in a leading article on the 28th February, has already taken the point that the attitude of the Government of India in refusing to discuss voluntary repatriation made the holding of the Conference impossible. We are most anxious to secure an unprejudiced reception for the statement which our representatives will shortly make before the Select Committee, and confident that Your Excellency's ministers will understand our desire to remove any misapprehension which might possibly prejudice public opinion against the case which they will present.

### S. African Cabinet's Reply.

Telegram from the Governor-General of South Africa, Cape Town, dated 10th (Received on the 11th) March 1926 :

Your telegram dated 20th February. My Ministers desire to state that, in their opinion, no discrepancies exist between the statements of the Minister of the Interior in the Assembly, to which you refer, and the actual course of the negotiations, as revealed in the published correspondence. A reference

to my telegrams dated 16th June and 24th September 1925, must, in their view, remove all possible doubts.

It was clearly the attitude of the Union Government that no Conference however restricted in scope, was possible unless some definite prospect was held out, beforehand, that it would result in a considerable reduction of the Indian population.

They further clearly intimated that they welcomed tentative and provisional proposals to this effect, and that their attitude with regard to the holding of a Conference would eventually depend upon the nature and practicability of any repatriation scheme offered as a basis for further discussions at such a Conference. They even went so far as to suggest the particular form of additional inducements which, with the assistance and co-operation of the Government of India, might be offered to Indians as a part of such repatriation scheme, besides agreeing to the inclusion of at least one other important aspect of the Indian problem, which has been put forward by your Government within the range of the proposed Conference.

It was only after the Government of India had intimated in your telegram of 9th October 1925, that they did not intend to explore the possibilities of more effective repatriation with the object of bringing about a considerable reduction of the Indian population, but wished merely to confine themselves to helpful suggestion in connection with the existing repatriation scheme, that further attempts on the part of the Union Government, to arrive at a satisfactory basis for a Conference, were dropped.

My Ministers, accept the assurance expressed in the second paragraph of your telegram, that the real attitude of the Government of India has been misunderstood by them. They also note that, according to Your Excellency's telegram, dated the 26th November, 1925, it was clearly the intention of the Government to put forward definite proposals in connection with repatriation, after considering the report of their deputation to the Union.

Under these circumstances, my Ministers wish to assure the Government of India that, provided they could be made to feel that they have the necessary assurance of the probability that the problem will really and effectively be solved by consenting to a Round Table Conference, they are prepared to take such steps as are still at their disposal to keep the door open for a further consideration of the question. They trust that the Government of India will realise that the progress of the Bill through Parliament cannot be held up unless such action can be clearly justified to Parliament and in the eyes of the people of South Africa by the nature and adequacy of the assurance given; and, therefore, unless the Ministers are enabled to point to some very definite and substantial prospective results to be anticipated from the proposed conference, they cannot contemplate the possibility of agreeing, at this stage, to the holding of such a conference The Government of India will, therefore, understand that the assurance, so far offered by them, in connection with the system of repatriation at present obtaining, is for the purpose of formulating a satisfactory basis for a conference, altogether inadequate.

### Further Telegram from Delhi.

Telegram to the Governor-General of South Africa, Cape Town, dated 26th March, 1926:—

Your telegram dated March 10th. We have not yet seen the text of

the speech delivered by the Minister of the Interior on February 17th, and are therefore glad to receive the assurance from Your Excellency's Government that it was, in no way, discrepant with the actual course of negotiations. Your Excellency's telegram makes it clear to us that the Union Government are not averse to the idea of a Conference provided they are satisfied that such a Conference will hold out a definite prospect of leading to a real and effective solution of the Indian problem. We appreciate the desire of Your Excellency's Ministers to obtain an assurance on this and to find a formula, acceptable to Your Government and mine, as the basis of the Conference which would enable discussions to be initiated. We ourselves are equally anxious that, if a Conference takes place, it should not prove abortive or lead to misunderstanding, and, it is with this object in view, that we desire that there should be no misapprehension about our own attitude.

As we explained in our telegram of October 9th we are unable to agree to enter a Conference of which the object would be to effect a considerable reduction of the Indian population, and we still adhere to this opinion. In our view, the right method of arriving at a real and effective solution of the Indian question would be for both the parties to enter the Conference without being committed, in advance, to any particular solution of the question at issue. We ourselves would enter such a Conference with the sincere intention of discussing frankly with the Union Government all possible methods of settling the Asiatic question, of understanding the difficulties which have led to the present policy of the South African Government and of explaining our own difficulties in acquiescing in that policy and the objects which we have in view. In an atmosphere of better mutual understanding, which we believe this exchange of views will establish, we are hopeful that an agreement may be rendered possible as to the general lines on which the question can be finally settled. As a preliminary step, we would suggest that the Union Ministers might consent to confer informally with the Leader of our Deputation with a view to ascertaining whether the obstacles in the way of the Conference cannot be overcome. We cannot, of course, agree to invest Mr. Paddison with plenipotentiary powers to act on our behalf; and any arrangement suggested after consultation with Your Excellency's Ministers would be subject to our confirmation after receipt by us of his report and after discussion with him.

We are impressed with the difficulty of arriving at an underatanding by telegraphic correspondence and it is on this account that we propose a personal discussion, and have always held that a conference affords the most hopeful method of dealing with this question. In the event of an agreement being reached regarding the Conference, meetings between the representatives of this Government and of the Union Government might conveniently be held either formally or informally at the time of the meeting, in October next, of the Imperial Conference or, if necessary, at an earlier date.

We assume that the progress with regard to the pending legislation would be held upon until the Conference has had an opportunity of discussing the question in all its bearings.

### South Africa Agrees to a Conference.

Telegram from the Governor-General of South Africa dated 13th (received on 14th April 1926):—

In reply to your telegram dated 26th March, my Ministers desire to inform the Government of India that, in compliance with their request, the Prime Minister and the Minister of the Interior have informally conferred with Mr. Paddison, leader, and Mr. Bajpai, Secretary of the deputation, and that the conversations have undoubtedly resulted in a mutually better understanding and appreciation of the respective points of view and difficulties of the two Governments. My Ministers do not consider the divergence in point of view or the difficulties so great that it should be deemed impossible to find a satisfactory basis for in formal conversations which might lead to an amicable settlement, as long as it remains understood that such conversations shall, on both sides, be entered into and conducted with a sincere desire and intention to co-operate in finding a real and effective solution of the Indian problem. Any Conference which could justly be interpreted as a mere attempt from outside to prevent the Union Government from dealing with its own problems in its own way, will be resented by the people of South Africa, and is, and will continue to be, unacceptable.

As was pointed out in previous correspondence, the European community in South Africa consider that their economic position and civilisation are seriously menaced by the presence and unfair competition of Asiatics; and the demand on their part that steps shall be taken, without delay, to counteract that menace, is insistent and practically unanimous. This fact has been corroborated, to the fullest extent by the evidence laid before the Select Committee. My Ministers, therefore, wish to impress upon the Government of India that opinion in South Africa will not view with favour any settlement which does not hold out a reasonable prospect of safeguarding the maintenance of Western standards of life by just and legitimate means. If the Government of India could accept this presentation of the position as the correct one, and could further express their willingness to assist in exploring all possible methods of settling the Asiatic question, the Union Government will be ready to accept their offer to enter into a Conference for the purpose. Any proposal which such a Conference might make would be subject to confirmation by the Governments of the two countries.

In order to ensure that the Conference, if finally agreed upon, should meet under the best auspices, my Ministers have decided, subject to the approval of the Select Committee and the Parliament, not to proceed further with the Areas Reservation and Immigration and Registration (Further Provision) Bill, until the results of the Conference are available. Should the reply of the Government of India be favourable, and a final agreement in regard to the holding of a Conference be reached, my Ministers suggest that such agreement shall be embodied in the following terms, which could form the basis, and be included in any official public attempt to be made at a later date:—

> "The Government of the Union of South Africa and the Government of India have been in further communication with each other regarding the best method of arriving at an amicable solution of the Indian problem. The Government of the Union have impressed upon the Government of India that public opinion in South Africa will not view with favour any settlement which does not hold out a reasonable prospect of safeguarding the maintenance of the Western standard of life by just and legitimate means. The

Government of India are prepared to assist in exploring all possible methods of setting the Asiatic question, and have offered to enter into a Conference with the Union Government for the purpose. Any proposal the Conference might make, would be subject to confirmation by the Governments of the two countries. The Union Government have accepted the offer of the Government of India; and, in order to ensure that the Conference should meet under the best auspices have decided, subject to the approval of the Select Committee and the Parliament, not to proceed further with the Areas Reservation and Immigration and Registration (Further Provision) Bill until the results of the Conference are available. With a view to the limited time of the Select Committee and in order that they may be enabled to make the necessary recommendations, my Ministers will be glad to be favoured with an early reply".

### India Government on the Terms.

Telegram to the Governor-General of South Africa, Cape Town, dated 17th April 1926:—

Your telegram dated 13th April. We learn with great satisfaction that the conversations between Your Excellency's Ministers and the Leader and the Secretary of our Deputation have led to a better understanding and appreciation of the respective points of view and difficulties of the two Governments, and that, as a result of them, the Union Government are prepared to enter into a Conference with us with the object of exploring all possible methods of setting the Asiatic question in South Africa, consistent with the maintenance of the Western standard of life.

We have constantly affirmed our belief that a Conference affords the most hopeful method of dealing with this question, and we therefore gladly accept the proposal which is now made to us. The terms in which it is possible to embody the agreement to hold a Conference afford, in our opinion, a suitable basis for its proceedings, and have our complete concurrence.

We accept the statement of Your Excellency's Government that public opinion in South Africa would not view with favour any settlement which does not hold a reasonable prospect of safeguarding the maintenance of Western standards of life by just and legitimate means; and for our own part we will enter the Conference with the sincere desire of co-operating with the Union Government in finding a solution of the Asiatic question which can be honourably accepted by the Governments and people, both of South Africa and of India. We agree further that it is essential that any proposals that the Conference may make should be subject to confirmation by the Governments of both countries.

It is understood that, in presenting the report of the Select Committee on the Areas Reservation Bill, the Minister of the Interior will announce the agreement that has been arrived at between the two Governments, and will move that Parliament should not proceed further with the Bill until the results of the conference are available. We should be glad to know on what date this announcement will be made, in order that we may arrange for simultaneous publication in this country.

## Proceedings of the Select Committee.

The Select Committee of the South African Legislature on the Class Areas Bill consisted of Dr. Malan (Minister of the Interior) as Chairman, Messrs. Alexander, Coulter, Duncan, Fordham, Hattingh, Lennox, Marwick, Sir Ernest Oppenheimer, Messrs. Pearce, Reyburn, Rood van Hees and Vermooten as members. The Committee sat for 23 days in March—April and orally examined 31 witnesses besides considering many written representations including one from the Consul-General for China.

One March 26 Dr. Malan moved: That the Committee recommends to the House that the principles embodied in the subject of the Bill be approved.

### Voluntary Agreement.

Mr. Alexander moved as an amendment:

1. That in the opinion of this Committee the only just and effective method of meeting the alleged unfair competition of the Asiatic in trade and industry and to improve his alleged insanitary habits, is not to introduce legislation of a general kind affecting all sections of the community alike and insisting on a strict observance by all of civilised economic and living standards.

2. That in the opinion of the Committee it is desirable to explore every avenue leading to a solution of the Asiatic problem in South Africa on voluntary lines, which will remove the fear on the part of the European population in South Africa of Asiatic encroachment and which will prevent any feeling of humiliation on the part of Asiatics in South Africa or the people of India.

3. That to achieve this result the Bill should not be proceeded with further this session.

4. That the Government should consider the advisability of resuming negotiations for a Round Table Conference with the Government of India and the advisability of drawing up an agenda for such Conference as soon as possible after the conclusion of the Conference.

### A Better Method.

Mr. Reyburn moved, as a further amendment: The Committee having heard the evidence considers that a better method of solving the Asiatic question might possibly be achieved by a Conference between the Government, one of the main items on the agenda being the improvement of the facilities for repatriation of Asiatics from South Africa, and recommends that before proceeding with the passage of the Bill every avenue open for a non-contentious settlement of the Asiatic question should be explored.

The Chairman stated that the question of negotiations between the Government of India and the Government of the Union was a matter of Government policy, and that what had been referred to the Committee was not the question of whether there shall be Round Table Conference and what the terms of reference of such a Conference should be. But what had been referred to the Committee was the subject of the Bill, and in his opinion, any resolution on the part of the Committee recommending a Round Table Conference was outside the scope of the terms of reference of the Committee. For those reasons he ruled out of order paragraphs (4) and (5) of Mr. Alexander's amendment as well as the amendment proposed by Mr. Reyburn.

### Speaker's Ruling Obtained.

On the motion of Mr. Alexander it was resolved to obtain the ruling of the Speaker of the Assembly on the points raised by the Chairman of the Committee. When the Committee met next on March 30, the Minister of the Interior announced that the speaker had ruled that the amendments were in order as the Bill was referred to the Select Committee before the second reading. Following numerous deliberations the Chairman of the Committee moved on April 20 :—

"Having been informed that further negotiations between the Union Government and the Government of India have led to an agreement, subject to the approval of this Committee and of Parliament, to enter into a Conference for the purpose of co-operating in finding a real and effective solution of the Indian problem, this Committee resolves to approve of that agreement and to recommend its acceptance by the House.

"In order to ensure that the conference shall meet under the best auspices the Committee further resolves to recommend that the Areas Reservation and Immigration and Registration (Further Provision) Bill be not proceeded with until the results of the Conference are available, and in order to ensure that no ground shall be lost by delay and no vested rights be created in the meantime, to recommend that legislation which might be enacted after the Conference shall be made retrospective from the date when the Bill if it had been passed, would have come into operation."

This motion was approved on April 21 and the Chairman reported accordingly.

## The Paddison Deputation's Memorandum

The memorandum submitted to the Select Committee by the Paddison Deputation contains telling extracts from important official and non-official statements against the principles of the measure. The deputation make no attempt to discuss details of the Bill, since their opposition to its basic principles is radical. Their observations are based, they say, not only on considerations of equity and imperial exigency but also on a study in the Union of the general position and economic condition of the Indian community in South Africa. In the course of their investigations the deputation also endeavoured to visualise the effect of the application to the Indian community of the principle of compulsory segregation for purposes of residence and trade and to assess the extent and strength of the alleged prejudice against the Indian and the reasons for that prejudice.

### India and the Empire.

The deputation first of all describe the historical and psychological background by giving a brief retrospect of India's glorious past, her present-day achievements, and her legitimate expectations, as an integral portion of the British Commonwealth. The claim is further strengthened by the position which India now occupies in the British Commonwealth as well as

comity of nations. Apart from this, India has established a special claim for considerate and equal treatment from her sister nations within the Commonwealth on account of the part she played in the Empire's development and defence. Of her part in the Great War, General Smuts had borne eloquent testimony when replying to an address presented by the Indian community at Durban in 1919. India's intercourse with the continent dates from prehistoric times. By their labour and enterprise, Indians have contributed substantially to the prosperity of various British Possessions. The deputation then proceeds to detail the story of Indian emigration to Natal, in the words of official commissions appointed by the Natal Government. According to Colonel Frank Addison, the Indian has made Natal and without the Indian on the coast, you would not have made any sugar, tea, or coffee plantations and the whole of the industry on the coast is due to the Indian. The Asiatic Enquiry Commission has pointed out that the Indian trader has a peculiar economic value to the rural community, in that he is more considerate than his Jewish rival in his dealings with farmers.

In spite of all these, the Indian is denied privileges which are extended to those who owe no allegiance to the King Emperor. Except in the Cape Province, the Indian is not in the enjoyment of political franchise. The municipal franchise for which until recently he was eligible in Natal was taken away from him by the Natal Boroughs Ordinance. A series of Resolutions and Laws ending with the Asiatic Amendment Act has completely prohibited the acquisition by him of immovable property in Transvaal, except in such localities as Government may for sanitary reasons grant to him for purposes of residence. In the administration of provincial licensing laws the Indian is treated with peculiar severity almost throughout the Union.

### Services of Indians in Natal.

After detailing all other disabilities imposed on the Indian, the deputation point out that the Indian labourer did not come to Natal of his own accord. "In spite of opposition to Indian immigration which emanated from certain quarters, the movement was for a considerable period actively encouraged by the authorities. Though the contract for hire on which the Indian came to the country was originally for a limited number of years, he was assured that he could engage in agricultural or commercial pursuits and move about with the same freedom as other sections of the community later. To achieve the same object he was permitted to commute his right to a free passage to India for equivalent value in land. In the second place, as the Clayton Commission pointed out in 1909, the employment of Indian labourers was widespread and not confined to one or two particular industries. Generally farmers evidently found them as useful as owners of sugar estates and Government railways and coal mines employed them by the thousand and as has already been indicated their activity has been of great benefit to the province as a whole. The trader who came in the wake of the labourer ministered first to the wants of his own fellow countrymen and later to the needs of the whole community. As several Europeans including bankers and large wholesale merchants told us, their standard of commercial honesty is as high as that of any other race, their dealings with their customers are fair and they are always considerate and courteous to their clients. In the third place, bulk of the Indian population in South Africa was born in the country, and knows no other home.

According to the census of 1921, the percentage of the Indians born in the Union was 67'27 per cent. Many of them are complete strangers to India, her languages and customs. In the fourth place, to quote the words of Mr. W. H. Dawson, a recent writer on South Africa who is not unduly sympathetic to the Indian, 'Fair minded Europens readily admit that the best of their Indian neighbours are quiet and unassuming in civil and business relationship, keeping to themselves, rendering ready obedience to the laws of the country so far as they are understood, and maintaining an orderly and exemplary domestic life.' In the circumstances they can legitimately claim that they are not an alien but an integral part of the community, an element to be nursed, not to be discarded; an asset and not an embarrassment.

## The Disabilities.

That in spite of all the circumstances which we have briefly enumerated they are on racial grounds subjected to disabilities, from which newcomers are exempt, naturally cuts them to the quick. To them it is a bitter reflection, that the treatment from which they would be protected in a foreign country by treaty rights or by the active intervention of His Majesty's Government, is paradoxically enough the reward of their services to South Africa and recognition of their common allegiance to the same sovereign." Proceeding, the memorandum states the Union Government was made the sole guardian of the interests of Indians when the Act of Union was passed. The three basic principles of the Bill are compulsory commercial and residential segregation, restriction of rights of immigration and inter-provincial migration. Dealing with the first principle the Deputation quote from the Lange Commission and then point out that "it is galling to India's national pride to feel that though members of their race may sit in the Council Chamber of the Empire beside the most distinguished statesman in South Africa, they may not sit in proximity to the humbles of their white fellow subjects, that Tagore though he was worthy of the Nobel Prize in literature could, if he were in South Africa, reside only in a slum like Bokhburg or Germiston. The fact that the Bill provides for exemptions is no consolation to them, for they realise that no Indian truly proud of his origin will seek personal aggrandisement at the sacrifice of association with his fellows, a severance of association which would most effectively destroy his value as a factor in the uplift of his nationality." Alluding to the second principle, namely, of restriction in regard to acquisition of property, the Deputation point out that this will reduce the value of property owned by Indians in European areas by restricting the market for its sale but grave cosequences will follow from the creation of the coast belt. Discussing the last principle, the Deputation emphasise the Government of India's view that the existing rights will be seriously prejudiced.

## Conclusion.

Concluding the Deputation observe :—

In the preceding paragraphs we have tried to show how disabilities to which Indians in South Africa are subject to are incongruous with their civil condition, their position in the British Commonwealth of Nations and their services to the Empire and to South Africa. We have endeavoured to indicate the nature of the feelings with which Indians of all classes in the Union regard the proposed Bill. We have also tried to explain that

though there is a feeling of alarm among the white community regarding the competition of the Indian, it is not well founded. We hope we shall not be misunderstood if before we conclude we also emphasise the strength and universality of feeling which the Bill has roused in India. Passionate regard for *izzat*, a national phrase, for which honour is but a feeble substitute, is the link which unites Indians throughout the world. Indians in India look upon the treatment of fellow Indians who have settled in other parts of the Empire as the test of their own status in the Empire. Any humiliation inflicted on them they resent as an affront to their own honour. This sentiment is as genuine as it is widespread. It is not the product of artificial agitation, but the spontaneous reaction of a highly sensitive national temperament. It would be a mistake to infer that this sentiment is animated by any arrogant or aggressive desire to interfere in the internal affairs of another portion of the Empire. Nothing is further from the mind of the people of India. They are on the contrary anxious to live on terms of friendship with all their fellow subjects. All they seek is reciprocity in honourable treatment. It is a grievous disappointment to them that although South Africa is no longer menaced with an influx of immigrants from India, the rights of the Indian community in the Union are being progressively diminished. They feel such treatment to be incompatible with the spirit of the assurances they received when Government of India passed to the British Crown, that there shall not be in the eye of law any distinction against them by virtue of their colour or creed. They feel it to be inconsistent equally with the assurances given subsequently by responsible South African statesmen like General Smuts and Mr. Burton. They fail to understand why relations between India and South Africa, which are geographically near to each other and whose friendship should be mutually advantageous in commerce and defence, should be subjected to a strain, which with goodwill and sympathetic understanding, could be allayed. The present Bill, they regard as an unnecessary incentive to estrangement. They feel that the Indian problem in South Africa should be susceptible of a solution, honourable and satisfactory to both parties. If the two people and their Governments approach it with sympathy and vision to achieve such a solution it is imperative to establish a calmer atmosphere for consultation and discussion. It was with this object that Government of India suggested a conference, whether in South Africa or in India. Considerations of amity, justice, and expediency still require that such an atmosphere should be established. The passage of the Bill will only aggravate the situation. We hope that the Parliament and the people of South Africa will deal with the problem in a spirit of friendliness, wisdom and justice.

# The International Labour Conference

*GENEVA—2ND JUNE 1926.*

**The following speeches were delivered by Sir Atul Chatterjee and Lala Lajpat Rai, Indian representatives at the 8th International Labour Conference at Geneva on 2nd June :—**

SIR ATUL CHATTERJEE'S SPEECH.

I should like to take the opportunity in addressing you to thank Miss Bondfield for the very kind references that she has made to my Government and to my people in regard to the progress of social legislation in my country. We deeply appreciate the kind references which she made, and we hope that all members of this Conference will send a message of encouragement to the Indian Government and the Indian Legislature in the task which they have undertaken, and in which, as has been admitted by all speakers, very satisfactory progress has already been made.

I wish to refer to a few points which have been mentioned by my colleague, Mr. Lajpat Rai, in reference to conditions in India. I wish to congratulate him on the tone of his speech, and I think all of you will agree with me in thinking that when the cause of Indian workers is championed by a man like Mr. Lajpat Rai, there is every hope of satisfactory progress being made in the conditions of Indian workers. I am therefore rather surprised to find that my friend observed that there has been very slow progress in social legislation in India and he has taken the Indian Government to task for this fact. I think that anyone who has perused the lucid and most informative Reports of the Director which have been presented to this Conference year after year, cannot fail to have noticed the very rapid progress which has been made in social legislation in India during the last five years.

It is therefore surprising to find that a member of the Indian Legislature, a member who has taken his part during the last twelve months in moulding social legislation in India, should come to this Conference and say that progress has been slow or unsatisfactory. Indeed, I think that my honourable friend Mr. Lajpat Rai, has done very much less than justice to the Indian Legislature when he says that the entire credit for this legislation in India is due to the Government and not to the Legislature. I have not the honour to belong to that Legislature at the present moment, but I was intimately concerned with the progress of this legislation during the previous five years, and I think everybody will admit that all sections of that Legislature have been most active in the promotion of social legislation, and that almost the entire credit is due to the members of the Indian Legislature, who are mostly Indians by birth and nationality.

I wish also to correct one slight mistake which my friend Mr. Lajpat Rai made. He referred to underground work of childern in India. If I understood him correctly, the implication was that children were still employed on underground work in Indian mines. I wish to assure this Con-

ference that no such thing exists in India. No children are allowed to go underground.

### Forced Labour.

My friend has also referred to the conditions in regard to forced labour in India. Those of you who were present at the last Conference in 1925 will remember that this subject was discussed on that occasion also, and at that time I made a distinct statement that there was no forced labour in any part of British India, except with the sanction of the law, and where the law does permit it, it is only for the sake of public works such as canals and large irrigation works which might be damaged unless the whole countryside were summoned in order to prevent such damage by sudden cataclysms of nature. Mr. Lajpat Rai has not given a single instance of any kind of forced labour in any part of British India, and I regret very much that he should have again raised this question.

As regards the Indian States, the Conference is aware that the representatives who come here from India do not represent the Indian States. The question of forced labour has been discussed more than once in the Assembly of the League of Nations, and I have no doubt that it will be considered there again. The ruling Prince from India who attends the Assembly of the League of Nations will know how to deal with this charge. It is not necessary for me to go into the question of forced labour in Indian States.

### The Hours Convention.

A great deal of attention has been devoted, during our discussions of the last three days' to the ratification of the Hours Convention passed at Washington. The Director has given a good deal of attention to the proceedings of the London Conference held in March last. Eight countries of chief industrial importance are recognised in the Labour Conference. Of these countries, five belong to Europe, and the Government representatives of these five countries met in London in March last to discuss how or when it would be possible to ratify the Hours Convention. Only one country of chief industrial importance has as yet ratified the Washington Convention, and that is India. Naturally we are very much interested in ratification by other countries, and we are particularly interested in ratification by Japan, which is the country nearest us, and with which we have the closest commercial relations.

In Washington, after most careful and exhaustive enquiries, the Conference came to the conclusion that a 60 hour week was desirable in India, and a 57 hour week in Japan. We in India lost no time in carrying out the wishes of all the States that met at Washington. My friend, Mr. Mayeda, when addressing this Conference last year, told us that in Japan a very large percentage of the factories did not work longer hours than were worked in India. With all due deference to Mr. Mayeda, I would say that this is no answer at all. As has been pointed out by previous speakers, the position in India becomes more difficult every day, and we do hope that the Japanese Government will be able to give attention to this very important point at a very early date. To say that the Japanese factories work the same hours as the Indian factories is no answer at all to the recommendations that were made in Washington, recommendations that were accepted by the Japanese Delegates in Washington.

I recognised last year, and I wish to repeat again, that we do not

claim that there is any obligation on the part of the Japanese Government to ratify that Convention; but we do hope that in the same way, as the countries of chief industrial importance in Europe are now giving very close attention to this subject, Japan also will give very close attention to this particular Convention at an early date.

Reference has also been made in the course of the debate to the question of ratification by Japan of the Washington Convention relating to the night work of women. Miss Bondfield has described the anxiety felt by the industrial workers and industrial women of Europe on this subject.

### Dependence of Indian Problems on Japanese Progress.

I do not think that adequate attention has been paid, either in the Director's Report or in the debates of this Conference, to this question of the night employment of women in Japan. As a matter of fact, this is not a question which interests European countries very deeply or very intimately, because the Convention at Washington was merely a confirmation of a previous international Convention passed at Berne many years ago, and so far as I am aware, with the exception of Russia, there is for all practical purposes prohibition of the employment of women at night in all European countries. There is practically prohibition also in all American countries. We know that in the Argentine Republic, in Brazil and in Peru there is no night work of women; we know that in Uruguay night employment of women is recommended for prohibition; we know that it is a live question in Cuba and in Venezuela. In all the Oversea Dominions of the British Commonwealth, night employment of women is practically prohibited; but when we come to Japan to-day, we look for the most advanced legislation in this respect in the whole of Asia, and we find that, although an Act was passed in 1923, that Act has not yet been promulgated. The night employment of women is still carried on in Japan and, as has been pointed out by the Employers' Delegate and the Workers' Delegate of India, there is no guarantee when night employment of women will be prohibited in Japan. I have carefully perused the Act, and even if that Act of 1923 is brought into force, I do not see how the recommendations of the Berne Convention of twenty years ago or the recommendations of the Washington Convention of seven years ago will be carried into effect. The Act merely says that there should be no employment of women between the hours of 10 P.M. and 5 A.M., and permission is given to the administrative authorities to extend the period to 11 P.M. The whole object of the Washington Convention was to secure that there should be complete stoppage of all work for women for at least 11 hours during the night. We do hope that Japanese Government will be able to give very early attention to this matter. We know that the charter of social liberty which was embodied in the Peace Treaty was one to which Japan gave full consent. We know that Japan has always taken a very prominent and a very important part in the deliberations of the International Labour Organisation. We recognise the difficulties of the Japanese Government; but, as I pointed out last year, we in the East have special obligations in this respect. In India, in Japan, and in China, we have always considered ethical and moral ideals to be supreme, and I have not the least doubt that when the attention of the Japanese Government and the Japanese people is drawn to this very important point, both the Japanese Government and the Japanese people

will find it possible to make due progress. Social progress in any part of the world is conditioned by social progress in all neighbouring countries with which one has trade or political or social relations. We have explained how the difficulties in India will be multiplied if Japan does not progress.

I wish to express again our obligations to Mr. Mayeda for the very active part he has taken in bringing to the notice of the Japanese Government the difficulties felt in India and elsewhere, and I have every hope and confidence that Mr. Mayeda will be able to give us a satisfactory assurance on this occasion in regard to the intentions of the Japanese Government.

## Lala Lajpat Rai's Speech.

The point I would like to emphasise is the importance which, in my judgment, the International Labour Office should attach to investigating conditions in labour in the Orient and in the coloured world of Africa and America. As matters at present stand, it is unfortunate that about one thousand millions, or even more members of the human race, should be representated at this Conference by less than a dozen people,—I mean the two Delegates from India and the Delegates of Japan. We all know that the population of Asia and Africa far exceeds that of Europe, and I wonder if the white workers of Europe and America properly realise the significance of the problem which faces them. After a hard struggle, extending over several years, they have secured certain privileges in the conditions of their labour from their employers and from their Governments and, unless they take care to improve the conditions of labour in Asia and Africa I am afraid that the advantages they have gained may be lost altogether, by their employers transferring their activities to Asia and Africa and taking advantage of the conditions of labour that prevail in those countries.

### Governments' Hostility.

The Governments are not, of course, very enthusiastic about legislation to improve the conditions of labour, because you know that the Governments have a particular knack of being adverse to changes—changes, particularly, which take away a certain part of their authority and power of their chief clients, the capitalists or employers. Therefore sometime the Governments are in the habit of opposing legislation to improve labour conditions by the hackneyed phrase or plea of backward conditions and a backward educational situation. No doubt sometimes special circumstances and special industries do require consideration; but the considerations of humanity and the considerations of the welfare of the workers must supercede the considerations of power which may be gained by injustice. We therefore require the full sympathy and the full co-operation of the workers of the West in the struggle that we have to carry on in the East, to improve conditions of labour in Eastern countries.

We are attempting in the Conference to creats an international atmosphere, bringing facts to light, and letting the moral conscience of the world bring about what moral pressure it can on those countries where the conditions of labour are neither good nor desirable nor proper. The object of this Conference is to bring together, in a friendly spirit, the peoples of the world and the representatives of the different countries and different peoples on this platform, so that they can exchange their thoughts in private and

in public, and thereby create a public opinion which will afterwards have its effect upon the peoples throughout the different parts of the world. That is all we are meeting here to do ; and let there be no misunderstanding about it. If there is anyone who wants to point out the particular facts and conditions which exist in a particular country, it is not from any desire on his part to discredit the Government or the State to which he is referring, but it is simply done to illustrate what he means ; he is simply pointing out the difficulties in which he or his nation is placed. It is necessary that international public opinion should know what is going on in those countries. The conditions of labour in certain parts of the British Empire, for instance in Fiji, in Kenya and in South Africa, require publicity. I bring no accusation agaist them. All I am aiming at, at present, is that the International Labour Office should collect all the information that is possible to collect with regard to the condition of labour in those countries and that it should place that information in its reports, so that the rest of the world may know what the conditions of labour in those countries are.

South African Bills Against Natives and Asiatics.

We have lately heard of certain Bills having been introduced into the Parliament of South Africa. One of those Bills affects Asiatics and another affects both the native population of South Africa and the Asiatics. Now I do not want to say at this stage a word about those Bills or that legislation, because at the moment there are certain negotiations going on between the Government of India and the Government of the Union of South Africa, and there is a hope of a satisfactory settlement of the Indian question being reached. For that reason I do not want to say a word which might in any way embarrass those Governments or those who are negotiating. But so far as the Colour Bill is concerned there are different reports about it. The other day I read in the "Daily Mail" that about 5½ million people, natives of that country, had been debarred from joining certain industries and from becoming skilled artisans. That article was published in last Saturday's edition of the "Daily Mail," and I do not want to do anything further than to call your attention to the facts which are therein set out. I have not made a study of the Bill and I take no responsibility for those statements. All I do say is that the conditions require investigation, and that I am asking the International Labour Office to do.

Conditions in India.

Now coming to the conditions in India, which I know more intimately, I want to inform all those present here that we in India are not proceeding with the improvement of the conditions of labour, or with legislation to that end, with that rapidity which we should like the Government of India to adopt. But we are determined that the Government of India should adopt a greater speed, and we will do all that is in our power to force the Government of India to legislate in such a way as to improve the conditions of labour in India more rapidly than it is doing at present. In that connection we might say that so far as the competition between India and Japan is concerned the labour people find themselves in a great difficulty on account of Japan's failure to ratify the Washington Convention of 1919, because the champions of labour improvement cannot put forward their claims so forcibly as they could otherwise do, in face of the fact that the most progressive Asiatic Nation still sticks to old conditions. I would appeal to Japan, not

so much in the interests of its industries (because it has every right to look after its industries), but more for humanity.

A very large number of people in India put forward the interests of women and the mothers of the race on a higher level than the interests of industries. Further generations in India and Japan and in every other country are dependent upon the mothers, and if we force the mothers to work at night or to work underground, we are certainly not improving the future prospects of the race. Therefore in India we are trying to prohibit women and children working underground at all. As you were told yesterday, the Government has already prevented women and children working at night, but we propose to go a step further and to put an absolute stop to the working of women and children underground. I think that will be a great step forward; but we shall be greatly handicapped in taking that step unless Japan takes a similar step in her own country, and they can speak for themselves. But there is one more ground upon which I want to base my appeal to Japan. After all, what is done in India more or less goes to the credit of the British Government. India is not a self-governing country, and the Indian Executive Government is not responsible to Indian legislature. Therefore the credit of labour legislation belongs to the British people and the British Government, Japan is the only progressive Asiatic country in the Orient which can vindicate the honour of the East and the Orient. I apeal to Japan not to lag behing other countries in this respect and to show that in their desire to make money out of their industries, they have not forgotton their own ideals.

Having disposed of that, I just want to say a few words about the conditions of forced labour in India. We are not prepared to conceal the skeleton in our own cupboard. India is divided into two parts: British India and Native India, comprised in what are known as the Native States which are governed by native rulers. Now, conditions of forced labour exist in both parts, in British India as well as in Native India. Of course, they are not universal. In British India they have no legal sanction behind them except for certain occasions: but there is a tend of pseudolegal sanction behind them, and sometimes Government officials take shelter behind what is known as customary sanction. I should be unfair to the Britith Government if I omitted to say that certain provincial Governments have tried to abolish the custom altogether by certain Orders; but those Orders have not been obeyed in some cases, and for very good reasons. The practice is very useful and handy for officials. Therefore I cannot accept the plea that the Government cannot force their hands and make them comply with its rules. If it can enforce its other laws, orders and regulations, it can certainly enforce these also if it is enthusiastic about it, and I hope it will do so, because public opinion is expressing itself very forcibly.

With regard to the conditions of forced labour in Native India governed by native rulers, I may say that there also it is not universal, although it prevails to a greater extent and over a larger area. The obligations of the Government of India are not so well defined as in their own territory; but there are certain ways in which the Government of India and also the League of Nations can bring pressure to bear upon the native rulers of India to abolish forced labour, which is after all only a form of slavery.

# The Indian Legislature

January-June 1926.

# The Legislative Assembly

*DELHI—20TH JANUARY 1926.*

## The Viceroy's Opening Address

The Winter Session of the Legislative Assembly was opened in state at Delhi on January 20, 1925 by H. E. the Viceroy. The speech lasted for forty-five minutes and was heard with a solemn silence, not broken even once by applause. This was a fair indication of the general feeling that the occasion demanded from the Viceroy more than he uttered.

The Viceregal speech left the position politically where it was, though in other spheres it made important announcements. It was full of the usual platitudes, quite non-committal in such important questions as the South African Indians while the only matter which warmed up Lord Reading was the announcement of the Royal Commission on Agriculture. It was known during the Birkenhead-Reading conversations in London last year that the Rural Commission was a settled fact and that time was being taken just to go through the official procedure to show that the provincial Governments and the Govt. of India had not been ignored. None of the members present on the occasion read in it a sign of real advantage to India. Pandit Motilal thought that the speech was a challenge to the Swarajists in as much as it attempted to capture the imagination of the masses in India and deflect them from supporting the Swarajist movement. Mr. Ramchandra Rao welcomed the commission, but at the same time warned that its appointment should not mean that industrial activities would be weakened and that simultaneously effect should be given to the Report of the Industrial Commission. The other members felt that the Agricultural Commission which kept all vested interests secure regarding revenue assessment, irrigation charges, system of landownership and tenancy could not prove anything more than a palliative, if not a snare for agriculturists to spend more money on improved methods of agriculture by going in for British-made agricultural implements on a large scale.

As for the South African issue, the Viceroy drew upon his fund of verbosity to cloud the real factor in the situation, namely, the utter subordination of India to Whitehall and the white Empire. He, however, appealed to the Assembly not to injure negotiations by its resolution on the 28th January for wholesale retaliation. The Viceroy however so managed to phrase his observations on this matter that some members thought that these were satisfactory.

As for the political issue, the Viceroy held that the hand of fellowship had not been grasped, that the change in the tone and temper though marked had fallen short of his hopes, but told the members that there was time yet to respond so that the appointment of the Statutory Cummission might be expedited. We quote below the full text of H. E. the Viceroy's speech :—

After congratulating Mr. V. J. Patel on his election to the Presidential Chair and expressing condolence at the demise of Queen Alexandra, Lord Reading dwelt on the foreign affairs of India and in doing so said :—

I am glad to be able to inform you that friendly relations are being maintained with the Kingdoms of Afghanistan and Nepal, and with our other neighbours upon our borders. Nothing has occurred to mar the general tranquillity of the situation with

tribes upon our North West frontier, and steady progress is taking place towards pacification in Waziristan.

I invite the attention of the members of the Assembly to the interim report of the Indian delegation to the sixth session of the Assembly of the League of Nations. The report appears to me to be of very special interest, not only because of the business transacted at the last meeting of the Assembly of the League but, also, because the report strives to make clear the special interests of India in the League, and the attitude which, in the view of our delegates, is best calculated to advance those interests and to give India a prominent position in the League. I think members will welcome the statement in the report, regarding the allocation of expenses and of appointments in the Secretariat of the League. A number of the suggestions made will require examination before decisions can be reached in regard to them, but the report is a valuable document well worthy of study.

### Trade Prospects.

As regards internal conditions in India, on the 14th December last at the meeting of the Associated Chambers of Commerce I passed in review, at some length, the general course of trade in the present year, and made some observations on trade and industries, and the general revenue conditions during the past five years. I need not traverse this ground again. Since the War trade and industry, it is true, are suffering in every part of the world, but let me again express my conviction, based on a very careful scrutiny of conditions and, I believe, free from any undue optimism, that the change for the better in the past five years in India has been radical. The new tendencies appear to me to be salutary and conditions, in my view, are settling down to a stable situation, favourable to slow but sure general progress. In the course of trade and industry in a vast country of the size of India and Burma, it is only rarely that seasonal conditions can be uniformly favourable to the operations of agriculture in every province and, in the past season, they have not been favourable everywhere, but there is no cause at present for general anxiety, though any conditions affecting agriculture prejudicially must always command very close attention, as it is the staple industry of the country.

### The Royal Commission on Agriculture.

When I last addressed you I made some observations regarding agriculture, the research work conducted by the Central Government and the activities of the Provincial Government and the need for co-ordination of all efforts connected with this great All-India interest. Since then the Government of India have been in communication with the Secretary of State, who has always shown the greatest interest in agricultural problems in India and the Provincial Governments upon this important question and, after discussion with the provincial administration, I and my Government have made concrete proposals to the Secretary of State which His Majesty's Government have been pleased to accept and which I will now announce. In our examination of the problem it appeared clear that striking progress had been made in promoting the science of agriculture and introducing improvement, and that both the central institutions in the charge of the Government of India, and the Departments in the Provinces under the charge of Local Governments and their ministers, had every reason to be proud of the results of their activities, and the sum total of their achievements.

Nevertheless it seemed to be beyond dispute that in view of the great importance of the industry to India, and of the large numbers of the population engaged in it, there was room for even greater and more extensive co-ordination of effort towards agricultural improvement. It would be clearly wrong to leave any possible step unturned to make available, to those concerned in the industry, the fruits of the latest scientific and practical knowledge. Nothing which held out any promise of amelioration in conditions should obviously be left unexplored. It cannot be gainsaid that the average standard of production, and the general level of rural welfare in India is lower than those prevailing in other countries where, for some time past, there has been marked concentration on agricultural problems. Agricultural practice, also, in many parts of India is admittedly still backward and primitive and the bulk of the agricultural population is generally unversed in the methods of improvement found successful elsewhere. The situation, evidently, called for a remedy of a comprehensive nature and measures for strengthening and expanding activities by co-ordination, and for examining methods of applying the results of experience in other countries to the solution of our agricultural problems in India were patently required.

We arrived at the provisional conclusion that it was unlikely that a central board of agriculture in India could carry out the precise objects which must fall within the scope of such an enquiry. The latter, to be successful, embrace a review of all the

activities of the central and local Governments in connection with agriculture, and scrutinise conditions from a new angle of view. It appeared to me and my Government that the requirements of the situation could only be met by the appointment of a Royal Commission so constituted as to include members from outside India possessing knowledge and experience of agriculture in other countries, together with members from India with local knowledge of agriculture and rural economy, and in full sympathy with the Indian agricultural population.

The Secretary of State expressed sympathy with our provisional views and authorised us to consult Local Governments regarding the appointment of a Royal Commission and seek their advice regarding terms of reference. As regards the latter the scope of the enquiry was a question of considerable importance. There was no intention to interfere with the control of the Local Governments over the subject of agriculture which in most of its aspects is provincial. The object in view was to supplement, not to curtail, provincial activities. The draft terms of reference were accordingly circulated for discussion which kept those essential points in view while enabling a commission to make recommendations which would be of value to the ministers responsible for the administration of agriculture in the Local Governments as well as to the central agencies connected with agricultural research under the Government of India. Another class of subjects also entered into our consideration during the examination of suggested terms of reference, in which the Local Governments were primarily and directly interested and which had, in a sense, a definite connection with the rural conditions. These subjects included questions connected with landownership and tenure, rates of land revenue assessments and irrigation charges. It appeared undesirable and unnecessary to invite a commission, primarily devoted to the examination and to report regarding agricultural improvement, to burden their enquiry by exploration into these subjects for the purpose of making recommendations regarding them.

The Local Governments' replies showed substantial agreement on the question of the necessity for the appointment of a Royal Commission and on the scope of the enquiry and the questions to be included in the terms of reference. In addressing the Secretary of State we also advised that the Commission be instructed to place themselves in communication with the Local Governments in their visit to a province and to carry on their investigations and to take evidence in close consultation with the ministers responsible for agriculture, the co-operative movement, and the other subjects coming under their consideration, and we made, in addition, some subsidiary explanations of the questions which, in our view, fell within the purview of the terms of reference we suggested. His Majesty the King-Emperor, on the advice of his Secretary of State, has now approved the appointment of a Royal Commission, the purpose of which has to-day been announced in the following terms :—

"Generally to examine and report on the present conditions of agriculture and rural economy in British India and to make recommendations for the improvement of agriculture and the promotion of the welfare and prosperity of the rural population and, in particular, to investigate—

(a) the measures now being taken for the promotion of agriculture and veterinary research, experiment, demonstration and education : for the compilation of agricultural statistics : for the introduction of new or better crops and for improvement in agricultural practice, dairy farming and the breeding of stock;

(b) the existing methods of transport and marketing of agricultural produce and stock,

(c) the method by which agricultural operations are financed and credit afforded to agriculturists, and

(d) the main factors affecting rural prosperity, and the welfare of the agricultural population, and to make recommendations."

It will not be within the scope of the Commission's duties to examine the existing system of landownership and tenancy, or of the assessment of land revenue and irrigation charges, or the existing division of function, between the Government of India, and the Local Governments, but the Commission shall be at liberty to suggest means whereby the activities of the Government of India may best be co-ordinated and the Government of India may usefully supplement the activities of local Governments.

The personnel is receiving the attention of the Secretary of State and his report will be announced later. In my view, this decision embodies a measure of cardinal importance in the interest of the premier industry of India, and of its people, the great majority of whom live directly by agricultural operations, or by occupations connected with the disposal of agricultural produce. The purpose it has in view, I feel sure, will commend itself to every class and creed and to all shades of opinion in this country. Its mission is wholly beneficent. It can bring nothing but advantage to the country, as a whole, and to those

classes of the people whose interests must always be of supreme importance to both the Central and Provincial Governments. If it results, as I trust I may, in bringing to many thousands of homes a somewhat greater share in the wealth of this world, a higher degree of comfort and self-respect, and a better basis for self-improvement and progress, then I and my Government will be simply rewarded for our part in bringing it into existence.

Indians in South Africa.

Let me now turn to a question which I know is uppermost in the minds of the members of the Legislature and which is causing me and my Government most anxious thought. I need not recapitulate the whole situation as regards the position of Indians in South Africa but I may observe that out of the total number of the Indian community in South Africa about one-third, approximately 102,000, are South African born, and are the descendants of indentured labourers in Natal who were permitted to settle in the country on the expiration of their indentures. These people have made South Africa their home. I need not refer at length to the disabilities which have been imposed upon Indians in South Africa and are already in existence. They are of a serious and varied nature, and embrace galling social restrictions on the acquisition of politics and municipal franchise (except in the Cape) regulations regarding inter-provincial movements licensing laws and restrictions on the acquisition of land.

Segregation of Indians.

There has been continuous progress in legislation in South Africa prejudicial to the position of Indians and tending to make it increasingly difficult for them to prosper or even to exist in the Dominion. Against this legislation my Government has made repeated representations, with varying degrees of success. In reply to an address recently presented to me by a deputation from South Africa I have dwelt on the representations made by my Government regarding past legislation in some detail, and I need not traverse this part of the history again. In addition to these disabilities further anti-Asiatic legislation has been recently introduced, and is now pending before the Union Parliament. The purpose of this legislation is to empower Durban authorities compulsorily to segregate Indians and to confine their rights of trading, and of acquiring property to the limits of the areas assigned to them. The Bill also contains further restrictive provisions regarding the acquiring or leasing of land outside the coastal belt in Natal, the immigration and importation of wives and families, and inter-provincial movements. The principle of segregation is not new—it was recognised by a Transvaal Act of 1885, but it was not rigidly applied.

Such locations as arose, as a result of the Bill, led the Asiatic community to condemn the compulsory principle. Indian sentiment has always been strenuously opposed to compulsory segregation, as inflicting a racial stigma. It is felt to be a breach of the Smuts-Gandhi agreement, and a repudiation of a policy believed to have been established, consequent on the recommendations of the Asiatic enquiry committee. The principle has been denounced by the Government of India, and in Kenya His Majesty's Government have decided that it is not to be applied in townships. The Bill, therefore, contains what appears to my Government to be a radically objectionable principle, and existing aversion to this policy has been intensified by the statement of Dr. Malan in introducing the bill in the Union Assembly last July when he said that the measure was based on the general proposition that the Indian was an alien element in the population of the union, and that no solution of the question would be acceptable unless it resulted in a very considerable reduction of the Indian population.

Sympathy with Indian Sentiment.

I, and my Government, have kept His Majesty's Government in continuous and close touch with our general views regarding the position of Indians in the Union, and this bill in particular, and with the strength of the feeling which the general disabilities imposed on Indians in South Africa and this measure, in particular, have evoked. We have also made it clear that we fully sympathise with the sentiment which all classes in India have expressed on those questions. Since April last we have been in continuous correspondence with the Government of the Union regarding the legislation, and communications are still passing. We have repeatedly pressed upon them the suggestion that the situation, in our view, calls for a conference as regards their general policy towards Indians. In the alternative we invited them to make other suggestions likely to result in a permanent and satisfactory settlement.

### Conference proposals.

The Union Government have not found themselves able to agree to our proposals for conference, although they seemed inclined to agree to a conference, restricted to the consideration of a more effective repatriation scheme which, in their words, will result in a considerable reduction of the Indian population in South Africa, and to proposals for the mitigation of economic competition between Indians and other classes in South Africa, and they asked us to formulate concrete suggestions regarding the latter. We could not accept a conference whose main object would be to reduce considerably the number of Indians in South Africa. We were, however, prepared to consider the possibility of smoothing any difficulties that may have been found in their existing scheme of purely voluntary repatriation, and to make suggestions regarding vocational employment, when we had sufficient data, but we asked for assent before entering upon any discussion about voluntary repatriation or making suggestions regarding competition to our sending a deputation to South Africa to collect information regarding the economic and general position of Indians in the Union. On the 10th November the Union Government acceded to this request and we forthwith despatched our deputation, the purpose of which has been announced and published. In sending the deputation, the immediate object we had in mind was the collection of information urgently required by us, and we still kept in view the possibility of a conference, to which we attach the greatest weight.

Some criticism was at first directed in India to the despatch of our deputation. This was chiefly based on the fact that news of the visit of a deputation of Indians from South Africa was received about the same time but, in fact, our decision to send a deputation was reached long before the arrival of the first news of the deputation from South Africa which only came to us in a "Reuters" telegram on the 19th November just before it sailed. It was obviously desirable for us to take immediate advantage of the assent of the Union Government to the visit of our deputation. We desired in the first place to lose no time in collecting information which would enable us to deal with the suggestions of the Union Government. We were faced besides with this critical situation that it was contemplated in South Africa to proceed at an early date in the new year with this bill. It was therefore, essential that we should at once take steps to put ourselves in possession of facts which would enable us to make effective representations before the Bill passed to the second reading stage and became accepted in principle.

The interim reports received from the deputation have given us valuable information and the deputation has collected facts which have been most useful to us in our representations and may assist in suggesting eventually a basis for fresh proposals. We still do not despair of persuading the Union Government that there is the strongest ground for a conference or, in the alternative, for an enquiry before further parliamentary steps are taken. In regard to the pending legislation the deputation had to be hurriedly despatched. This was inevitable in the circumstances and I can not too highly commend the expedition with which the members left India, at very short notice, and got to work on their task at a crisis when a delay of a few days even was a matter of very great moment.

### Indian Opinion Supported.

Dr. Abdur Rahman's deputation is engaged on a different task and is putting the cause of Indians in South Africa before the Government and the people of India on behalf of the section of public opinion in South Africa which it represents. Its purpose is not, therefore, identical with the object of ours. Moreover, the deputation from South Africa has been able to supply me and my Government with facts of considerable importance and to explain points, which, in the absence of local information, may previously have been imperfectly appreciated or understood. The whole question at the moment is at the stage of negotiation. Bearing in mind that in our attitude towards the position of Indians in South Africa, and to the principle of the latest legislation I and my Government are at one with the general feelings in India. You may have confidence that we are striving our utmost to find a basis of discussion with the Union Government before the latter are committed to the principle of the Bill. The question has now to be dealt with in South Africa, and it must be remembered that the Government and the Ministry of the Union are responsible to their electorate and that this legislation is regarded by them as domestic in its character.

We have never doubted the right of South Africa to guide the course of their own domestic and economic legislation but, in our view, there are far wider considerations involved in this legislation than local economic policy alone, and in our opinion they

have an important bearing upon the Empire as a whole. The proposed measures are not, in our view, in accordance with those principle which bind the Empire together in community or sentiment, and we hope that this aspect of the proposal may yet commend itself to the South African opinion. Even on the narrower issue of economic necessity we believe, from the information now received by us, that the situation may be capable of adjustment in other ways.

Our negotiations are still proceeding, and we shall continue to press our views to the utmost of our ability. We cannot say whether we shall succeed in our endeavours, but I hope that a cause which, as it appears to us, has reason and equity on its side will ultimately prevail. Meanwhile I rely on the Legislature to give me and my Government their confidence and support in a question upon which they are aware that our sentiments are agreed, and especially to remember, as I gratefully acknowledge they have hitherto borne in mind, that we are still in the course of negotiations with the Government of the union in whose hands the initiative in conducting their own legislative programme lies. The principle of the Bill has not yet been finally accepted, and I hope that a basis of discussion with the Union Government may be arrived at, which will give the opportunity of stating and proving our case before any question arises of proceeding with the stage of legislation.

## Cotton Duty Abolition.

To-day I shall refer to a few only of the many questions about to engage your attention during this session. The abolition of the Cotton Excise Duty has always excited the lively interest at the Indian legislature and naturally because all shades of opinion in India are agreed as to the necessity for the abolition of the duty. My Government have always stood by the pledge given by Lord Hardinge that the duty would be abolished when financial considerations rendered this action possible. When this Assembly again discussed this question last September and passed a resolution in favour of the suspension of the duty, with full cognisance that suspension would involve abolition, my government were not prepared, on the insufficient data regarding the financial situation available at that time, to commit themselves to action which must be followed by the abolition of the duty in the ensuing budget. By the end of November, however, when the prospects of the year were more fully declared and more detailed estimates were available of financial probabilities, it appeared to my Government that no serious financial risk would be incurred by suspending the duty, and I took steps forthwith by the issue of an ordinance bearing in mind the desire expressed by the Chamber in their resolution of September last, to suspend the levy and collection of the cotton excise duty with effect from the 1st of December. At the same time I announced that it was the intention of my Government, unless the financial position disclosed in the budget estimate for the next year substantially failed to confirm anticipations, to place before the legislature at the next session proposals for the abolition of the duty.

It has been asserted that my Government could not accept immediately the proposal of the Assembly in September, because the Secretary of State was opposed to it. There is no foundation for this statement. The decision was that of my Government, based upon financial considerations only. The proposal to suspend was not submitted to the Secretary of State until November when he had more reliable data upon which to base our conclusions As regards the issue of the ordinance suspending the duty, I may explain that I held myself entitled to pronounce that an emergency justifying its issue had occurred because of the grave difficulties confronting the Cotton Industry at the time, because of the pledges given by my Government to do away with the duty at the earliest moment financial considerations permitted, and because of the views in favour of early action so clearly expressed in this Chamber in the September session.

It is a source of satisfaction to me to have been able to take the first step towards the elimination of an impost which public opinion in India has so universally condemned. It will rest with the Legislature to give sanction to its permanent disappearence. From the course of the September debates, I and my Government understand that the Assembly have approved of the principle that the abolition of the excise duty should take precedence over the remissions of provincial contribution. I mention this point that there may be no misconception as regards the consequence of the action of the Assembly.

## Privy Council Salary.

From my discussions on legal affairs, while I have been in India, I have been greatly impressed with the very high regard and esteem in which the judicial committee of His Majesty's Privy Council are universally held in this country, in connection with their Indian appellate work. Full credit for this public opinion is due, in no small measure, to

the two distinguished members of the committee who have brought their experience and knowledge of Indian law to bear upon the problems submitted to them. I and my Government share the general opinion of the very valuable services rendered to India by these two members of the final Court of Appeal, and we desire to ensure that India shall continue to benefit in the future from a system the advantages of which have been so unmistakably demonstrated. In order to perpetuate the benefits of the scheme it is desired in future appointments to secure persons from India of eminent qualifications, as regards knowledge and experience of Indian law and practice.

It is necessary to offer adequate emoluments in order to obtain men of this capacity, and it is suggested that in future appointments the emoluments of the two members shall be fixed at £4000 each per annum, half of which shall be a charge on Indian revenues. During the period that the salary is paid, any annual pension payable to these persons from Indian revenues shall lapse.

Proposals which follow the lines I have mentioned will be put before you during the session, and it they are approved the future steps neccessary to give effect to them will be taken without delay. I believe that the proposals will give India most valuable judicial facilities, at a cost which is small in proportion to the admitted benefits to be enjoyed under it.

### Railway's Results.

The Assembly have always taken a lively interest in our railway policy. In my recent review of the general conditions of trade and commerce in India, I was able to show the very satisfactory results which have arisen from the reorganisation of the railway department and the separation of the railway from general finance. I have previously expressed my appreciation of the same view taken by the Indian legislature in regard to those changes which have been amply justified by the results.

I am glad to be able to inform you that the railways have been able, satisfactorily, to consolidate their financial position, and it has become possible to make a beginning in the direction of reducing rates and fares. Concrete proposals are under consideration which, it is hoped, may shortly be put into effect.

### Rates Advisory Committee.

It is also now possible to take up another of the recommendations of the Acworth Committee, and to establish some form of rates tribunal to adjudicate upon disputes between railways and the public on questions of rates and fares levied. A rates advisory committee will be set up for the purpose of investigating complains of this nature, and of reporting to Government upon them. The personnel of the committee is now under consideration and it is hoped that the committee will commence their duties at an early date.

### Appeal for Co-operation.

Gentlemen, you will doubtless remember that when I last addressed the Legislature I laid special stress upon the important pronouncement of Lord Birkenhead in the House of Lords which followed the series of conference between him and me. I then dwelt upon the message of sympathetic encouragement that the Secretary of State speaking on behalf of His Majesty's Government had sent to India. I endeavoured to convey to the Legislature the impression I had formed during my visit to England, and to reproduce to them the sentiments of friendship and good-will that prevailed among the British people generally, and among all political parties in the imperial Parliament. I strove on my return from England to persuade the political leaders of India to grasp the hand of friendship and good-will held out to them, and to abandon the attitude of threat or menace. I sought to convince them that this was the surest and the quickest way for India to travel along the road to her ultimate aims and aspirations. I asserted my own emphatic opinion to this effect, as the result of observation during my stay in London. I quoted the Secretary of State's words and they are worth repetition. He said, "We desire and request good-will. Nor shall we be niggardly bargainers if we meet with that generous friendship which is near and dear to our hearts."

In order to refresh your memories let me quote one passage from my own speech, in August last, when I was referring to the possibility of the appointment of a commission earlier than 1929, and after I had shown that His Majesty's Government did not attach special sanctity to the year 1929. I then said "The re-examination of the constitution may take place at any time not later that 1929 when the British Government are persuaded that there has been genuine co-operation of the responsible Indian political

leaders, in working the existing constitution and when sufficient experience of these new and still largely untried conditions has been gathered to form the basis of considered judgment, and to enable proposals for the future to be made with some confidence. I had hoped that the leaders of Indian political thought might seize the opportunity afforded to them by the attitude of the Government, that they might elect to comply with the request made and might thus pave the way for an earlier appointment of the Statutory Commission and for the inception of a new era in political relations between India and the Government. Whilst I fully understood and acknowledged the exigencies of political parties and the difficulties confronting political leaders I yet hoped that a conclusion would be reached and that action would be taken which would change the political atmosphere, and lead to better understanding between India and the British people. It appeared to me that this was the golden moment for various sections of political opinion of India to combine in furtherance of the common purpose of advancing the interests of India by laying a surer foundation for her future relations with the British Government and people. But, to my great regret, I must confess that the realisation has fallen short of the extent of my hopes.

So far the appeals made with the object of promoting harmony and concord have failed to evoke that clear and definite response from India which should have been unmistakable in its manifestations, and have left no room for doubts or ambiguities.

A more generous response would, I feel sure, have evoked generous action. The heart of Britian would have been won by immediate and sympathetic acceptance of the advance she had made and a new situation would have been created based upon mutual trust and goodwill. I shall refrain from discussing the various currents of Indian politcal thought that have found expression in diverse directions since I last addressed you. I desire to avoid comment that might possibly accentuate differences between political parties and Government. Yet I must speak my personal opinion with frankness.

A study of the various speeches and of numberless press articles has led me to regret the more that there should be such hesitation in plainly recognising and accepting the new situation to which the Government's invitation pointed.

### Conclusion.

As I have indicated, I had cherished the thought that the attitude of the Government would have made a more cogent appeal to the generous minds of India. But it would appear that the opportunity is not to be seized. It is to be allowed to lapse, and indeed, in some quarters I gather that the intention, as at present expressed is to reject it, and yet I believe that there is already the beginning of the growth of better relations. I wish the evidence had been more marked, but, nevertheless, I think I have discerned it and I deem it fair to state, as I have already acknowledged on previous occasions, that there is some improvement in the general attitude and some change in the tone and temper of politicians towards the Government. Here again I wish it had been more definite and unmistakable, and also more general.

Although the Government in the last session of the Assembly was opposed and defeated on various occasions, yet there was to my mind a greater disposition manifested to consider problems on their merits and to discard purely obstructive tactics. I have examined most carefully the debate of last September on the Government resolution relating to the Muddiman committee report, and have studied the terms of the amendment passed by this Assembly.

Whilst I willingly recognise that some individual opinions were expressed, suggestive of a desire to meet the Government's advances, the language of the resolution seems to admit of no doubt as to the intentions of those who supported it by their vote. Possibly ingenious minds may discover here or there in the formula adopted some evidence of disposition to accept the invitation. But I must reluctantly confess that scrutinising these terms, with the desire to regard them as favourably as possible, I cannot find the desired encouragement to those who, like myself, were seeking evidence of greater cooperation and good-will.

There is, however, yet time for a more satisfactory response. In the ensuing session, as the proceedings of this Assembly develop, I trust here may be found a clear manifestation of an attitude as generous, and as well-intentioned as I verily believe was that which promoted the appeal. I shall continue to watch events here and throughout the country with deep interest, and it is my earnest prayer that the hopes to which I still cling may not be disappointed, and that a new era may dawn in Indian progress, an era of more sympathetic understanding, more widespread trust, and more universal good-will.

*DELHI—21ST JANUARY 1926*

The first business sitting of the winter session of the Legislative Assembly commenced on the 21st January at 11 in the morning with Mr. Patel in the chair. For the first time since the inauguration of the reforms, non-official members were allotted blocks on party lines rather than on a provincial basis which was being observed hitherto.

On the main Swarajist front bench were seated Pandit Motilal, Lala Lajpat Rai, Mr. Rangaswami Iyengar, Mr. Jamnadas Mehta, Mr. Goswami and Mr. Abhyankar. The Independent party also had a front bench allotted occupied by Mr. Jinnah, Sir Purshottamdas, Mr. Ramachandra Rao, Pandit Malaviya, Dr. Gour and Mr. B. C. Pal. European non-officials were also seated in a separate block, their three front seats being occupied by Mr. W. S. J. Wilson, Sir Darcy Lindsay, and Sir Henry Stanyon. The official benches also were rearranged, seating all official members, including Central and Provincial, behind the Treasury Benches.

After the oath-taking by Lajpat Rai, Maung Tok Kyi and Mr. W. S. J. Wilson the House proceeded to transact legislative business.

The Insurance Bill

An interesting discussion ensued on the motion of Sir Charles INNES for a joint committee of both Houses on the Bill amending the Insurance Law for the purpose of extending the existing law which regulates and controls only life insurance business. The Commerce Member made it clear that the Bill contained merely tentative conclusions which the Government had put in the form of a Bill for focussing discussion in the country and that the Assembly, by accepting his motion, would be committing itself only to this that it was necessary to extend our Insurance Law and would not be committed to the provisions of the Bill which were open to any changes that might be considered desirable. His Bill, however, did not propose to break away entirely from the existing law. It tightened up the existing provisions in some respects and this was necessary, considering that in the last 14 years no less than 26 Life Insurance Companies had gone into liquidation. The Local Governments were unanimous in favour of such a law and commercial bodies also similarly approved of legislation being undertaken.

Mr. Jamnadas MEHTA moved for a Select Committee of the Assembly. The Insurance Law for the past 15 years, he said, has been absolutely unsatisfactory and as the law would invole far-reaching consequences, the Assembly would like to give its unfettered and considered judgment on the subjects by appointing its own Select Committee. Further, the speaker had a suspicion of the other Chamber and did not like that half and half constitution of the Joint Committee of the two Houses should fetter the judgment of the Assembly. Mr. Mehta referred to the various defects of the Government Bill and showed that his own Bill had the approval of "The Statesman" of Calcutta and some other newspapers. The provisions should be both preventive and palliative. He was particularly anxious to protect policy-holders from reckless investment of the funds of Insurance Companies and to see that small honest companies did not suffer.

After further discussion the House agreed to let both Sir Charles Innes and Mr. Jamnadas Mehta withdraw their respective motions so that Sir Charles will bring at another meeting a motion for a Select Committee on the Bill.

Insolvency Bill and Legal Practitioners' Bill.

Sir Alexander Muddiman then moved for reference to a Select Committee the Bill to amend the Presidency Towns Insolvency Act, 1909 and the Bill to amend the Legal Practitioners' Act with a view inter alia to supress the evil of touting.

Cr. P. C. Bill

The Assembly next agreed to Sir Alexander Muddiman's motion for the passing of the Bill to amend the Code of Criminal Procedure, 1898, discussion on which was held in Simla.

Bar Councils Bill

The Home Member formally introduced the Bill providing for the constitution of Bar Councils in British India and for other purposes.

Madras Civil Courts Bill

On the motion of Mr. Tonkinson, the House agreed to the introduction of the Bill to amend the Madras Civil Courts Act, 1873, based on the recommendation of the Civil Justice Committee to afford relief to the District Judges in Madras Presidency by empowering the High Court to order a Subordinate Judge or Munsiff to take cognizance of and any District Judge to transfer to a subordinate judge or Munsiff any proceedings under Succession Act, 1865, and Probate and Administration Act, 1881.

Guardians and Wards Bill

The Bill to amend the Guardians and Wards Act, 1890, was introduced by Mr. Tonkinson. The object was to lighten the work of the District Judges who, if the Bill was passed, could transfer all proceedings relating to particular estates to be disposed of by Subordinate Judges. Mr. Tonkinson declared that the Local Governments and High Courts were agreed on this matter.

Small Cause Courts Bill

Next, Mr. Tonkinson moved for the introduction of the Bill removing certain doubts as to the powers, in regard to the attachment of immoveable property of Provincial Small Cause Courts. The House agreed.

Lunacy Bill

Lastly, on Mr. Tonkinson's motion, a Bill was introduced to amend the Lunacy Act, 1912. Under the present law a mental patient might be received in hospital on a reception order made by a Magistrate after enquiry upon a petition presented by the husband or wife or any other relative. A person so detained might be discharged if the person on whose petition the reception order was made applied. The Bill is to provide that the person presenting the petition should be the nearest relative of the patient not under disability and also to enable an order of substitution to be made whereby the person substituted could be considered as one who had submitted the petition order. The Assembly then adjourned to meet on the 25th.

*DELHI—25TH JANUARY 1926.*

Bar Committee Bills

On the 25TH JANUARY, after a few interpellations, the House proceeded to Legislative business. Two Bills were introduced, one by Mr.

Tonkinson and the other by Sir Alexander Muddiman, to give effect to some recommendations of the Bar Committee. Mr. Tonkinson's Bill removes the distinction between Barristers and Vakils regarding Vakalatnamas and accept the Bar Committee's recommendations with some modification.

The Committee urged that distinctions between Barristers and Vakils should be abolished. All practitioners should be required to file Vakalatnamas when they act, but should have the option of filing a memorandum of appearance when they merely appeal and plead. This should not apply to Advocates who under the existing rules can only appear on the original sides of the Calcutta, Bombay and Madras High Courts on the instructions of an attorney. The High Courts should be given power to determine the Courts and classes of cases in which a memorandum of appearance might be substituted for a Vakalatnama where a practitioner acts on behalf of an accused person. The proposed memorandum of appearance might be made liable to the same Court fee as a Vakalatnama to avoid loss of revenue.

These recommendations have been generally accepted by the local Governments and High Courts and this Bill proposes to give effect to them with the following exception :—(a) in lieu of the proposed exemption of Advocates appearing on the original side of the Calcutta, Bombay and Madras High Courts on the instructions of an Attorney a general provision has been included with the objects of securing that when a Vakalatnama has been filed by a pleader duly appointed to act in Court in the proceedings, a pleader instructed by him to plead only will not be required to file even a memorandum of appearance : (b) No provisions are included in the Bill in regard to the filing of appearances in criminal cases. The Government of India consider that this question should be left to be decided by the High Courts concerned ; but they doubt whether such memoranda should be required to be stamped ; (c) The question of whether memoranda of appearances in civil cases should be stamped is omitted from the Bill as it is considered that it should be decided by the local legislatures concerned by amendment of the schedule of the Court Fees Act 1870.

Advantage has been taken of this opportunity to embody in order 3 of schedule 1 to the Code of Civil Procedure the substance of the provisions of sub-section (3) of section 10 of the Bombay Pleaders Act and of rule 4 (4) in order 3 of the schedule made by the High Court of Madras under Section 122. This will mean that a separate Vakalatnama will not be required for appearance in appeals, etc., or for getting copies of documents and so on after the the proceedings in the original suit are ended.

The Home Member's Bill provides that in any case in which a legal practitioner has acted or has agreed to act he should be liable to be sued for negligence and be entitled to sue for his fee.

## Trade Union Bill.

Sir B. N. MITRA then moved for the consideration of the Trade Union Bill as amended by the Select Committee. He said that two main changes had been introduced in the Bill by the Select Committee. The one was that permitting voluntary contributions to a separate political fund of the Trade Union. Opinion even in England with regard to the political fund was changing and some hold that the Trade Unions' activities should not be complicated by political objectives. The Government of India had however

decided to accept the Select Committee's proposal instituting a political fund on an optional basis. His opposition however remained to the provision reducing from more than half to a minimum of one third the number of officers of a Trade Union who must be actually employed in the industry with which the Trade Union is connected. Concluding, Sir B. N. Mitra appealed to the House not to alter the Bill materially from what it had been changed to by the Select Committee. Let them try the law and as new circumstance arose, they could later on alter it.

Definition of Terms

The Bill was then taken into consideration. Mr. JOSHI moved an amendment that the word workmen must mean all persons employed in trade or industry whether or not in the employment of an employer with whom the trade dispute arise. Mr. Joshi next moved an amendment to the definition of the expression of *Trade Union* so that it can be extended to a combination for regulating the relations between employers and employees or for imposing restrictive conditions on the conduct of any trade or business. The amendments were accepted.

Membership of Unions and the Office-Bearers.

One of the sub-clauses of Clause VI stated that no Union be registered unless adequate facilities were provided for the inspection of the list of members. Mr. Chamanlal moved for the deletion of the word "Adequate", but he did not press it if it came for final voting.

Mr. Wilson moved an amendment to the effect that the rules of a Union must provide for the admission of ordinary members and honorary and temporary members as officers required under Section 22 (i. e. one-third of the number of officers be persons engaged in the industry with which a Union is connected) to form the executive of a Trade Union. The amendment was carried.

A heated debate then ensued on Mr. Chamanlal's proposition that the manner in which the scale of salary, allowances and expenses to which they would be entitled should not be intimated to the Registrar as a condition for the registration of the Union. Sir B. N. Mitra opposed the motion. He said that the object of the condition making the scales of salaires to officers to be made known was to safeguard the interests of the members as otherwise the officers might vote any sums for themselves. Mr. Jinnah supporting the proposition, asked the Government to trust the Union and its executive who were not children. Lala Lajpat Rai pointed out that the scale of salaires might change from time to time and so the Government idea was unpracticable. The proposition of Mr. Chamanlal was carried, Government not claiming a division.

Audit of Accounts.

Mr. Joshi moved an amendment so that the Government should not prescribe how the annnal audit of accounts should be conducted. This was lost.

Registered Unions and use of Funds.

Mr. Chaman Lal moved that in the event of dismissal by a Judge of an appeal against refusal to register an Union, the person aggrieved shall have the right of appeal to the High Court. The Government opposed the motion but did not claim a division.

Mr. Joshi then moved an amendment to the effect that there should be no restrictions placed in the way of a registered Union in spending funds on unregistered Unions or other classes of labour. Sir B. N. Mitter opposed the amendment on its merits. He said that the funds of a Union must be utilised for the benefit of its own members and not be frittered away in other directions.

After further discussion, the amendment was lost, the non-officials not challenging a division as there was another section on which the proposal of Mr. Joshi would be pressed. Further discussion on the Bill was taken up on the 27th.

## Release of Political Prisoners

On the 26TH JANUARY the whole day was taken up by the Assembly in discussing the release of political prisoners and the treatment they are accorded to in Jails. Supplementary questions were asked prior to the debate, their main object being to draw an undertaking from Sir Alexander Muddiman regarding the treatment of political prisoners. Mr. T. C. Goswami asked the Home Member whether he would like to be relegated to a cell by a Government which had not the courage to bring him to trial. Mr. Chaman Lal was anxious whether political prisoners received treatment in accordance with their station in life, and he asked whether their retention was in any manner applicable to their social standing, to which Sir Alexander Muddiman denied that these men were being treated especially in a harsh manner. Mr. Rangaswami Iyengar put a series of questions regarding the six Bengal State Prisoners who have been transferred to jails in the Madras Presidency, whether they got proper treatment as regards diet and accommodation, and whether or not they were being daily searched. He further asked if one prisoner, P. C. Ganguli, was suffering from nasal catarrah before transfer to the Madras jail and another prisoner, P. C. Das, who suffered from duodenal ulcer, was sent to Madras jail notwithstanding the fact that he was under medical observation. The Home Member said that the suggestion of bad accommodation was incorrect. The practice of searching persons was in accordance with the rules. They were being accorded a liberal scale of diet. Medical opinion regarding Ganguli was that he was not seriously ill and his condition did not necessitate surgical treatment and therefore there was no re-transfer to Calcutta. The health of P. C. Das was reported to be satisfactory before transfer to Madras and he was not under medical treatment at the time of transfer.

The principal resolution stood in the name of Moul. Mahomed SHAFEE, and its purport was that the Government should order the unconditional release of all convicted or under-trial political prisoners who had not been held guilty or charged with crimes of violence and also that of all political detenues whose trial in court was not contemplated. The following is the full text of the resolution :—

This Assembly recommends to the Governor-General in Council that he be pleased (a) to order the unconditional release of all such convicts or undertrial political prisoners in Indian jails as have not been held guilty or charged with any act of violence and all political detenues whose trial in a court of law is not contemplated ;

(b) to order the release of all other political prisoners, convicted or undertrial, provided that a committee consisting of two members elected by the Legislative Assembly and two members nominated by the Government recommend their release ; and

(c) to allow the return to their homes of all Indian exiles in foreign countries who are supposed to have been concerned in revolutionary movements in order to secure freedom for India on such reasonable and honourable terms as the Government may think fit to impose.

The mover said that the atmosphere in the country was calmer and cooler. This was the right moment when the Government should extend their hand of sympathy. The cause to which the prisoners had gone to jail was sacred and they could not be classed as ordinary criminals. These men had been in jail for a long time and they had consequently suffered long.

The resolution, the mover contended, did not cover persons who had committed violence. There were many who had gone to jail for no violence. There were non-violent non-co-operators who were soldiers of peace in this 20th century. The detention of these people in jail did not help the Government in the least. Now was the time for a general amnesty of those not held guilty of violence, then amnesty in the case of others provided a special committee advised their release and, lastly, freedom to Indian exiles to return to India on such terms as the Government would impose.

Mr. M. K. ACHARYA appealed to the Government to look at the situation from the loftier point of view from which the non-officials looked at it. Violence begot violence. The other day when he was visiting the new Legislative chamber, he found five guns in front of it. Why this display of violence which encouraged others to follow suit? Why pass black acts? Do not look at the situation from the point of view of a police man, but from the point of view of a statesman.

## Mr. Goswami's Amendment

Mr. T. C. GOSWAMI then moved the following amendment with a view to substitute it for the original resolution :—

That this Assembly recommends to the Governor-General in Council—

(a) forthwith to secure the immediate release of all political prisoners detained without trial;

(b) to take steps to remove all difficulties in the way of the return to India of Indian exiles in foreign countries who may be or may have been suspected of being concerned in any revolutionary or other activities regarded by the Government as prejudicial to the interests of India; and

(c) to bring to trial under the ordinary law of the land such persons against whom the Government think that they have sufficient evidence to go to court.

Mr. Goswami explained that, while he agreed fully with Mr. Shafee's resolution, he found that it has brought within the scope of one resolution two distinct issues, namely, the case of political prisoners already convicted and those under trial. For the former, technically they could not claim amnesty, while in the case of the latter it was a matter of elementary jurisprudence and elementary human right. They all knew how the judiciary in India was being prostituted to imperial ends. Even in the sacred precincts of Westminster, the Tilak case and the O'Dwyer-Nair case had proved how the judiciary had been prostituted. Mr. Goswami further made it clear that he did not think it immoral for any Indian to seek to effect a change in the Government by violent means. Non-violence was a matter of expediency. He did not care whether even the Lord Chancellor or a Chief Justice had examined the case of those detained without trial: so long as a charge was not framed against them. To say that they were criminal was preposterous. He would wait patiently to hear the Law Member (Mr. S. R. Das)

whom he found was conspicuous by his absence to defend the callousness of the Government.

Some of the persons detained were accustomed in ordinary life to comfort not less than that to which the Home Member or any other on the front bench were accustomed, and yet they were not granted those comforts. He had omitted the case of non-Indian exiles because the only one he had in view was Mr. Horniman who had already managed to come back. As regards Indian exiles most of them were in Europe, while there were others who have been deprived of the right of American citizenship. He had reason to suspect that, behind that decision of the American Supreme Court was the pressure of the British Government.

Continuing, Mr, Goswami commented upon the trial (the Dakshineswar Bomb Case) held recently by a special tribunal constituted in Bengal and characterised their judgment as notoriously and grossly partial.

The Home Member rose to a point of order.

The President ruled that Mr. Goswami could not cast reflection on judges.

Mr. Goswami; Then, Sir I say the judgment is preposterous. (Laughter.)

Mr. Goswami next referred to the fact that Sir Willoughby Carey volunteered to Mr. Jhonstone. M.P., to prove that Messrs. Gandhi, C. R. Das and all others were revolutionaries and when Mr. Johnstone proposed that one of the Swarajists be present at a discussion, Sir Willoughby funked.

At this the Home Member again rose to a point of order and said that where a member of the House was to be personally attacked, he might be given due notice so that he might be in his seat to defend himself. Mr. Goswami replied he was surprised the Home Member did not know about this as the matter had been discussed in the press already. The President said it was desirable that the member concerned be previously warned, but, of course, he could not lay down a definite ruling as occasion might arise when a speaker might have to refer to a question at the spur of the moment.

Continuing, Mr. Goswami said that Col. Crawford the other day said: "We were forced to take that action." This "we" proved that in Bengal, the Europeans and the Government formed a clique. (A voice: shame). Between them there was a liaison. Even, the Bengal Ordinance was drafted in consultation with non-official Europeans.

Sir Alexander Muddiman: Will the Hon'ble Member accept my statement that this is entirely untrue.

The President asked Mr. Goswami to accept the denial and, as his time was up, Mr. Goswami resumed his seat.

Sir Alexander MUDDIMAN opposed the resolution in a speech lasting more than half an hour. The Home Member pointed out that an offence against the State was more dangerous than any other offence. It was wrong to believe that an offence against the State was something less dangerous than an offence against individuals. The resolution was muggy, but the amendment had simplified the issues. However, the first part of the resolution could not possibly release persons who were connected with the Gadhar conspiracy. Indeed, the first part of the resolution asked for a general amnesty. There were two tests for amnesty: (1) Some political object must be served by release. (2) When a movement had spent its force, it is possible if there is no danger to public safety, to release prisoners. Generally, this part of the resolution really concerned with the Punjab and Bengal. The trouble

did not arise in any other province. It did not cover the case of Moplah prisoners.

The case of Moplahs, said the Home Member, was discussed in the Madras Council and the Member-in-charge there expressed the view that the time was not ripe for the release of the Moplahs. As regards Bengal, the policy of the Government of India had been pursued at the instance of the Bengal Government who had been in close correspondence with them. He (Home Member) had therefore nothing to repent.

Proceeding, the Home Member said the Government always desired to treat the prisoners humanely, decently and in every proper way. The second part of the resolution was an encroachment both on the judiciary and the executive; but if any member brought any individual case for examination with a view to release, then he would gladly go into it.

Lastly, speaking in regard to the third part of the resolution, Sir Alexander referred to the charges of a corrupt judiciary and corrupt police. The Home Member paid a tribute to the work of the Police, most of whom were Indians. The task of the Police was most difficult. They had to act with discretion and with courage and in this the Indian Police had discharged its duties very well. He had a higher regard for the judiciary who were mostly Indians. "The Government position is this," concluded the Home Member: "We are prepared to enquire into individual cases if brought to our notice. We desire to limit our action, to limit restraints, to the very minimum of what is essential to preserve our position. We won't desire to do more than that. We cannot, in order to serve a political movement or to secure temporary support, compromise the interests of the ordinary citizen which are the interests of law and order. I have tried to meet the resolution in a friendly spirit and I feel I have given a satisfactory answer".

Lala LAJPAT RAI was cheered when he rose to speak. He said he had come under the three clauses of the amendment at one time or other of his life. When he was deported under Regulation III, he wanted the Home Member to take his word that there was absolutely no foundation for the charge against him.

Home Member: I am glad to hear that.

Similarly, said the speaker, there would be many who might be suffering wrongly. Why not look into their cases again? When he and other members of the Congress Committee in the Punjab were declared seditious one day and arrested and later on let off on the advice of the Law Officer, the Government did not even express regret at their error of judgment. As regards the revolutionary movement, he declared that no country was free from such a movement, not even Great Britain. Indeed, the world's progress was impossible without revolution. The Government had not succeeded in the past 25 years in exterminating the revolutionary movement, because unless it removed the cause of the movement by conceding popular demands, the movement could not die. Why not appoint a Committee to go into a revision of the cases as regards exiles? The Government was refusing them passport, even to those who would take the risk of coming out to India and stand prosecution. One boy met him in Constantinople and though he referred his complaint for the non-grant of passport to the Labour Secretary of State, nothing has been heard since.

The Home Member: Will the Hon'ble Member bring the case to my notice?

Lala Lajpat Rai promised to do so, but pointed out that this was an illustration of the difficulties. Let the exiles come back and give them the chance to restart life.

Mr. JINNAH said he was not going to plead for mercy. The Home Member had given them no indication when the time would come for a general amnesty. The speaker did not believe that a Committee to go into the cases of political prisoners would do any good. He therefore gave whole-hearted support to Mr. Goswami's amendment. He asked how long were the Government going to let persons rot in jails without trial. Was it that they wait, till conspiracy was crushed and completely broken? He appealed to his European friends to take a sane view of the situation and not let men rot without trial.

As regards exiles, the speaker met separately ten or twelve of them, all of whom admitted to him that they helped Germany during the war, but were now convinced it would do no service to the country's fate to associate with a foreign country. They would give an undertaking not to be connected with a foreign government and not to adopt unconstitutional methods. Would the Government let them return on that undertaking and start life in the country?

Mr. Jinnah, continuing, said that he was pleased that Mr. Goswami should have inserted the last clause in the amendment which told the world that they did not want that any crime or offence should go unpunished, whether the crime was political or otherwise. "Has any one suggested that the revolutionary movement should not be suppressed or those charged with offences against the State should not be tried? But try them and do not let them rot in jail. We ask for their trial. The sooner you do it, the more readily you will get support and co-operation."

Amendment Carried.

After Sir Alexander has briefly replied, the resolution of Mr. Shafee was put to vote and lost, a number of Independents not voting. The amendment of Mr. Goswami was then carried by 53 against 45 votes, the Independents and Swarajists mainly forming the supporters.

Bengal Detenues.

On the 27TH JANUARY, during interpellations, Mr. Tonkinson was heckled for some time by Messrs. Acharya, Chamanlal, D. P. Sinha, K, Ahmed, Rangasami Iyengar and Sir H. Gour for his refusal to collect information regarding Bengal Detenues, their present health, place of detention and reason for detention etc. Mr. Tonkinson held that the matter concerned the local Government primarily and the Government of India did not possess the information asked for. Sir H. Gour contented that the Superintendence and control in this matter was vested in the Government of India who should supply information to the House. As supplementary enquiries were proceeding, the President intervened and observed that the Government of India should try to meet the House by collecting information wherever it could.

## Trade Union Bill.

### Use of Funds

After some further interpellations, discussion on the Trade Union Bill was resumed. Mr. Joshi moved an amendment to remove the restriction on the use of Trade Union funds so that those labourers who were not organised could be helped out of the registered Trade Union funds. Without such a right, the whole solidarity of the labour movement would be threatened and the Bill would be a cause of weakness rather than of strength by drawing a line of cleavage between organised and unorganised workers.

Lala Lajpat Rai, intervening, made it clear that they were anxious to secure the principle Mr. Joshi had in view though the exact amendment could be settled mutually.

Sir B. N. Mitra, replying, conceded the desirability in the interest of the Labour movement of permitting the use of its funds on the labour cause to benefit workmen in general. He wanted however that the amendment originally tabled by Mr. Joshi limiting such financial help to the maximum of one-fourth of the Union funds should be adopted. He therefore moved it himself. The amendment was carried by the House.

### Expenditure on Undefined Objects.

Mr. Chamanlal next moved the insertion of a clause permitting a union to spend its funds on any object that was not inconsistent with those specifically defined in the Bill. This was rejected.

### Funds for Political Uses.

Sir B. N. Mitra then moved an amendment to the effect that the new clause relating to the constitution of a separate fund for political purposes must refer to the registered trade unions and not to unregistered trade unions. Sir. B. N. Mitra pointed out that the object was to clarify the position and leave no room for doubt on the matter.

This was opposed by the Swarajists headed by Pt. Nehru who contended that the language of the new clause was clear, namely, that a trade union may constitute a separate political fund and there was no question of only a registered union. This House must take the intention of the Select Committee in not specifying the expression "registered trade union."

Mr. Jinnah and Pt. Malaviya supported Government. They said that the omission of the word "registered" before the expression "trade union" was an oversight and should not be taken advantage of now to include unregistered trade unions in order to extend the benefits of the Bill to them as well.

Eventually, however, the amendment of Sir B. N. Mitra was carried, Swarajists who had opposed it not challenging a division. Thus, therefore, the Bill was definitely declared to apply only to registered trade unions and the benefits would not extend to unregistered unions.

When discussion took place on Section 16, which provides for a political fund on a voluntary basis, Sir B. N. Mitra appealed that, as it represented a compromise, it should not be further altered.

Mr. Chamanlal's amendment laying down that ordinarily every member should subscribe to the political fund, unless he secured immunity from it by special application, was rejected.

## Immunity from Civil Suits.

Mr. Joshi next moved an amendment to delete a line, thereby granting immunity from civil suits in trade disputes to persons like himself who might not belong to a registered trade union, but might be called to help.

An interesting legal discussion then took place on this amendment. The Bill grants immunity to a trade union against proceedings in respect of any act done by any person acting on behalf of a union if the union proved that such a person did so without the knowledge of the union or against its express instructions and that the executive of the union repudiated this act at the earliest opportunity and by all reasonable publicity. Mr. Joshi's amendment wanted to grant immunity to the trade union and left it on the plaintiff the onus of proving that the person concerned acted with the knowledge of or in accordance with the instructions of the executive of the union. In the legal discussion that followed, Pandit Motilal and Mr. Jinnah took the side of Mr. Joshi's motion and Mr. S. R. Das and Sir Henry Stanyon stood for the original provision. Mr. S. R. Das pointed out that the Bill proposed to limit the ordinary law by giving protection to unions against proceedings in case they proved that the person acted without their knowledge or against express instruction. The discussion was proceeding when the President adjourned the House. Further discussion on the Bill was taken up on the 1st February.

## Middle class Unemployment.

Public Galleries were crowded when the Assembly re-assembled on the 28TH JANUARY. This was due to the expectation of the debate on South Africa which, however, was postponed by mutual ageeement arrived the day before.

After the question hour was over, Mr. A. Rangaswami Iyengar moved the resolution recommending the appointment of a Committee with non-official majority to investigate into the problem of unemployment amongst the middle classes and suggest remedies for the same.

Mr. Iyengar observed that the unemployment problem of the poor hinged on the general economic problem of the country which had been left unsolved by the Government on whom lay the primary responsibility for the solution. The huge poverty and semi-starvation was due to the economic policy of the Government. This was a perpetual problem and so long as India did not get Swaraj, there would be no solution to it. Meanwhile middle class unemployment was becoming more and more acute. Indeed, there was a very large class of intellectual proletariat who could not get employment. The problem could only be solved by Government.

Realising the existence of poverty, the late Mr. C. R. Das suggested a scheme of village reconstruction in order to increase the production, but this did not meet with the support of the Bengal Government. Let the Government of India at least step in and face the problem and thereby relieve the lot of thousands of the educated people in India.

Sir Sivaswami IYER moved an amendment to the effect that the proposed committee should investigate the problem of unemployment among the educated classes of India and devise suitable remedies whether by a system of industrial and technical education or by revision of the existing system of education, or by offering encouragement to the starting of new industries or

by opening new avenues of employment or by the establishment of an Employment Bureau or by all these or any other means.

Lala LAJPAT RAI then moved an amendment which was to the effect that the proposed Committee with a non-official majority should investigate into the problem of unemployment in general and among the educated classes in particular and devise suitable remedies, whether by a system of industrial and technical education or by offering encouragement to the starting of new industries, or by opening new avenues of employment.

Lala Lajpat Rai said that the question of unemployment was not confined to one or two provinces but was felt throughout India, and must be therefore dealt with as such by the Central Government. Government must recognise that their duty did not end by providing for defence and for the maintenance of law and order. It consisted also in seeing that the people prospered every day. The prosperity of the people should not be judged by figures collected by a few persons in Government offices, but by the actual condition of the people which was known by their leaders and and not by the officials who lived in bunglows and drawing rooms. Practically all classes suffered from unemployment due to foreign Government. The fiscal policy of the Government and the sales of reverse councils had, for instance, created unemployment among traders.

In opposing the resolution Sir B. N. MITRA said that there were also resolutions passed in the Madras and the U. P. Legislative Councils on this question. The Industrial Commission's recommendations could not be given effect to by the Central Government as industries became a Transferred subject. But the local Governments had taken and were taking steps in the matter. The Government of India, however, had gradually developed the Stores Department and had considerably modified the rules of the department for the purchase of articles. The Skeen Committee was enquiring into the matter of appointing Indians as officers in the Army and the Government of India had been adopting a more vigorous policy in regard to the development of railways. The policy of Indianisation of the Services had been accepted on the lines generally recommended by the Lee Commission and there would thus be more avenues for educated men. The Government of India had granted remissions in provincial contribution which would enable Local Governments to proceed with their development schemes which would in turn give employment for some of the present unemployed. The Economic Enquiry Committee's Report has been sent to local Governments whose co-operation was necessary. More than all, there would be a Royal Commission on Agriculture which might recommend schemes of agricultural development and this might enable them to provide appointments for educated men.

In regard to the uneducated unemployment, Sir B. N. Mitra said that the Provincial Governments had not been unmindful of their obligations in this matter. Some Local Governments have investigated the matter and if the Local Governments thought that a stage had arrived when there must be a central enquiry, then the Government of India would not hesitate to act upon the suggestion. But at present the appointment of a Committee as suggested would not only prove futile, but also prove irritating to the Local Governments who might be contemplating similar steps. Sir B. N. Mitra, therefore, suggested to the Assembly to leave the whole position where it was. If the Assembly still passed the resolution, the only action the

Government of India would take would be to draw the attention of the Local Governments to it.

Lala Lajpat Rai's amendment was then put to vote and carried by 48 against 46.

## South Africa Motion Postponed.

Before the Assembly adjourned, Sir Alexander Muddiman, in seeking postponement of the debate on South Africa, said: "Sir, it is frequently my fate to have to make statements to this House which indicate wide differences of opinion between the Government and some part of this House. To-day, I am fortunate in being in the position that I am dealing with a subject on which every member of this House is in the same camp. I refer to the treatment of Indians in South Africa. On the paper is a resolution by Mr. Gaya Prasad Singh which deals with that subject. There is also an amendment in the name of Pandit Motilal Nehru which I know is powerfully backed by another Party also.

"Now, the discussion of the motion and the amendment at this particular juncture will, in the considered opinion of the Government of India, prejudice the position in South Africa when negotiations are at a very difficult and critical stage. I therefore ask the mover of the resolution and the House to consider whether, in the best interest of those whom we are seeking to support in maintaining their rights, it would not be proper and wise to postpone the discussion till later in the current session. The attitude of this House and the advice of the Standing Committee on this matter have so far been a source of real strength and assistance to the Government, and I cannot believe that we cannot rely on that feeling being continued. The Government of India, on the other hand, have done all that lay in their power to bring about a fair settlement, and I need hardly give the assurance that they will continue to do so. I would now therefore ask Mr. Gaya Prasad Singh, in whose name the resolution stands, not to move it to-day on the definite understanding that the Government will give this House an opportunity of considering it and any amendments to it before the expiry of the current session. The exact date would of course be to a great extent dictated by the march of events in South Africa."

On Mr. Gaya Prasad Singh agreeing not to move the resolution, the House agree to the postponement.

## Civil Courts Act Amending Bill.

After a recess of three days the Assembly met on the 1ST FEBRUARY. After interpellations, Mr. Tonkinson moved for consideration of the Bill to amend the Madras Civil Courts Act, 1873, in order to provide for relief being given to District Judges by authorising Sub-judges and Munsiffs to take cognizance of certain proceedings under the Succession Act and the Probate and Administration Act. The Bill was taken into consideration and passed without further discussion.

The next motion of Mr. Tonkinson was for consideration of the Bil to amend the Guardians and Wards Act 1890. This too was considered and passed.

## Bill to Amend Civil Procedure Code

Mr. Tonkinson then moved for consideration of the Bill to amend th Civil Procedure Code, 1908, in order to make it clear that Provincial Smal

Cause Courts had no power to order attachment of immoveable property before judgment.

Khan Bahadur Sarfraz Hussain Khan did not oppose the Bill, but moved that it be referred to a Select Committee. After further discussion, in which Messrs. Rangachariar and Rama Iyengar participated, the motion for reference of the Bill to a Select Committee was lost. The Bill was then passed.

## Trade Union Bill

The Assembly then resumed discussion on the Trade Union Bill.

Sir B. N. Mitra announced that, after the Assembly rose on the 28th January last, he had a discussion with the leaders on the non-official side, and they had come to a common understanding.

The Assembly, therefore, without much discussion adopted his revised amendment, laying down in respect of immunity from civil suits that:—"A registered Union shall not be liable in any suit, or other legal proceedings in any Civil Court in respect of any atrocious act done in contemplation or furtherance of a trade dispute by an agent of a trade union, if it is proved that such a person acted without knowledge of, or contrary to the express nstructions given by the executive of the trade union."

### Amendments.

After adoption by the House of the above amended provision, another legal discussion followed on Mr. Joshi's amendment to delete the following words after the above provision: "That immunity shall be granted after the executive (of the Union) has repudiated such an act at the earliest opportunity and by all reasonable means with reasonable publicity."

Dr. Datta moved an amendment to Section 22 so that at least one half instead of one third, of the total number of the officers of a Union be persons actually engaged or employed in the industry with which the Union was connected. Dr. Datta also moved a proviso to his amendment that Local Governments may declare that provisions of the Section shall not apply to any Trade Union or class of Unions. Both the Amendment and proviso were carried.

The Bill as amended was then about to be put to vote. But Sir B. N. Mitra postponed making the final motion for its being passed.

### Imprisonment under Security Section.

Sir Alexander Muddiman then moved for leave to introduce a Bill to amend the Code of Criminal Procedure so as to restore to Magistrates the discretion of sending either to simple or rigorous imprisonment those who had been found guilty under Section 109, a discretion which had been removed in favour of simple imprisonment when the code underwent revision more than two years ago. A motion for restoration of discretion was lost in September last by a majority of one vote. Sir Alexander referred to the opinions of Local Governments and Jail administration reports. The Bill was introduced.

### Trading Taxation Bill

Sir Basil Blackett then moved for consideration of the Bill determining the liability of certain Governments to taxation in connection with trading operations. The Bill was to give effect to the resolution passed by the Imperial Economic Conference, 1923. That resolution stated that the several

Parliaments of Great Britain, the Dominions and India should declare that provisions of its Acts or Ordinances imposing taxation be deemed to apply to any commercial or industrial enterprise carried on by, or on behalf of, any other such Government in the same manner, in all respects as if it were carried on by or on behalf of a subject of the British Crown.

The Bill was taken into consideration, and a slight alteration was made in Sub-Clause II. The formal passage of the Bill was postponed.

Non official resolutions appeared on the agenda paper of the Assembly when it met on the next day, the 2ND FEBRUARY.

During interpellations Government members were relentlessly heckled by non-officials regarding the appointment of the successors of Mr. Sim, the Financial Commissioner of Railways and Mr. Rushbrook Williams, the Publicity Officer. The whole non-official view was that there was not only denial of Indianisation in the case of the successors of these two officers, but also the sting that the jobs were important and that there was no Indian suitable for either.

## Vagrancy in India.

Mr. Abdul HAYE then moved the Government to undertake legislation to prohibit beggary and vagrancy in India. There were about three million beggars in India according to the recent Census. The real figures must be higher. He believed that, excluding agriculture, no profession in India had so many followers as beggary and vagrancy. He believed that the abolition of beggary would make them give up the method of beggary in the political movement. He suggested that poor houses be established and placed in charge of Swarajist members to enforce work at the spinning wheel and to add to the wealth of the country.

Mr. Sarfaraz Hossain KHAN moved an amendment favouring consultation of Local Governments on the subject, their opinions to be placed before the House at the next session.

Sir Alexander Muddiman opposing the resolution said the mover had referred only to the English Vagrgncy Act as a constructive suggestion, but the English Act did not refer to beggary, and certainly it would not apply to Indian conditions. He was not prepared to hold a person liable simply because he did not work to earn his living. Again, in India, it was in certain circumstances that the person who gave alms to others acquired merits. The whole problem was one that fell within the sphere of Local Governments. Some Municipal Acts had noticed of late an increase in the number of beggars in the streets of Calcutta, but the matter should be left to the Local Governments and Municipalities to deal with.

Sir Hari Singh GOUR moved a further amendment for the regulation and control, instead of the prohibition, of beggary and vagrancy.

This was accepted by Mr. Abdul Haye, but his resolution, as amended, was rejected by 56 votes to 21. Khan Bahadur Sarfaraz Hosain Khan's amendment was also rejected by 43 votes to 40.

## Proposed Enquiry into Retrenchment.

The House then left the subject of beggary to one of high finance when Mr. Rama AYYANGAR moved for a mixed committee to enquire into and report upon retrenchment in expenditure carried out as a result of the Retrenchment Committee's recommendations and the reasons for not

carrying them out, if any; secondly, to enquire into the possibility or otherwise of further carrying out such recommendations; thirdly, the possibililty of immediately wiping out Provincial contributions; fourthly, to reduce taxation.

Mr. Rama Ayyangar quoted figures of revenue and expenditure since 1922. In 1923-24 the Retrenchment Committee's recommendations for reduction of Rs. 20 crores was carried out only to the extent of Rs. 63 crores. In the following year the revised Budget showed an extra amount of Rs. 4 crores over expenditure. The actuals of 1924-25 according to his own calculation (because the Government had given him the figures) must be Rs. 10 crores. (Sir Basil Blackett laughed over the statement.) However, the financial position of the Government was stated by the Viceroy to be safe and His Excellency had abolished the Cotton Excise Duty. Mr. Rama Ayyangar calculated that from the amount of Rs. 9 crores available as a balance in the Reserve Fund and Depreciation Fund of the Railway Budget there must be in the General Budget also a balance of more than Rs. 6 crores. Before the end of the year the total of the Reserve and Depreciation Fund must go to over Rs. 20 crores. But on the expenditure side the Government had not carried out the recommendations of the Inchcape Committee in almost all departments, particularly so in connection with the army. On the other hand there had been a growth of expenditure in some departments. Concluding, Mr. Ayyangar pleaded for an Enquiry Committee being appointed in order to go through the whole question in the light of the Meston Award, the Taxation Committee's Report and the Inchcape Report.

The moment Mr. Rama Ayyangar finished his say, Sir Basil Blackett and Mr. Sim damned him with faint praise, in which Sir Purshotamdas Thakurdas also joined. The only quarter where Mr. Rama Ayyangar's labours found appreciation was from Pandit Malaviya who pleaded for fair-play towards one who had taken pains to study, however imperfectly, the important question before them. Mr. Cooke, also supplied Mr. Rama Ayyangar some drop of comfort by suggesting, instead of a mixed committee, an expert body, like the Tariff Board, to be in continuous touch with the Government and help them. When Mr. Ayyangar's motion was put to vote, there were only a few voices in his support, while the majority of the House cried "No". Mr. Ayyangar however did not claim a division.

On the 3RD FEBRUARY a heavy official agenda appeared on the order paper when the Legislative Assembly reassembled. It included the introduction of two important Bills amending the Tariff Act and the Income-Tax Act, the final passage of the Trading Taxation Bill, a resolution about the salary of the Privy Council members and the Contempt of Courts Bill.

## Judicial Committee of Privy Council.

After interpellations, Sir Alexander MUDDIMAN moved the following resolution :—

This Assembly recommends to the Governor-General in Council to take steps to secure (1) in case of future appointments, enhancement of the salaries paid to the two members of His Majesty's Privy Council with Indian experience who sit on the Judicial Committee under the provisions of the Judicial Committee's Act of 1833 to hear Indian appeals, (2) that they shall be persons possessing recent knowledge of Indian law and practice (3) that their salary shall be £4,000 per annum, each half of which shall be paid from the Indian revenue and (4) that, during any period when the salary is enjoyed, any pension payable to either of them from the Indian revenues shall lapse.

Sir Alexander Muddiman recalled that the very earliest charters establishing courts in India established the right of appeal to the Privy Council as well. In wealth of judicial talent the Council was unrivalled in the Empire and possibly in the world. There was a time when, at the instance of Sir Hari Singh Gour, the Assembly discussed the possibility of establishing a Supreme Court in India. There was a good deal of opinion in favour of it at one time, but the House so recently as February, 1925, by a majority of 56 against 15, passed a decisive judgment against it.

Proceeding, the Home Member pointed out that 59 per cent. of appeals heard by the Judicial Committee of the Privy Council were from England. By passing his resolution, they would be conferring a real benefit on India in the disposal of appeals. The salaries that would be paid out of Indian revenues were indeed small, perhaps almost the salary of a Sub-Judge, and that for the best legal talent in the Empire. Sir Alexander sympathised with the desire of Indians to occupy these appointments, but felt sure that the Assembly would not desire that the post should be filled by persons who would not be really fit.

Sir Alexander then dwelt on the salaries that would be paid to the Judges, and said that, on the whole, the Home Government were giving a generous treatment, for they paid half the salary out of the consolidated funds of the United Kingdom. He declared: "I don't think you can get a court better constituted. I want this resolution to be passed by this central legislature now, so as to enable parliamentary legislation in time. It will be a pity if you create undue opposition, for such an attitude would go against conferring a real and enduring benefit to the litigant public of this country".

Sir Hari Singh GOUR (the author of the resolution for a Supreme Court that was lost in February last year), who had tabled an amendment, to the effect, that the judicial work of the Privy Council be done in India, opposed the resolution. He opined that the Judicial Committee of the Privy Council was not a Judicial Committee, but a purely advisory body to advise the King. Decrees were passed in the name of the King. South Africa and Canada had their own Supreme Courts and only those who still preferred a further appeal went to England from there. He asked why such a system was not introduced in India. The Viceroy said, in opening the Assembly, that the proposal was to perpetuate the benefits of the present scheme. On the other hand, it was to perpetuate the present anomalous position by which Indian appeals went to England and were determined in England. By passing the resolution, the House would be committing itself to a perpetuation of the present system. What India wanted, therefore, was an independent tribunal in India; but, by the Assembly's unfortunate refusal to pass his resolution, the Government of India concluded that India did not want a Supreme Court, and Lord Reading had utilised his visit to England to perpetuate the present anomaly. India should not pay towards the Judicial Committee in England.

Mr. RANGACHARIAR moved an amendment urging to give effect to the following three points, viz., that the salary should be £3,000 only, that two members of the Judicial Committee should be Indians and that the whole of the expense should be borne by England. He told Dr. Gour that the idea of having a Supreme Court at present was chimerical.

Mr. GOSWAMI said the Home Member's resolution really wanted to find comfortable billets for retiring Chief Justices. He was opposed to the proposal, because he did not want perpetuation of the system of Privy Council. If many of them did not vote with Dr. Gour for the establishment of a Supreme Court in India it was not because they opposed the idea, but because they felt that, at present, the majority of the appointments on the Court would go to Europeans and not to Indians.

In reply, the HOME MEMBER made an earnest appeal to the House seriously to consider its position before deciding upon rejection. Adverting to the suggestion that India should have its own court, he declared that the Assembly had already had an opportunity of expressing its opinion on the matter and had rejected the proposal.

When put to vote both the amendments were lost and the division on the main resolution resulted in its rejection by 50 votes to 40.

## Contempt of Courts Bill.

Sir Alexander Muddiman then moved for consideration of the Contempt of Courts Bill. He made no speech.

Mr. Rangaswami Iyengar moved an amendment to the clause relating to punishment. There was a proviso that the punishment may be remitted on apology being made to the satisfaction of the High Court or the Chief Court, as the case may be. Mr. Iyengar's amendment was to the effect that the accused may be discharged or the punishment awarded be remitted on an apology made to the satisfaction of the Court.

Sir Alexander Muddiman accepted the substance of the amendment, subject to drafting alterations where necessary. The amendment was then carried.

This was the only alteration made to the Bill, as it emerged from the Select Committee, the other amendments either of non-officials to tone down the Bill or of officials to tone it up, having been lost. The Bill, as finally recommended by the Home Member, was therefore one providing for punishment of contempt of courts not only by the High Courts, but also by Chief Courts and for contempts committed in Courts, subordinate to High Courts, subject however to a maximum of six months' simple imprisonment or a maximum fine of Rs. 2,000 or both, provided that on an apology being made the accused was to be discharged or his punishment remitted wholly or in part. The House was proceeding with further discussion when it adjourned.

## Weekly Wages to Workmen.

Next day, the 4TH FEBRUARY, Mr. Chamanlal moved for reference to a Select Committee of his Bill providing for weekly payment of wages to workmen, domestic servants and other employees, the Committee to consist of Sir B. N. Mitra, Mr. A. G. Clow, Sir Darcy Lindsay, Mr. T. C. Goswami, Lala Lajpat Rai, Mr. N. M. Joshi, Mr. C. S. Ranga Iyer, Mr. D. P. Sinha, Dr. Datta, Mr. K. C. Neogy and the mover.

Mr. CHAMANLAL said he recognised the objection pointed out regarding domestic servants, namely difficulties in actual practice. He was therefore willing to drop that provision in the Select Committee but the need for weekly payment of wages to employees engaged in textile and such other key-industries was necessary in the interests of the employees. The

objection had been raised that there was no hardship inflicted on the employees, but Mr. Chamanlal argued that the opinions received by the Government were all ex-parte statements, and reliance should not be placed on them. Legitimate labour organisations had not been consulted on the Bill. However, there were certain organizations which had been consulted and which had expressed themselves in favour of the provisions of the Bill. The question of weekly wages was raised by Lord Olivier when he was the Secretary of State for India, and he (Mr. Chamanlal) only wanted to copy it. The objection that more clerical staff would be required in case weekly payment of wages was agreed to, could not hold water, when they considered the relief given to employees from out of the clutches of the money-lenders.

Sir Purshottamdas THAKURDAS, speaking on behalf of Seth Kasturbhai Lalbhai (Ahmedabad Mill-owners' Association), opined that the Bill would lead to harassment of the labouring classes and not to their benefit. Several mill-owners introduced fortnightly and weekly payments some years ago, and found that the workmen did not find frequent payment profitable to them in the long run, and the change was therefore abandoned.

Sir Purshottamdas quoted extracts from the opinions of the Mill-owners of Bombay and Ahmedabad, based on the report of Labour Office investigations, to show that it would be futile to place on the Statute Book a measure which neither the workmen nor the employees wanted and would therefore remain a dead letter, but which, in a large number of cases, would be used as an engine of blackmail. As regards agricultural labour, about which Mr. Chamanlal had made no observations in his speech, Sir Purshottamdas quoted the opinions of the two great agricultural provinces, which were against weekly payments. Concluding Sir Purshottamdas said that the Bill was an attempt to revolutionise the existing system without any good effect. It was easier to disturb by introducing a change, but it was much more difficult to bring about stability, which alone could lead to prosperity.

Mr. JOSHI, in supporting the Bill, said his main ground for doing so was that it would tend to diminish the indebtedness amongst the industrial workers in the country. He said: "A workman coming to Bombay gets his first payment of wages after working for six weeks in a factory. He has no money to live upon during that period, and the only course open for him is to borrow, sometimes at 150 per cent even. After he receives wages, he has to repay his debt, and is left with very little money for the remainder of the month. He borrows again, and thus the vicious circle continues. If the worker gets weekly wages he will buy things for cash and not for credit."

Proceeding, Mr. Joshi said that the accumulated six weeks' wages was a great weapon in the hands of the employer. The labourer suffered and groaned under misery, but could not give vent to his feelings. If anyone could read the minds of the working classes he would find that they detested the monthly system of wages. The agricultural classes need not be included in the Bill if there was objection, but for the present, he would be satisfied if the Bill were confined to the industrial classes.

Sir Bhupendranath MITRA, on behalf of the Government, quoted opinions of Local Governments which were all opposed to the Bill. The opinion from Bombay, where the Governor had taken a personal interest in the matter and introduced a fortnightly payment system, stated that it was not found

very helpful. The opinions of Local Governments, said Sir B. N. Mitra, indicated that the provisions of the Bill would not be to any benefit to the worker, but, on the other hand, would operate to his detriment. It appeared that the existing arrangement would keep the workers away from the clutches of money-lenders better than the proposed arrangement. Moreover, the weekly system was tried on certain Railways, and had to be abolished at the request of the staff. Mr. Chamanlal had said that certain labour organisations had not been consulted. Any association could have sent its views to the Government of India. The bulk of the opinions received from labour organisations would be found to be opposed to the Bill. If, at a later stage, labour organisations should demand weekly payment let them get Trade Unions to press for it. At present, however, that stage had not been reached. Sir B. N. Mitra, at the same time, agreed that the period which labourers waited to receive their payments after the month must be reduced. The Government were making enquiries regarding that, and if they found that legislation was necessary the Government would not hesitate to introduce it.

Motion for Select Committee Withdrawn.

Mr. CHAMANLAL replied to the arguments advanced against the measure in the course of the debate. He contended that the opinions of labour organisations he had collected were all in favour of the Bill. The opinions of Employers' Associations were bound to be against the Bill, but the question was whether there was no crying need for introducing a weekly system of payment. But the Government was not willing to accept the principle, and some of the non-officials also were opposed to it. He would, therefore, withdraw the motion at present, especially in view of Sir B. N. Mitra's assurance that the Government would bring legislation to remedy defects in the matter of late payment. The motion was accordingly withdrawn.

Law of Arbitration.

Mr. Harchandrai Vishandas moved for circulation of his Bill to amend the law relating to arbitration in British India. The mover said the need for his proposals had been accentuated by the dilatoriness of justice, which necessitated the appointment of the Civil Justice Committee. The arbitration law should be placed on a sound basis, purged of all the errors and drawbacks which 25 years' working had brought to light. The scattered provisions must be brought together. The motion was agreed to.

Transfer of Property Act.

Sir Hari Singh Gour moved for reference to a Select Committee of his Bill to remove certain doubts as to the right of a person to effect a transfer of property otherwise than as provided by the Transfer of Property Act, 1882. He pointed out that the principle of the Bill was based on the report of the Civil Justice Committee appointed by the Government of India. Under the Transfer of Property Act, sale of immoveable property could only be made by a registered instrument. It also provided that a contract of sale did not, of itself, create any interest in or charge on such property. Consequently where a seller transferred property to a purchaser, the latter acquired no interest in the property, but it had been held in many cases that where a vendor sought to eject him the purchaser might resist his ejectment. It was an equitable right to enable parties to contract to maintain the "status quo" pending execution of a formal sale-deed.

The motion for a Select Committee was lost by 18 against 47. A large number of Swarajists and Independents remained neutral.

### Other Non-official Measures.

The Assembly then proceeded to the consideration of the other 47 resolutions on the agenda, but although these were disposed of at hurricane speed and the House sat for a longer period than usual, less than half had received attention when the Assembly adjourned.

After a recess of three days the Legislative Assembly re-assembled on the 8TH FEBRUARY. The agenda consisted of official business, including the final reading of the Contempt Bill, supplementary demand for Railways and the Trade Union Bill.

### The Contempt of Courts Bill.

The House then took up discussion on the motion of Sir Alexander Muddiman that the Contempt of Courts Bill, as amended, be passed.

Sir Alexander Muddiman managed, amidst the applause of the Treasury Benches, to get the approval of the House to the third reading of the Contempt Bill. The hope of some non-officials that postponement of the third reading till this day would force the Independents to think rightly was falsified, and on this day the Independents were either in the Government lobby at the time of voting or remained neutral, whilst the Swarajists recorded their party verdict by 27 votes.

The defection of the Independents was due to Sir Alexander Muddiman's bait, that the Government had accepted the Bill as amended and would not seek the support of the Council of State for extension of the jurisdiction of contempt to Courts subordinate to Chief Courts.

### Supplementary Demand For Ry. Board.

Mr. SIM moved for the grant of a supplementary demand of Rs. 72,000 in respect of the Railway Board, relating to three items, (1) provision for the appointment of a Director of Finance, (2) provision of leave arrangements and (3) regarding payment of gratuities.

Mr. Sim pointed out that there had been an increase in working expenditure, and not in the expenditure directly under the head of Railway Board. The expenditure on the appointment of the Director of Finance, Mr. Hayman, had been made votable, and the motion was therefore nothing more than an indication of the increasing control of the House over the expenditure under the head "Railway Board," and of the increasing Indianisation of the posts in that office. The proposal had the approval of the Railway Finance Committee.

A motion of Mr. M. K. ACHARYA'S to make a cut in the demand, by way of raising a discussion on the policy of the Board, which had been irresponsive to the Assembly's demands for Indianisation, was disallowed by the President agreeing with Mr. Sim that there should be no general discussion on a restricted motion.

Mr. Rangaswami AYYANGAR opposed the demand, confining himself to the appointment of a Director of Finance when the Assembly had wanted the strength of the Board to be reduced and at the same time Indianised. Mr. Hayman, the Director, was an Anglo-Indian and he was therefore mentioned in public as a statutory native. One, however, wondered to what nationality he belonged according to his service register. His appointment

as Director of Railway Finance was an addition to the already bloated strength of the Railway Board. His function was to check the expenditure by applying the pruning knife, but his achievements in that direction had not been explained by the Railway Member and yet the appointment had been approved by the Railway Standing Finance Committee.

Mr. Jamnadas MEHTA, as a member of the Railway Finance Committee, justified the grant, pointing out that the appointment was to effect retrenchment, which was being done. If, at the end of twelve months after the appointment, the incumbent did not justify his existence, then they would not confirm him.

The motion for the supplementary grant was carried, without a division.

### Ry. Officers and Lee Proposals

Sir Charles INNES moved for a supplementary sum of Rs. 68,00,000 under the head, "Railway Working Expenses," which included a sum of 37 lakas for extension of the Lee Commission's recommendations on Railways.

The Hon'ble Member pointed out that the demand could not be brought forward last February, because correspondence was then in progress with the Company Railways, and emphasised that the concessions would not be paid to officers of Company Railways unless their Home Boards accepted the policy of increasing Indianisation, mentioned in the Lee Report. The concessions were extended to the officers of State Railways from the 1st February 1924, and it was the intention to extend the concessions to officers of Company Railways and the East Indian and G. I. P. Railways. The proposal was to give increase from the 1st April.

Mr. M. K. ACHARYA moved a cut of 37 lakhs, which represented the cost of the Lee concessions, and urged the House to unanimously reject the surreptitious demand for extending the Lee loot.

Mr. Jamnadas MEHTA, in supporting the reduction, pointed out that there were no less than 49 forms of concessions, and at a time when the prices were going down and certain Railways were not run on commercial lines. Mr. Mehta, therefore, considered it as an unbusinesslike demand, and asked the Government, as well as the Assembly, to denounce it. The Assam-Bengal Railway, Mr. Mehta contended, had been working at a loss, and he asked why the concession should be extended to officers of that Railway. There were many other Railways which, however, need not to be mentioned. Separation of Railway finance would be a farce, if such methods of granting concessions were resorted to, even in spite of the fact that certain Railways were not commercially run. Instead of the Railways getting reprimanded they were getting favoured treatment. Moreover, the concessions were surreptitiouly aimed at robbing the Indian tax-payer, for the definition of "child and wife" in the Passage Allowance Rules would extend to any number of children and wives. (Laughter.) On all these grounds he had no hesitation in asking the Assembly to reject the 37 lakhs representing the Lee loot.

The cut proposed by Mr. M. K. Acharya was carried by 50 against 49 votes. The remainder of the sum demanded was granted.

## Trade Union Bill

Sir B. N. MITRA then moved that the Trade Union Bill, as amended, be passed. He congratulated the House on its achievement. The Bill owed

its origin to a resolution of Mr. Joshi, passed by the House in March 1921. The Government took four years to consider the measure, and a year had been taken to enact it. Mr. Joshi could claim authorship of the Bill. Although they did not go as far as the British Trade Union Act, they had gone quite far, and he appealed for the organization of Trade Unions on sound lines, so that the Bill might prove a success and foster the growth of proper Trade Unionism in India.

During the discussion that followed Mr. Wilson, of the Associated Chambers of Commerce, said that he feared nothing but trouble from politicians who, sitting on the Executive of the Unions, would pull the strings from behind. Mr. Joshi, than whom there was none on the non-official side to speak with authority, removed Mr. Wilson's apprehensions by the assurance that the labour leaders and politicians would do nothing of the kind. Lala Lajpat Rai, Mr. Chamanlal and Mr. D. P. Sinha criticised the Bill as falling far below the expectation of labourers, and feared that there would be a crop of litigation in consequence of the Bill not extending its benefits to unregistered trade unions. Sir B. N. Mitra's sole contention was that Indian Trade Unionism was in its infancy and therefore the workers should not be in a hurry to be on a par with those of other countries. Lala Lajpat Rai's reply to this argument was effective, but there was none who could think of jeopardising the Bill. The non-official feeling of unsatisfactoriness however was noticed in there being not one member to applaud when the Bill was passed. Mr. Graham moved a series of drafting amendments to the Bill which were accepted, and the Bill as amended was then passed.

On the 9TH FEBRUARY, the Assembly considered non-official resolutions, the first of which recommended a reduction of the postal rate of post cards to three pies and envelopes to nine pies. The second urged the disallowance of the Burma Expulsion of Offenders' Act.

Inland Postage Rates.

Mr. Ahmed Ali KHAN moved that the inland postage rates on postcards be reduced to three pies and on envelopes to nine pies, and that the Budget for next year be prepared accordingly.

Lala Dunichand moved an amendment urging that envelopes be reduced to six pies. Mr. Chaman Lal moved that the discussion on this question be adjourned as it could be more relevantly moved after the Budget was presented. The House divided and rejected Mr. Chaman Lal's motion.

Sir B. N. MITRA in opposing the resolution declared that no new facts had been put forward ty justify a change in the Government's policy, which in regard to the Department was to make adequate charges for services rendered to the public. He assured the House that the Government had carried out every measure of retrenchment suggested by the Inchcape Committee and if new expenditure had grown it was in proportion to the growth in revenue. To-day they had reached a stage when a reduction in the postal rates would not be economical. If Mr. Ahmed Ali's suggestion were accepted it would involve the Department in a loss of Rs. 1,71 lakhs. Lala Dunichand's suggestion would mean a loss of Rs. 2,56 lakhs.

As the mover was not prepared to withdraw the resolution, Sir Alexander Muddiman moved the adjournment of further discussion which on being pressed to a division was carried by 49 votes to 15, the bulk of the Swarajists and a number of Independents remaining neutral.

## Burma Expulsion of Offenders' Act

The most important resolution on this day was that of Mr. Amarnath DUTT who moved that the Government should move the Secretary of State to disallow the Burma Expulsion of Offenders' Act or, in the alternative, to take immediate steps to introduce a Bill in the Indian Legislature to repeal the said Act. Mr. Dutt said the Bill affected Indians in Burma and if placed on the Statute Book it would react on Burma by retarding the political progress of that country. Most of the sections of the Penal Code have been incorporated, together with the security sections of the Criminal Procedure Code, with a view to enable the Burma Government to expel Indians from Burma. Indians and Indian merchants had made Burma what she was and yet in the name of preventing crime the Government was trying to expel Indians. Burma was a part of the Indian Empire and Indians had every right to live in that province on a footing of equality. This right was inalienable, and yet the Bill made no provision even for a repeal.

Rao Bahadur M. C. NAIDU opposed the resolution and replied to some of the criticisms levelled against the measure. In Burma there were not only Indian non-Burman residents, but also residents of other countries. The Act was applicable to all non-Burman residents and to all non-Burman offenders. It was intended to be applied against a class of criminals who were a menace to society. There was no idea of setting up racial feeling. A similar Act was passed in Bengal when they passed the Goonda Act, by which any Goonda, who was not a Bengalee by birth and who had committed an offence, would be expelled. There was no fear that Indians would be expelled. The provisions of the Bill were reasonable and the measure, far from being described as a "black" Act, should be treated as a "white" Act.

Sir Hari Singh GOUR who had visited Burma when the Bill was in the Select Committee stage there, opposed the Bill, which he said was the result of the agitation raised in Burma against Indians. No right-minded and thoughtful Burman wanted to expel Indians from Burma. Sir Adam Richey, speaking on behalf of the European mercantile community, had pointed out that the Bill was unnecessary and would only create inter-racial hostility. The Bill was immoral and it violated the international law of asylum.

Lieutenant-Colonel OWENS, representative of the Burma Government, opposed the resolution in a long maiden speech. The Act, he maintained, was a measure of purely domestic legislation, the object being to put down crime in Burma. There was a good deal of misapprehension about this Bill which must, he said, be cleared. The Bill should not be regarded as the thin end of the wedge of separation in any sense. Crimes were increasing and the Government had found it necessary to bring in legislation for the expulsion of offenders and not others. The Bill was not aimed against even Indian criminals if they behaved well in Burma. The Bill was passed in the Burma Council by 56 votes against 15, the latter consisting of ten Indian members and five European non-officials. He pleaded for the rejection of the resolution.

Mr. RANGACHARIAR said that to expel an Indian from Burma was like expelling a Scotch offender from England. The Bill, he said, "stunk in his nose.' "Is this the trusteeship of your Government that we are aliens in India?" He hoped this debate would be cabled to South Africa so that the Union Government might know of the sense of justice of the Government of India which was negotiating with it. "If you are sincere in your protest you cannot concede so-called domestic control in the case of Burma, and deny it to South Africa. This Government, if it is unable to protect its citizens, is an impotent Government. This Bill is aimed against His Majesty's subjects. I have love for His Majesty, but if this Bill is tolerated by His Government I may say I no longer love that Government.

Dr. DUTTA raised the constitutional issue which, he said, had not been touched. He did not know the special conditions of Burma to judge the necessity, or otherwise for the measure, but he knew that no federal constitution in the world permitted one State to legislate discriminating against persons of other States. There must be grave constitutional omission in the constitutional machinery of India which permitted the Burma Council to pass such a Bill. His fear was that other provinces might follow suit.

Mr. Maung TOK GYI, in supporting the resolution, said that two Burma Bills had been rightly described as black Bills. One had been assented to by the Viceroy and the other had been rejected.

He considered both these measures anti-Indian, which no self-respecting Indian could agree to. The Chinese were expelled under the Foreigners Act and it was because the Act did not apply to Indians that the two Bills had been passed. The Bill was

utterly unjust and openly mischievous, and had made an unworthy attempt to set up Burmans against Indians. The speaker considered the question for days and felt that if he would vote against the anti-Asiatic Bill in South Africa, he must vote against the Burma Bill as well. He had, at two public meetings in Burma, denounced the Bill, which did not have the consent of the Burman people, because the first Council that passed it was boycotted by Burmans.

Sir Alexander MUDDIMAN said that before the House decided to "sit" on the act of a provincial legislature, it must consider the reactions. The Bill was moved by the Home Member, who was a Burman, a son of the soil, and was passed by the vote of the sons of the soil. Out of the four members who had spoken from Burma, Colonel Ownes, Mr. Naidu, and Mr. Hla had favoured the Bill, while only Mr. Maung Tok Kyi who was, he understood, not popular with Local Council (Voices: No! No!) had opposed the Bill. Sir Alexander felt that, as confessed by Dr. Dutta, the House did not know the practical aspect of the problem. The House must clearly understand that the problem Burma had to deal with was practically similar to the problem that they in Bengal and Bombay had to face. He, as a practical administrator, could not subscribe to the proposition that special measures should not be taken against persons from other provinces, whose language and habits and methods of crime were not known to the police, and who had therefore special difficulty in dealing with them. The Bengal Goonda Act also had provision for the deportation of criminals.

The analogy of Scots and Englishmen given by Mr. Rangachariar was not correct, because the Scotch spoke English. He admitted that Mr. Rangachariar had raised an important question, but he believed there was no parallel between the two cases.

Pandit MOTILAL considered the Act as an atrocious and monstrous piece of legislation, and contended that it was a disgrace for any legislature to have passed it. By obtaining the sanction of the Governor-General, the Legislature of Burma had not been invested with any finality. The central legislature had not deprived itself of its authority, simply because the Governor-General had given his assent. What right had they to give assent to a legislation more or less similar to the South African legislation. Even a criminal had certain rights, which must be safeguarded, and by this Act the Burma Government were extending the Criminal Law of the land, for which they had no warrant.

The Bill is not intended to deal with criminals, but it is a Damocles' sword over those Indians who desire to participate in the public life of Burma. My main charge against the Government of India is that it has failed in its duty in advising the Governor-General to give his assent to the Bill. My next point is that they have not examined the case from all aspects. I dispute the soundness of the assent given by the Governor-General, and lastly I appeal to the Government to allow this Assembly to appeal to higher authorities, so that the Act might be disallowed. I may add that the case of South Africa stands on a different footing and there is a great difference between South Africa and Burma.

Mr. Bepin Chandra PAL, in supporting the resolution said the real issue was between the Government of Burma on the one hand, and the people of India on the other. He felt strongly that if they could not prevent legislation of this kind how could they in all consistency oppose the action of the South African Government. Mr. Pal next reviewed the opinion of non-official European members of the Burma Legislative Council, who all opposed the Bill. He did not make it secret, that if he went to Burma and delivered a speech, which the Burma Government did not like, he might be expelled from the province.

The discussion could not be finished and was adjourned to the next non-official day.

## The Naturalisation Bill

On the 10TH FEBRUARY, after interpellations, the House proceeded to consider the Naturalisation Bill. More than half a dozen amendments were moved, but were either rejected or withdrawn, except that of Mr. B. Das, who suggested that one of the conditions of the grant of a certificate of naturalisation should be that the country of the applicant did not exclude Indians from naturalisation.

Mr. Tonkinson, on behalf of the Government, accepted the suggestion, and moved a proper amendment to give effect to Mr. Das's desire. According to the amendment of Mr. Tonkinson, an applicant has to

show that he is neither a British subject nor a subject of any State in Europe or America or of any State in which an Indian British subject is prevented, by or under any law, from becoming a subject by naturalisation.

Lala Lajpat Rai felt that the Bill had not been discussed seriously by the House, particularly the amendments of Mr. K. S. Ray, who had devoted much thought to the subject, The speaker, when he was in Japan, knew that, though they could have naturalisation certificates, they could not hold real property. He did not know what the position at present was. There should be a reciprocal provision in India.

Mr. Tonkinson assured Lala Lajpat Rai that the Government would look into the matter ; but pointed out that changes necessary to give effect to Lalaji's desire would require a separate Bill. The Bill was then passed.

The House also passed, without much discussion, the Presidency Insolvency Bill, as amended by the Select committee.

### Criminal Procedure Code Bill.

In regard to the Bill to amend the Criminal Procedure Code the opposition was loud and insistent. The Bill makes provision for the restoration to magistrates of the discretionary power to award rigorous instead of simple imprisonment to persons of known criminal characteristics who are unable to provide adequate sureties.

Sir Alexander Muddiman, in moving this resolution described it as of the utmost importance. He proceeded to give extracts from the opinions of Local Governments on the point as to whether magistrates should have the discretionary power indicated in the motion, all of which upheld the view in the strongest possible terms. Sir Alexander described his case as an amazingly strong one, and he implored the Assembly to consider its sense of responsibility and to take heed of the unanimous opinions expressed by all Local Governments.

The Opposition, however, speedily gave evidence of its obsession that the clauses in questions were being used by the Government for political motives and of the fear of greater hardships to political workers who were faced with the prospect of rigorous rather than simple imprisonment.

Mr. Bepin Chandra Pal, accused the Government of misusing its powers, a misuse which had created the difficulties by which it was now forced. He declared that the dignity of India had been outraged. Ninety-nine per cent of the abuses, he affirmed, were due to the intimacy between the Magistrates and the Police, an intimacy which he described as scandalous.

Mr. Jinnah also intimated that he was not prepared to give his support, but the motion for consideration was carried by 52 votes to 45.

## Repeal of Regulation III of 1818.

On the 12TH FEBRUARY, the much-criticised Regulation III in Bengal formed the one subject of discussion in the Assembly. The issue was raised by Mr. AMAR NATH DUTTA who asked the House to consider his Bill for the repeal of the Regulation III, a weapon which he declared had been used by the Government in violation of the solemn assurances given on the recommendation of the Repressive Laws Committee. He read from the Regulation, to show that it was nothing more than a decree of the executive, and should no longer continue to be a law. It had caused great havoc. Though the Repressive Laws Committee had recommended its repeal and though the Government of India had accepted that recommendation, nothing had yet been done. The speaker was however hopeful that as the Council of State had been reconstituted and they had in the

Assembly, as the Leader, a generous and warm hearted Englishman (laughter), his Bill would have a better fate than it had last time.

Mr. DONOVON'S speech caused profuse merriment and was received with frequent ironical cheers by the non-official Indian members. Speaking on behalf of the Bengal Government and claiming to speak as the friend of the Bengal people, he declared that Mr. Amarnath Dutt's voice was not the voice of Bengal. The voice of Bengal was that of the late Sir Surendranath Banerji, whose voice still echoed there. (Interruptions: Oh, you think so?) Sir Surendranath in his later years had to experience the ingratitude of the people, for whom he had worked his whole life. The same would probably be the fate of his interrupters. The speaker, however, declared that he had lived in Bengal for 16 years, had travelled through every district of Bengal, through towns and through villages, and had come across ryots and Rajas. He lived two years of the tent-life without seeing a European face, and he was sure that, if Mr. Amarnath had to face that life, he would be scared away. (Laughter) The speaker therefore opposed the resolution for the sake of the people of Bengal. (Ironical cheers from the Swarajist benches.) On the other hand, he asserted that, if the Bengal Government had secured the repeal of the Regulation, they would have been denounced from one end to the other by the people, who had for 20 years to face the tyrannies of the revolutionaries. Indeed, he was doubtful whether the professional politician of Bengal would have liked the repeal, for it would have deprived him of his main stock-in-trade. (Laughter). But if they were constitutional purists, who disliked the Act, let them come forward with an efficient substitute, and the speaker would be the first to vote for it.

He continued: "I will be told that Swaraj is the substitute. Yes, we in Ireland have got Swaraj, and the first thing they did was to introduce a Regulation III." Indeed, he said, Regulation III existed in every civilised country, in some form or other. Its antiquity was a poor argument against it. The Code of Manu was ancient. That did not mean it was altogether out of use. As a matter of fact, in such matters, antiquity was essential. Mr. Donovan declared: "I have lived the first 20 years of my life more without Habeas Corpus than with it and when Ireland got Swaraj the first thing we did was to suspend the Habeas Corpus Act." Proclamation of a state of siege, suspension of the constitutional guarantees and Regulation III, were synonymous, being emergency powers which all states possessed. Their frequent or infrequent use depended on the people themselves. Why was not the Regulation applied in Bombay, and why in Bengal alone? Indeed, without the Regulation they could not have saved Bengal from disaster.

The speaker was told that the Regulation had been denounced by Lord Morley. He could quote from Lord Morley to show the contrary; but even if it were, was Lord Morley monopolist of the constitutional proprieties and were not the great statesmen that ruled over India and Bengal aware of the constitutional proprieties? (A voice: question.) The speaker continued: "When the last Bureaucratic Home Member has booked his passage and my friends opposite come over here, they would use the same Regulation. (Sir Abdul Qayum: Much more frequently.) I admit, it will be a Regulation of the home-spun variety (Laughter) probably wrapped in Khaddar, but open to the same objections."

The speaker next dealt with the argument that Swaraj was the remedy. Apart from the experience of his own country, which proved that Swaraj was no remedy, he drew attention to a very significant passage in the statement made by that leader of men, Sir Abdur Rahim, (Ironical laughter from the Swarajist benches), showing that not a single Mahomedan had been found involved in these conspiracies. "If, as you say, our rule is tyrannical, why has not that tyranny produced the necessity for the use of the Regulation in Bombay? Why has not a single Mahomedan become a conspirator?

At this stage Mr. Amarnath Dutt rose to interrupt, as also Mr. Chamanlal and Mr. Neogy.

The President reminded Mr. Amarnath Dutt that he was not interrupted even once during his speech, and asked the other members to wait for their turn.

Mr. Donovan, after thanking the President for his protection, observed that, although Mahomedans were dissatisfied with the undoing of the Bengal Partition, that fact did not lead them to revolutionary activities. That disproved Mr. Pal's argument that the Partition had anything to do with the revolutionary movement. The speaker had a great liking for the generous, loveable people of Bengal and the youth of Bengal; but felt that the rising generation had been brought up in an atmosphere where newspapers had used columns and columns in giving biographies of men who had committed murders and had been sent to the gallows. Havoc had been caused by conspiracies in Bengal.

The speaker said he was not in possession of the secret information of either the Bengal Government or of the Government of India, but spoke from his own experience of the conspirators whom he had arrested. Even during the Non-Co-operation days, the revolutionaries had used that movement only as a cloak for their movement, and Mr. C. R. Das, a few days before the arrest of these men, admitted that till some time back they were revolutionaries, but he had changed them. But the Police had their own proofs. The speaker went further and claimed that, by the arrests, the Government had saved Congressmen from the contamination which was then proceeding.

Mr. Donovan declared that the conspiracies worked in water-tight compartments, that these could be discovered and proved only by Policemen and by approvers, and yet their experience had proved that, where a trial was held, death of policemen or approvers was certain a few days after the trial. Even the head of the Police Commissioners, Sir Tegart, another Irishman who loved Bengal, was not safe. What would happen to the witnesses? They could only be saved, if they changed names and lived as exiles till they were forgotten.

The speaker had travelled throughout Bengal, and talked to the people about their grievances. He had heard about Malaria, about municipal mismanagement (laughter), about Pandit Motilal bringing about a changed condition of things (renewed laughter); but he had never heard people talk of Regulation III.

The constituencies were never opposed to the Regulation. There was a recent test. Sir Abdur Rahim contested Hooghly, next to the Swarajist headquarters, and yet from the whole of Bengal another person was not found to contest his unopposed election. And who was Sir Abdur Rahim? He was the very person who was the Law Member of the Bengal Government, when it used Regulation III. The constituencies were not opposed to the Regulation. The speaker concluded after he had been reminded, by the President, not to monopolise all the time for himself.

Mr. K. C. NEOGY, in supporting the motion of Mr. Amarnath Dutt, controverted the arguments of Mr. Donovan, and accused the Government of India of having surrendered in the matter of the lawless law to the Bengal Government. He was afraid that the Bengal Regulation had missed its first object. The name of Sir Abdur Rahim had been mentioned, but Mr. Neogy contended that it was not in the power of any one single member of the Bengal Government, be he, an Indian or a European, to apply the Regulation against anybody and everybody. He (the speaker) had been putting many questions in regard to the use of the Regulation and the treatment accorded to prisoners under the Regulation, but the answer given by the Government of India showed that the administration of the law was not as it ought to be. At one time the Government of India, who ought to have information on the subject, stated about some prisoners that they had no information. Some time later, when pressed on the point, they gave the necessary information. He (Mr. Neogy) had received a letter from a State prisoner, Mahomedan be it noted, contradicting the statement of the Home Member that the prisoners were given treatment as laid down in the rules.

Sir Alexander Muddiman: Name please!

Mr. Neogy said the man was Muzaffar Ahmad, who was confined at Dacca. The man complained that he was given only jail diet, and that it was only after repeated representations that the matter was set right. Complaints like that were made even in Parliament with reference to such persons as Mr. A. K. Dutt, Mr. Krishna Kumar Mitter and perhaps also Lala Lajpat Rai (Lalaji nodded affirmatively). Messrs. A. K. Dutt and K. K. Mitter were afterwards stated by the Bengal Government themselves as not being concerned in any conspiracy.

Mr. Neogy then referred to the cases of a few young men tried at Alipore, who, the moment they were released, were arrested under the Regulation, and the Government stated in that connection, that warrants had been issued before the trial took place. Was that a case of Government having no confidence in their own Courts? If so, then the Home Member had done more than anyone else to bring the Courts into contempt.

Mr. Neogy challenged Mr. Donovan to say whether there was not a single Mahomedan who was a State Prisoner. He was expected to know facts as he represented the Bengal Government.

The Home Member: Mr. Donovan's statement is correct. There was not a Mahomedan arrested in Bengal in connection with the Cawnpore Conspiracy Case.

Concluding, Mr. Neogy referred to Sir Abdur Rahim's election as a mere fluke.

Mr. Kabiruddin Ahmed: Just like yours.

Mr. Neogy: If Mr. Kabiruddin Ahmed wants to know the amount of support I have in my constituency, he will learn very soon.

Mr. Kabiruddin Ahmed : I hear this every time, but every time I come here all right. (Laughter.)

Lala LAJPAT RAI, in an eloquent speech supporting the resolution, controverted the arguments of Mr. Donovan. He admired the wit of Mr. Donovan but his speech was devoid of sense or logic. That showed that, whenever Irishmen became employed under the British, their arguments and mentality changed completely. They had an example in another great Irishman, a master of words, who could make untruths appear as truths, and who almost succeeded in making a revolution in a part of India, which was unknown to revolution. That Irish adminstrator's name need not be mentioned in the Assembly. As regards Sir Surendranath Bannerjee, Lala Lajpat Rai admitted that he was a great nationalist. The speaker would be the last man to cast any reflection upon the honour of that great man ; but what Sir Surendranath denounced, as the voice of Bengal in 1907 and 1909, he unfortunately lived to administer as a servant of the Government. That made all the difference, and the difference resulted in Sir Surendranath's defeat at the election. At the time of election, the voice of Bengal was not that of Sir Surendranath, but that of Mr. C. R. Das, who denounced the Regulation as well as the Ordinance. Mr. Donovan had said that every civilised Government had a law like the Regulation, but Lalaji contended that the easiest test of the civilisation of a Government lay in the fact that the Government never had, or applied, a Regulation III. Of course, he had heard of Coercion Acts and other measures used in certain countries in emergencies, but they were used only when there was great commotion, and only for a temporary period and that too with adquate safeguards. But, in India, the case was different. He feared that they in India were over civilised, considering the manner in which Mr. Donovan used the expression "civilized."

Lala Lajpat Rai asked whether there was any country in the world which had recourse to a lawless law like the Regulation along with extraordinary Ordinance and denial of Habeas Corpus, and all that, in times of peace. Non-officials in the Assembly must think carefully before accepting Mr. Donovan's arguments. The argument that without the Regulation the British Government could not preserve the peace and tranquility of the country was an admission of its impotence. He could not, however, believe that in the case of the British Government. For the good name and honour of Great Britain, Lala Lajpat Rai appealed to the Government to accept the repeal of a Regulation which had created havoc in the peaceful homes of Bengal. Insistence on the continuance of the measure would only be proof that the Bureaucracy had become intoxicated by uncontrolled and unlimited powers.

The Regulation had been admitted as having been wrongly applied in the case of Messrs. Aswini Kumar Dutt and Krishna Kumar Mitter. Lala Lajpat Rai contended that, if there was a law which lent itself to abuse so often and so flagrantly, then it was a bad law, and must not be retained on the statute book any longer. Reference had been made to Sir Abdur Rahim's speech. Lala Lajpat Rai thought that Sir Abdur Rahim might have made that speech for a certain purpose which it was unnecessary to go into. The speech of Mr. Donovan on the point was a deliberate attempt to create a division between Hindus and Mahomedans, on a matter in which there was perfect agreement between the two communities. (Cries of : "Yes, yes.") Mr. Neogy had referred to the case of a Mahomedan who was a prisoner in the Bengal Jail. Lala Lajapat Rai said, he would refer to the case of Ghulam Hussain who was in jail in the Punjab. That proved that the stand taken up by Mr. Donovan as regards Mahomedans was not correct. It was a double injury to keep the Regulation and at the same time deprive the subject of his right of trial. Mr. C. R. Das had never admitted that the people arrested under the Regulation were concerned with revolutionary movements.

Mr. B. C. PAL said he was extremely sorry to have missed in the morning the speech of Mr. Donovan, which all had told him was splendid ; but he had been specially favoured with a copy of it Mr. Donovan came from Ireland, whose people were freedom-loving and English-haters. (Applause.) The speaker welcomed Mr. Donovan's speech, because he knew that only two people could make eloquent speeches, namely, Irishmen and Bengalees. (Loud laughter.) Mr. Donovan had referred to the Ten Commandments, but they were honoured only in the breach. Perhaps, they were meant only for the primitive Jews. (Applause.) If he opposed the Regulation, it was because, in spirit and in substance, it violated the Ten Commandments. One of the Commandments said : "Thou shalt not kill.' The Commandment referred to killing of both body and soul. Who had killed the soul of the youth of Bengal ? When the speaker was a boy, reading in College, he and the people of India considered the British Government as the perfection of human administration and justice. They could never believe that its statute

book could contain such a Regulation. It was kept only in the worm-eaten archives of the Secretariat, and it was the arrest of Lala Lajpat Rai that, for the first time, made them realise its existence. They then asked themselves, if it was British Rule or that of an Oriental. "I admit, therefore, that I have been responsible for creating revolutionary mentality in the youth of Bengal. I accept full responsibility for it."

Mr. Pal recalled that, when he came out to India in 1913, after two years' exile in England, the first man who met him on the ship was the Deputy Commissioner of Police, Bombay, who, in the course of the conversation, referred to the speaker's book, published in England, on Indian Nationalism. He paid the speaker a compliment which he did not deserve, namely, that, just as Count Tolstoi had created trouble in Russia, so the speaker had done it in India. But what Mr. Pal claimed was that he and others had preached the Gospel of God in man, the Gospel of Freedom and of patriotism. That by itself did not, and could not, create the revolutionary movement. It was the repression undertaken by Government, that brought spiritual force into conflict with brute force. Who made it a crime to shout "Bande Mataram ?" Who penalised students going to schools without shoes, as a mark of mourning in the Partition days ? The people never knew of bombs then, but were driven to their use by the attempt to crush the legitimate feeling of patriotism. It reminded him of the story of a person who was searching for something in a gutter and when questioned said that he was trying to catch a rat that had passed between his legs. When asked the reason, the man said if he let the rat go unpunished, the next day a cat might pass under, and the day after a dog and then even horses and carriages. (Loud laughter.) That was the mentality of the British Government in adopting repression. Had not the father of the revolutionaries known that by secret associations and murders they could not win freedom ? But that movement was considered by them necessary as a counter terrorism to the terrorism of the Government. Having created the disease, the Government was not even capable of curing it.

The speaker belonged to the school of thought created by the late Sir S. N. Bannerjee, and owed whatever reputation he had to Sir Surendranath. He therefore repudiated emphatically Mr. Donovan's statement that, because Sir Surendranath was a member of the Bengal Government when it decided to apply the Regulation, therefore he (Sir Surendranath) approved of it. (Applause). Sir Surendranath had stated that he was not consulted.

Mr. K. Ahmad : Where did he say that ?

Mr. Pal : He told me that, and if you have any doubt you can go to him and find out. (Loud laughter.)

Lala Lajpat Rai : He made that statement publicly.

Resuming, Mr. Pal told Mr. Donovan that the people of India were too cautious and too diplomatic, to lay their mind open to any official or even to any European, least of all in respect of their political faith. They of course, did not know that Mr. Donovan was an Irishman. (Laughter.) Mr. Donovan had been in Bengal only 16 years, but the speaker had known Bengal for 60 years. Mr. Pal continued : "In my youth, people believed in your rule and good intentions. Now, thanks to that lovely Dora in your keeping, (Laughter) there is discontent everywhere. That is the secret of the success of my friends over there. Popular discontent is behind the Swarajist benches, and has brought them here in such large numbers. It is that discontent which makes them such a terror to you (Laughter and Applause.)" An Englishman, Mr. Pal said, had a different mentality. When he did not get his water, he went and broke the windows of the company responsible for it.

Dr. Macphail : No.

Mr. Pal : Were you in England in 1898 when it happened ?

Dr. Macphail : All I meant was that it was not habitual.

Mr. Pal : Yes, Because provocation for breaking it is not constant.

Mr. Joshi : Give it up.

Mr. Pal : And, the result is Regulation III of 1818. (Laughter).

Finally, Mr. Pal replied to Mr. Donovan's point regarding Mahomedan attitude. He reminded him of the speech of Sir B. Fuller, Lieut. Governor of Bengal, when he described the Muslim as his favoured wife and the Hindu as the unfavoured wife. The speaker also contested the view of Mr. Dovovan that Nawab Salimullah Khan was in favour of partition. Originally he was against it and it was only after a short visit of Lord Curzon to Dacca that wisdom dawned on the Nawab. (Laughter.) The speaker asserted that Bengal Mahomedans were not for retaining the Regulation.

Lala LAJPAT RAI rose for a personal explanation about his statement on what Mr. C. R. Das said in the Bengal Council. He found that what Mr. Das had said was that those arrested included people who were at one time revolutionaries, but had afterwards given up revolutionary plans.

Mr. Mahomed YAKUB said that he could not let Mr. Donovan's statement, that Muslims did not oppose the Regulation, go unchallenged. He also did not agree with Lalaji that it was Muslim backwardness in education that was responsible for their keeping away from the conspiracies. He claimed that Muslims were more advanced in education than any other community. English education must not be the only test. The fact that Muslims did not join conspiracies was due to the dislike of Muslims to adopt the methods of cowards.

Mr. Yakub ARIFF, speaking as a Bengal Muslim, characterised the Regulation as dangerous, uncivilised and barbarous, to which Bengal Muslims were all opposed. The speaker assured that if Sir Abdur Rahim was elected by Muslims it was after he had assured them that he had adopted the popular view.

Sir Alexander MUDDIMAN, replying to the debate, congratulated the Assembly on the way in which it had received the eloquent speech of Mr. Donovan, although his views were not, obviously, palatable. Another matter for congratulation was that those members of the Assembly who had themselves been victims under the Regulation had made temperate speeches. (Applause.) The best way of discussing such matters was to do it without bitterness or unnecessary irritation. Of course, there must be something wrong in the atmosphere of Bengal for even the cool and gentle Mr. Neogy to have warmed up that morning. However, the lunch must have had a great effect, because the speech of Mr. Neogy made after adjournment was in a different key. Mr. Amarnath Dutt said that the Regulation must be repealed, because the Repressive Laws Committee had recommended that. But Mr. Dutta had forgotten the important note added to the report by the members, which stated that there was a wave of disorder, which in their opinion more than justified postponement of repeal. Mr. Donovan had, in his youthful enthusiasm, rather overstated the case when he compared the Regulation of 1818 with the Ten Commandments. He (the speaker) however would not compare it like him. He would call it a man-made law. On the other hand, Mr. Donovan had made a very powerful appeal by his personal knowledge of the people of Bengal, and had quoted many cases into which he (the Home Member) need not go; but he would point out that special circumstances required special measures. One member had said that the Regulation must be repealed and that, if, at any time they felt the need for a new law, the Assembly would vote for it.

The Home Member, continuing, asked; "I want to know who is responsible for law and order, the Executive Government or this House?"

"Both," retorted one member.

Sir Alexander Muddiman: I want to know if this House has been always ready to support the Government in measures necessary for the administiation of this country? (A voice: Yes). I say no. I know that this House is not prepared to help us in maintaining law and order. It seems to be a natural characteristic of Indians. I don't say that this House is in sympathy with crime.

Continuing, the Home Member agreed with the argument of some members that the trouble in Bengal was due to economic causes; but economic conditions could not be improved all at once. It took time. He himself did not like the Regulation, specially after the trouble he was frequently put to in the Assembly on the question. (Laughter.) He made no complaint on that score, for he thought it was the duty of the legislature to see that the Regulation was not abused. It was however admitted by most people, who really discussed the matter seriously, that such powers were necessary for the Government. Objection to the use of the Regulation was based merely on the ground that it was used for internal commotion. He did not think the Assembly would (except as part of the electioneering campaign) seriously object to the Regulation. It was perfectly true that the powers under the Regulation must be used with extreme discretion. It might be better still if the present Regulation were replaced by legislation on different lines and more in accord with modern conditions; but he had no majority in the House to support a measure of that kind. Indeed, he feared that any Bill which he would bring would be completely altered in the Assembly. (Laughter.) Therefore, there was no encouragement for Government in that direction.

Mr. Neogy had remarked that the Government of India had, in the matter, abdicated their functions to the Bengal Government. They did nothing of the kind. Whatever the Government of India did was done with the greatest care, and no Local Government would ever be allowed, without presenting a most convincing case, to take powers under the Regulation. The Home Member reiterated his objection to the motion for repeal and asked the House to vote with him.

Mr. C. S. RANGA IYER, supporting the repeal of the Regulation, asked whether it was a new commandment to say "Thou shalt put persons in jail and deny them trial." The Indian Association of Calcutta, consisting of Moderates like Mr. S. R. Das, (the present Law Member), had protested against the application of the Regulation and followed it up with a closely reasoned memorandum, in which they exposed the Government's argument that juries had been intimidated and witnesses were short. Sir Surendranath Benerjee had himself condemned the application of the Regulation. Mr. Ranga Iyer contended that the application of the Regulation was directed against the Swarajists. Did not Lord Lytton, speaking in November, 1923, say that the Government of Bengal would have listened to Mr. Das if he had walked into the Government parlour? So, it was because Mr. Das did not co-operate with Lord Lytton in working the unworkable dyarchy, that the Regulation or, to be more accurate, the Ordinance was applied. No wonder that even the High Court refused to have anything to do with the cases of persons arrested unlawfully and illegally.

Further discussion of this resolution was postponed and the Assembly then adjourned.

After the usual week-end holidays the Assembly reassembled on the 15TH FEBRUARY. The agenda consisted of heavy official business including motions for consideration and passage of the Criminal Procedure Code Amendment Bill; the introduction of two new Bills, viz, the Delhi Water Works Bill and the Madras Civil Courts Amend. Bill; reference to a Select Committee of the Tariff Act Amendment Bill, and numerous supplementary demands for grants including provisions for the Paddison Deputation, the Currency Commission and the Taxation Committee.

### Criminal Procedure Code Bill.

In moving his motion for further consideration of the Bill to amend Section 109 of the Criminal Procedure Code, Sir Alexander Muddiman declared that when, on last Wednesday (10th Feb.) the President adjourned the House, it was after the speaker had previously told the Chair, that he did not intend to proceed with the further business on the agenda that day. He assured that the House was fully satisfied that the rulings of the Chair were based on principles, and that they would always be.

The President (Mr. Patel) welcomed the statement made by the Home Member. At the same time, he could not but express condemnation of the remarks passed in a certain newspaper by its special correspondent. The remarks appeared in the "Statesman" of the 12th instant from its Delhi special correspondent and cast a reflection against the Chair of partiality, and were a gross breach of the privileges of the House, and deserved the severest condemnation. The Chair, in view of the Home Member's statement, was not prepared to take any serious view of the matter; and, when the matter came to him later on, he would pass such orders as he considered necessary. In the meantime, the Chair would allow the paper to express its regret and withdraw the remarks. On both official and non-official days the Chair always kept the convenience of the House in view and consulted the leaders. The Chair would not let its convenience stand in the way of late sittings in the evenings, if the House so desired. The President warned that, in future, such action would be dealt with severely.

The Home Member then made his final motion that the Bill be passed into law. This was put and carried by 56 against 42 votes.

## The Burma Expulsion Bill.

Next day, the 16TH FEBRUARY, the House proceeded with Mr. Amarnath Dutt's resolution for disallowance or repeal of the Burma Expulsion Bill.

Mr. BHORE said he did not want to speak on the merits or demerits of the Bill, but wanted to repudiate most emphatically the statements, made by some members, that the Burma Act would counteract India's protest against the South African Legislation. The Burma Act was not Anti-Indian. The law was directed against persons who had committed crime. Did they suggest that the cause of Indians in South Africa was not higher than that? Indians in South Africa were not criminals. They were law-abiding citizens of the Union, and had, by their industry, their toil, and their thrift, added to the wealth of that country. There was a world of difference between the Burma Act and the Union proposal, which wanted to discriminate against persons, not because they were criminals, but merely because they were Indians or Asiatics. He again repudiated the suggestion, with all the emphasis at his command, that the passage of the Burma Act cound possibly affect their opposition to the Anti-Indian Legislation of South Africa.

Lala LAJPAT Rai rose to dispel the impression left by the previous debate that Burmans were in favour of the Bill. He was in Burma only very recently on the 12th January, and addressed two public meetings, one at Mandalay and the other at Rangoon. The meetings were presided over by leading Burmans, one of whom held the responsible position of the Deputy President of the Local Legislature. Members of the Burma Council also attended the meetings. They all denounced the Bill. It was not right to say that the Bill was initiated by Burmans. Theoretically, no doubt, the Bill was not directed against Indians. There were the Chinese who could even before be dealt with under the Foreigners Act. The Anglo-Indians stood no fear of expulsion in Burma or in any part of British Empire for the matter of that. So, only Indians were to be the sufferers. The Burma Act however involved a great constitutional issue. A provincial legislature had legislated practically against persons of all the other provinces.

Mr. TONKINSON analysed the Bill from the point of its law, his object being to show that there was nothing repugnant to India in its provisions, and to remove what he described as the mass of prejudice which surrounded them. He maintained that Burma was a separate country in the legal sense, and, therefore, perfectly entitled to pass the Bill, a statement which was received with various marks of protest, as was also his definition of the implication of the word "domicile." He concluded by reminding the House that Bombay possessed powers to expel Pathans, and that Bengal had its Goonda Act, a reference which was not too well received.

Mr. Amarnath DUTTA replied to the debate, and said that the better mind of Burma was represented in the Assembly by Maung Tok Gyi and not by Mr. M. C. Naidu. Eventually the motion was carried by 69 votes against 33.

## Reforms for the Frontier Province

Syed MURTUZA SAHIB moved:—"This Assembly recommends to the Governor-General-in-Council that he be pleased to extend to the N. W. Frontier Province, the provisions of the Government of India Act, which relate to the Legislative Council and the appointment of Ministers, etc., with protection to minorities."

Maulvi Sayed Murtuza explained that although a follower of Pandit Motilal Nehru, he was also a member of the All-India Moslem League, and

his resolution was based on those passed by the League. He therefore moved the resolution, not as a Swarajist, but as a member of the Indian Moslem League. He explained further that he would have moved the resolution, even if Hindus had been predominant in the province, and in regard to the apprehension expressed by the latter, he maintained that these had no foundation on fact.

The manner in which the resolution was received by the Swarajists can best be gauged by the fact that the most strenuous efforts were made, prior to the meeting of the Assembly, to induce the mover to drop his resolution, or failing that to allow some one not of the party to introduce it, but the Maulavi remained adamant even though the final threat of forced resignation was held out to him. Many speakers spoke in support of the resolution including Sir Abdul Qaiyum, who failed to see why the North-West Frontier Province should have to submit to the Code of Criminal Procedure, and yet be denied the benefits of the Government of India Act. Mr. S. Sadiq Hasan was not satisfied with the mere extension of the reforms to this province, and moved an amendment that a unitary and autonomous responsible Government should be granted while Dr. K. G. Lohokare desired the amalgamation of the settled districts of the province with the Punjab. In all the many speeches, although there was a distinct under-current of communal feeling, the language was markedly moderate, until however Pandit Madan Mohan Malaviya introduced the subject of the Kohat riots. Here he poured out the vials of his warth and accused the Mahomedans of a ruthless disregard for the feelings of the Hindus. Naturally Mahomedan feelings were inflamed but fortunately the House and the debate were adjourned before expression was given to the retorts which many members had in obvious readiness.

## Steel Protection Bill.

Next day, the 17TH FEBRUARY, Sir Charles Innes moved for consideration of the Steel Protection Industry Bill. The object of the Bill was to supplement the Steel Industry Protection Act which has already been approved and passed by the Assembly. The main purpose of the Bill was to authorise for a further year the payment of the bounty on Railway Wagons. On this point both the Free Traders and the Protectionists delivered eloquent speeches. The former desired to know why the country should be levied with the cost of bounties to 'white elephant' industries, and objected to the expenditure of large sums of money which were denied for other and more useful purposes. Another objection raised by the Free Trader was the possibility that the concerns so assisted with the aid of the country's money would sell their good-will to outsiders when they had achieved prosperity. The Protectionist, on the other hand, was delighted that there should be bounties and he pointed out with no little unction how successful had been the Protectionist policy and how remarkable had been the way in which wagon firms had been able to increase their output.

Sir Charles Innes in replying to the debate, assured the Free Traders that the policy of the Government was to watch the progress of the bounty system so that it should not be unduly prolonged. He maintained that the system had been successful, and expressed the hope that before long the time would come when India would be able to discard Protection altogether. The Bill was eventually passed.

### The Tin-plate Industry.

The House then proceeded with the tin-plate industry, to which it was suggested that supplementary assistance should be given by increasing from Rs. 65 to Rs. 85 the specific protective duty on all steel tin-plates.

Sir Charles Innes, in dealing with this matter, declared that the proposed assistance to the industry would barely cover the costs of production, and the need for it was therefore very real and urgent.

The proposal found many critics, including Mr. Wilson, who declared that no case had been made out for the protection of the industry. Numerous amendments were proposed, but were rejected after a lengthy tussel, and the Assembly adopted the resolution.

### Export Duty on Lac.

Indian lac and the imposition of Customs Duty on exports of this product for a further period until the end of 1931 next occupied the attention of the Assembly; but it proved a matter for speedy disposal, as the House agreed to the imposition without debate.

### Income Tax Amend. Act.

Sir Basil Blackett moved that his Bill to amend the Income-Tax Amendment Act, which had been introduced early in the session, be taken into consideration. Mr. Wilson moved that it be circulated for eliciting public opinion, as it raised important principles, and had not been accepted by the Chamber of Commerce. This was defeated. Mr. Wilson's alternative motion that the Bill be referred to a Select Committee was, however, accepted.

## The Railway Budget

*DELHI—18TH FEBRUARY 1926.*

**The Indian Railway Budget for 1926—27 was presented by Sir Charles Innes, the Railway Member on the 18th February 1926. The following is a brief summary:**

Sir Charles Innes declared that the Budget he was presenting had passed a thorough scrutiny of the Railway Standing Finance Committee, consisting entirely of non-official members. Each demand had the Committee's approval. The House had a guarantee of economy, in that the railways had not only to pay interest charges, but also a contribution to the general Budget and anything in excess of that went to Railway reserves. For the same reason he announced that the Secretary of State had relaxed his control so that many projects which required reference to him were now within their own power of sanction.

The financial results of 1924-25 were better than expected, representing a return of 5·85 per cent. Thus the net contribution was Rs. 678 lakhs gross instead of Rs. 564 lakhs net and the Railway reserve received Rs. 638 lakhs, instead of Rs. 410. Those were pleasing figures but the revised estimate for the current year was not quite as satisfactory. In coaching traffic they did better than expected, but there had been a drop in earnings on goods traffic mainly in respect of wheat and coal. The gross receipts were expected to be 99·81 crores, or Rs. 153 lakhs less than the Budget estimate, and the working expenses and interest charges 89·36 crores, or 118 lakhs less. The revised estimate of the net gain was only Rs. 35 lakhs less than the Budget figure. The partial failure of the wheat crop had a serious effect on receipts. There was a special provision for Rs. 37 lakhs for the extension of the Lee Commission's benefits to Railway company officers, which the Assembly had by a majority of one vote only rejected, but which the Governor-General-in-Council had restored. The contribution to General Revenues for 1925-26 would now be Rs. 532 lakhs net, and to the Railway Reserve Rs. 345 lakhs.

He claimed that last December's announcement for the suspension of the Coton Excise Duty was very greatly facilitated by the stabilisation of the railway contribution, resulting from the separation of the Railway Budget. Indeed the improved railway prospects were mostly due to that Convention.

The Budget estimate for 1926-27 was 102·58 crores gross receipts and 92·13 crores gross expenditure, loss on strategic lines 173 lakhs, contribution to General Ex-chequer Rs. 601 lakhs, and transfer to the Railway Reserve Rs. 270 lakhs. Those figures based the expectation of a normal season and were 950 lakhs and 277 lakhs above the revised estimates of the current year in respect of receipts and expenditure respectively.

In making those estimates, they had allowed a loss on earnings of about two crores for certain reductions for freights and fares. The reduction in fares would mean a loss of 160 lakhs, the greater part of which was in lower class traffic, while a reduction of 10 per cent. approximately in freight charges in long distance coal traffic, (more than 400 miles) would mean a loss of 38 lakhs. That latter decision was taken in spite of the adverse vote of the Railway Conference Association.

The reductions were expected to stimulate traffic. Though the Reserve of 10 crores was nothing to boast of, yet they felt justified in adopting a bolder policy by reducing fares and freights.

A sum of 31 lakhs were to be spent on amenities for lower class passengers and the fuel bill would be lower by over 52 lakhs. As for capital expenditure in 1926-27, 26 crores were budgeted, including 4 crores for the purchase of the Delhi Umballa-Kalka Railway, 15·44 crores for open works, and 6·56 crores for new construction. Thus the actual capital expenditure would be 22 crores, compared with 21 and one-fourth crores during the current year.

The programme of operations included the completion of the Bombay suburban electrification schemes, electrification of the main line from Kalyan to Poona and Kalyan to Igatpuri, important works of doubling lines, remodelling station yards, the construction and extension of workshops. The new line construction programme comprised 64 different projects, covering more than 2,000 miles.

Additions to rolling stock included in terms of four-wheelers, 2,707 goods wagons, 671 coaching vehicles, of which 547 were lower class carriages.

Concluding, Sir Charles said that was the last Railway Budget he would present. His first year 1921-22 was one of the most disastrous in the history of the Railways. To-day he could contrast with legitigate satisfaction the conditions of four years ago. Honour for that was due to Sir Clement Hindley, Mr. Sim, the Railway Board, the Railway Agents and staff, and, above all, to the convention to which the Assembly had agreed.

## Criminal Procedure Code Amend. Bill.

After the budget speech was over, Mr. Tonkinson moved and the House agreed to take into consideration his Bill to amend Section 103 of the Civil Procedure Code as amended by the Select Committee. An interesting discussion, however, took place on Mr. Tonkinson's amendment which proposed to introduce a new clause to amend Section 102 of the Code with a view to providing that the right of second appeal which has existed since 1861 in the case of small causes of the value of Rs. 500 and above should now be limited to cases of the cost of Rs. 1,000 and above. The Select Committee on the Bill was equally divided on the issue.

Mr. Tonkinson took the view that this recommendation of the Civil Justice Committee is of definite value; that the proposed alteration is nothing more than a logical consequence of the fall in the value of the rupee which has taken place since the original provision was enacted in 1861.

Sir Hari Singh Gour opposed the amendment and asked whether the member were prepared to see a reduction in litigation at the sacrifice of justice. He did not think much of the subordinate judiciary nor did he think that the High Courts now-a-days were more efficient than they were in 1861.

Eventually Mr. Tonkinson's proposal was put to the vote and rejected. The House then passed his Bill amending only Section 103 as amended by the Select Committee.

### Punishment of Touts.

Mr. Tonkinson next moved, on behalf of Sir Alexander Muddiman, the consideration of the Bill to amend the Legal Practitioners' Act to suppress the evil of touting. This motion having been accepted, Mr. Duraiswamy Aiyangar moved an amendment for the omission of the sentence that the punishment will be by imprisonment which may extend to three months. He held that the real offender was the legal practitioners who made touting possible, but by punishing the tout and leaving the legal practitioners untouched they were not taking a just course.

On being opposed the amendment was withdrawn and the Bill was passed.

### Promissory Notes Bill.

Sir Basil Blackett introduced the Promissory Notes Bill, which, he said, was only an amending Bill, the object being to validate Promissory Notes stamped by inadvertence during the interval between two dates with postage stamps of two or four annas representing the correct duty. The Bill was passed without any discussion.

### Welfare of Workers.

Sir Bhupendranath Mitra moved a resolution for the ratification of the draft convention adopted by the Seventh International Labour Conference concerning workmen's compensation for occupational diseases.

Mr. Chaman Lal suggested that the resolution should be withdrawn on that day and brought forward on another day. The House had not had much opportunity to examine the report and all the draft convention. It was a constitutional privilege which the House claimed. The debate was accordingly adjourned.

## The Bengal Regulation

The soul-destroying propensities of the Regulation III of Bengal again occupied the attention of the Assembly on the 19TH FEBRUARY when Mr. Amarnath Dutt's motion for the repeal of the Regulation came up for further consideration. The main contention of the debate centred on the Bengal anarchism and its relation to Bolshevism. The ball was set rolling by Colonel CRAWFORD who called the attention of the House to the definite menace to India which this movement represented. Those working against India and the Empire, he declared, could not be dealt with by the ordinary law, and to those who regarded Bolshevism as insidious he appealed for a warrant authorising the retention of the Regulation. Mr. Devaki Prasad SINHA taunted Colonel Crawford and the Government with the fact that they had Bolshevism in their brain. The A. B. C. of the Swarajist creed, he maintained, was to wipe out legislation such as Regulation III. The continued reference to Bolshevism on the part of the supporters of the measure, he considered to be an unjust and unfair method of bolstering up their case.

Mr. GOSWAMI said he was absent when the discussion took place last. He did not know how the House relished the Irish stew. (Laughter). He ridiculed the idea of mofussil officials like Mr. Donovan being allowed to come up on a holiday trip to take part in a serious legislation. As for the Regulation, let them try the suspects by all means. But he objected to detention without trial. Mr. Donovan had asked why it was that the

Regulation was necessary in Bengal alone. It was because Bengal had to wipe off the guilt of Omichand and Mir Jaffar who sold the country to foreigners. It was because Bengal passed through the glorious regime of Warren Hastings, and because Bengal witnessed the treatment meted out to indigenous industries. It was because in Bengal the singing of "Bande Mataram" was made a criminal offence, and it was because Bengal had a great literature whose motive power was the nationalist movement.

Other speakers, including Raja Raghunandan Prasad Singh, continued in the same strain. Maulvi Abul Kasem, who while admitting that Regulation III had been abused, declared his apprehension of anarchism and disorder if the Government divested itself of the power contained in the provision. If he thought that revolution would give the country freedom and a stable and secure government he would not hesitate to join such a movement. But he considered revolution a crime.

Eventually, Sir Alexander MUDDIMAN, speaking with a personal knowledge of Bengal, held that the revolutionary outbreaks which the Province had witnessed had sullied its name. Reverting to the question of the Bolshevik danger, the Home Member insisted that its presence was undoubted, and that it was considerable, and he hinted darkly at documents in his possession more than proving his case. He referred further to the attempts which had been made by Communists at Oxford to win Indian students to their way of thinking, a reference which tempted Mr. Chaman Lal to declare that this represented nothing more than freedom of speech. Sir Alexander, however, held that it was a mean crime to endeavour to infect young lads thousands of miles away from home influence, a statement which was received with considerable applause. In respect to the Regulation itself, Sir Alexander assured the House that the Government only desired to use it in a limited area and that it would sift and examine the evidence placed before it as thoroughly as was possible, as it was the policy of the Government to reduce restraint to a minimum.

Ultimately the motion that the bill to repeal the Regulation be taken into consideration was put to vote. The division proved critical. In the end, the Government won, the motion being rejected by 49 votes against 46, amidst loud cries of "Shame," from the Swarajist benches, and continuous applause from the official benches.

## General Discussion on the Railway Budget

*DELHI—22ND FEBRUARY 1926*

The general discussion of the Railway Budget was taken up by the Assembly on the 22nd February. It was begun by Mr. Rangachariar.

Mr. RANGACHARIAR wondered whether the good results were due really to the plentiful crop or to the effective management of the railways. He was not satisfied with the growth of the working expenses. The figures in respect of betterment and improvement continued to show a sad tale, for the money allotted was not spent. Mr. Sim was really a master-mind, for he managed to carry the Railway Standing Finance Committee with him

regarding every proposal. A fundamental change had been carried out in a sixty-year old practice by charging to capital for renewals, thereby helping revenue at the expense of capital. That meant that he could not compare the working expenses of the State Railways with the Company Railways, and it was not enough that the standing Committee approved of the fundamental change. The opinion of the House should have been obtained. Then again, under the depreciation head, it was calculated that certain buildings would have 200 years' life, which did not appeal to their commonsense. The speaker finally referred to the need for Indianisation of the services.

Col. GIDNEY said that he found that the Company managed railways were not reducing third class fares to the extent the State railways were doing. The reason was that the Company railways looked to the dividends of their shareholders. The Railway Board could, however, press the Company railways to carry out corresponding reductions. The railway revenue expenditure statement seemed to him to be uninformed, dull and disappointing. As for capital expenditure, he felt that, while Bombay had been well looked after, the Government policy had been halting in respect of other provinces. He suggested a committee to go into the question of electrification of railways in the various parts of India. He declared that it was unfair to replace Anglo-Indians by Indians, as had happened on the G. I. P. Railway particularly. He urged, in the interest of all the employees, whether Indian or Anglo-Indian, that committees be attached to the various Railways, on which employees should be represented, to consider questions affecting them.

Seth Kasturbhai LALBHAI, while appreciating the reduction in coal freight, which the speaker had urged by a resolution last year, hoped that the continued prosperity of the railways would permit a further reduction in freights and also fares. The speaker did not think reduction in freights would work out ten per cent. It would be eight per cent. all round. Ahmedabad would benefit less than the other stations. The Indian Commercial public, whose opinion was voiced by the Industrial Congress in Delhi, showed that they wanted the Rates Committee to be a statutory body. The Government should not waste money by setting up an advisory body.

Mr. Harchandrai VISHINDAS scrutinised the budget figures, and recalled that when in 1917, fares were increased, these were stated to be a war measure, but reduction had not been undertaken till the present year. He asked about the Karachi-Cawnpore railway project, which had been under discussion for a long time. He also drew attention to the lack of communications in Sindh. He hoped that action would be taken soon to enable Sindh to have feeder railways.

Mr. Shanmukham CHETTY was not very enthusiastic about contribution to the general exchequer, for it must hamper railway extension. He did not like taxation on communications. Railways should be judged not by their net profit, but by their efficient service and the cost of that service. The speaker felt that the figures had not been so put as to be understood by laymen.

Mr. Rangaswami IYENGAR did not agree with Mr. Shanmukham Chetty that there should be no tax on communications. The elementary principle of commercialization meant that they must show profits. The question however, remained as to whether profits earned by the Railways

should be allowed to be used by Sir Basil Blackett for his general purposes, or for utility to the community in a specific direction. The speaker particularly condemned the Railway policy in respect of District Boards, who had lakhs locked up in securities, waiting helplessly, because the railway Board would not assist them with expert advice for expending money for Local Railway Development. His own district had over a crore of rupees locked up in Government securities. When Mr. Sim went to Madras, he displayed irresponsibility by the manner in which he approached the subject.

Mr. Kabiruddin AHMED felt that the country would have been more pleased with the Railway Budget, if District Boards had been given a voice in the extension of Railways. He ridiculed the plea that they must look at every problem from a business point of view. The interest of the masses should be looked after. Railways should be developed to the benefit of the agriculturists. He hoped the Rates Advisory Committee would reduce the rates for agricultural produce. He regretted that salaries of the Members of the Railway Board were non-votable.

Mr. Gaya Prasad SINGH referred to the Acworth Committee's report, which stated that the Chairman of the Rates Advisory Committee should be a lawyer of standing. The speaker specially protested against the continuance of the practice of carrying third class passengers in wagons. He called attention to some projects in Bihar and Orissa which were still pending.

Mr. Jamnadas MEHTA, as a member of the Railway Standing Finance Committee, observed that if the Railway Board was more independent at present and was not still under the leading strings of the Secretary of State, then that Board had better respond to the point of view of the Committee. He suggested for consideration of the Government the advisability, nay, necessity, of the members of the Railway Standing Committee being members of the local Advisory Committees in the areas in which they were living, so that they might be more useful. He complained that the Railway Budget did not contain any general account of stores or manufactures, which used to be a feature of the Budgets in the past.

Mr. Mehta touched on several items in the Budget, and pointed out that there was a concealed capital, high fares, sweating of labour, rise in exchange, fall in prices and a good monsoon, and that all these factors contributed to the Budget being what it was. If they took those factors into account then surely they would see that the Railway Department was showing a deficit Budget, and that the department had not made the best use of the separation of the Railway Budget nor shown much efficiency. If a sum of Rs. 37 lakhs had not been given to Railway Officers under the Lee Commission recommendations, then they would have had 10 crores and 82 lakhs insted of 10 crores and 45 lakhs. They were still to make retrenchments, and Colonel Hearne had admitted that there were delays and losses on hasty schemes. The operation ratio of additional traffic was 50 to 60 per cent. of the new earnings. Mr. Mehta alluded to certain figures in the Budget to show that there was some confusion even between Sir Charles Innes and Sir Clement Hindley. He would prefer that the contribution to the general revenue was done away with. But they had agreed to the convention, and they must adhere to it. The Railway Commission of New South Wales had recommended that there was no necessity for a Railway Reserve Fund the moment they paid interest and depreciation charges, and that the remainder of the surplus should go towards reduction of rates

and freights. He therefore opposed the building up of the reserve and remarked that such a provision would only give a temptation to the Government to waste more, and use it for non-Railway purposes, and also probably finance aggressive movements.

Mr. Rama IYENGAR was glad that Mr. Jamnadas had agreed that there was much economy still to be effected. It was a myth that Sir Charles Innes was talking of, in his desire to make the position of the Railway's impregnable by building up reserves. It would be unwise to add a pie more than what was required to cover the year's deficit.

Sir P. S. Sivaswami IYER asked for information as to what extent the power of the Government in respect of sanction of Railway projects had been extended by the Secretary of State. No less than 19 crores were proposed to be spent from the capital expenditure. He wished it would be reduced by placing more orders in India. Manufacture of locomotives and coaches in India should be encouraged by the Railway Board. He pleaded that Railway administrations should so build their quarters for the staff, as to be models from the sanitary point of view.

Mr. JOSHI said Sir Charles Innes had done well as a bureaucratic head of the Railways. Though he was in favour of separation of railway finance, he felt that prosperity was due not to the scheme but to the high rates and the exploitation of Railway employees. The speaker stood for increasing the control of the Assembly over the Railway affairs. He held the Government responsible for the absence of Railway Industries in India. While the Lee loot had been given effect to, with effect from the 1st April 1924, the Lee proposals for Indianising the Railway staff and recruiting 75 per cent Indians were yet to be given effect to "as soon as practicable." What they wanted more was not commercialisation, but humanisation.

The European spokesmen, Mr. WILSON and Mr. COCKE, asked for further bridge contracts for private contractors as they believed that thereby the Railway Board's new construction programme would advance at a much greater rate than at present. For the rest the speeches reiterated the plea for better facilities for third-class passengers.

Sir Charles Innes, replying on the debate, said that regarding the development of Inland Water Transport there was a constitutional difficulty in their way, for Inland Transport was a transferred provincial subject. Mr. Rangachariar and Sir Sivaswamy Iyer had complained that in his speech he had not referred to the First Assembly. That was not intentional. He was equally indebted to the First Assembly for helping them with the capital programme, and, if the separation scheme was not brought before the First Assembly, it was because at that time railway improvement had not taken place to justify such action. In regard to the allocation of expenditure between capital and revenue the proposal was considered by the Central Advisory Committee and was forwarded to Mr. Rangachariar for remarks, but Mr. Rangachariar had none to make.

The speaker assured Mr. Harchandrai Vishindas that in the matter of rates and fares reductions, a pure business test was applied. The Agra Karachi connection could not be undertaken now or in the near future for it would not bring in a return of more than 2 per cent. on capital.

Sir Charles Innes, therefore, asked the members to help him in building

up the Railway reserve, so that unremunerative lines which might in course of time develop the country might be undertaken.

The speaker assured Mr. Cocke that the Railways were going to give private contractors a fair trial. As for compensation claims these had been brought down from Rs. 120 lakhs in 1922 to Rs. 40 lakhs, the estimate in the Budget. Sir Charles Innes agreed with the observation of Mr. Chetty that as soon as the general financial position permitted, the Railway contribution should be dispensed with, and that whatever the railways earned, should go to reduce rates and improve services. Referring to Mr. Rangaswami's observations, the speaker did not attribute any sin to the Assembly in speaking against State management, but he had referred to the factors which made this management unsuccessful in other countries. The separation of finance had removed a great obstacle from the way of successful State management.

The rates committee was not being constituted to enable businessmen to get a reduction in rates, but the Railway Board hoped to get the help of this independent body in removing old fallacies and the superstitions that railway rates were directed to benefit the foreign capitalist or export trade. The Acworth Committee had suggested that it should consist of a lawyer of standing and a businessman and a railway officer and he assured Mr. Wilson that the proper personnel would be selected.

Mr. Jamnadas had spoken of the excessive control of the Secretary of State and Sir Sivaswamy Iyer had asked as to how far it had been relaxed now. Their power of sanction had been increased in respect of the new construction from Rs. 12 one-third lakhs to Rs. 1½ crores, and in respect of the open line works from Rs. 20 lakhs to Rs. 1½ crores. He accepted Mr. Mehta's suggestion that members of the Standing Finance Committee be ex-officio members of the local advisory committee.

Mr. Mehta's charge about the yards was ancient history. The last administration report showed that the additional revenue had been earned very cheaply. As for the raising of rates and fares during his regime, he quoted the Acworth report which showed that the rates in India were the lowest, and should be increased. Mr. Joshi had pleaded for running the railways on a humanistic basis. Sir Sivaswamy had replied to him by stating that efficiency and economy should be the railway's watchword.

After the speech of Sir Charles Innes, the general discussion of the Railway Budget came to an end.

## Voting on Railway Demands

*23—25TH. FEBRUARY 1926.*

Voting on the Railway demands for grants commenced on the 23rd February and continued up to the 26th February. About 200 reduction motions, including both nominal and substantial cuts, appeared on the agenda paper, but a majority of them overlapped. The main part of the debate relating to the criticism of the railway policy centred round the motion to omit the grant for the Railway Board.

Demand for Railway Board.

Mr. J. MEHTA moved the omission of the grant for the Railway Board. He said Sir Charles had based too much hope on the Members of the Standing Finance Committee helping him. He had reserved to himself the right to move the motion. He held that the Railway Board was an irresponsible, unconstitutional and arbitrary body. Extension of the Lee concessions and more particularly the building of palaces for railway officials, by restoring the grants rejected by the House, showed the respect the Board had for the House. There was extravagance and wastefulness. While the figures in respect of Indianisation were manipulated, Indians were not being appointed to the top posts. The claims of Indians had been repeatedly suppressed. Mr. Mehta, as a member of the Central Advisory Council, declared that it was a mis-statement to say that the Council approved of the constitution of the Rates Committee, as an advisory body.

Sardar V. N. MUTALIK complained that the Government did not appoint any Indian to the Railway Board. Was the plea the same as before, namely, that no qualified Indian was available? The myth had long been exploded. Indian talent was certainly not inferior. The Government had got into the habit of disregarding the opinion of the House, and was not at all responsible to the House either. The Railway Board, in his opinion, had forfeited the confidence of the people.

Mr. K. C. NEOGI supported the motion for omitting the grant. He took account of the constitutional losses and gains. While, on the one hand, the separation scheme had not enhanced the control of the House on the Railway Board, it had made the Secretary of State relax his control. Thus, the Railway Board had become more autocratic than ever, without the Assembly gaining a corresponding control over the Board's affairs.

Continuing, Mr. Neogi said the House had been asked to relax its control as regards details of Railway Administration. The Assembly thereby lost all control over the Agents, which even the old unreformed Council had. Although the move to make the Railway Board grant non-votable did not succeed, yet for all practical purpose the House had lost all real control. He ridiculed the idea that the Members of the Railway Advisory Council had any power. They had no initiative, and the Council was a farce. The Railway Standing Finance Committee did not exercise enough supervision and scrutiny. Last year, they held only 14 meetings, and worked for 50 hours altogether. That was certainly not satisfactory.

Mr. Neogi maintained that the Central Advisory Council was appointed, not in accordance with the recommendations of the Acworth Committee, but as the Railway Member wanted it. He regretted that the House surrendered its power and rights and fell a victim to Sir Charles Innes in agreeing to the separation of the finances.

Sir Charles INNES admitted that Mr. Jamnadas had reserved the right to move omission of the vote, but the speaker thought it would be better to raise the veil of secrecy over the proceedings of the Committee by telling the House what Mr. Sim told Mr. Jamnadas on that occasion: "You must reserve that political stuff for the Assembly." (Laughter.) As for restoration of the grant in respect of buildings he reminded the House that the cut was made just two minutes before the guillotine was applied so that the House could not have fully acquainted themselves with the

position. The buildings were already under construction. As regards the Rates Tribunal, Mr. Jamnadas had made a mis-statement. The Central Advisory Council was first constituted in July 1923. The Council agreed that the tribunal should be an investigating body only, but adjourned final conclusion till a later date. When the Council again met in March 1925 it approved of the Railway Board's memorandum, but wanted that reference be made to the Secretary of State, and the matter be again brought up before them.

Mr. Jamnadas: Did you bring it up again?

Sir Charles Innes replied that there was no need to come before the Central Advisory Council again. Then again, last year, during the budget debate, he told the House, on an inquiry by Mr. Chetty, that the body was to be advisory and not statutory, and thereupon Mr. Neogy withdrew his motion. Was that not an indication that the House did not object to the advisory character of the body? As regards the cry of grievances before supply which he would no doubt hear, the motion for entire rejection was incompatible with the existing Constitution. The framers of the Constitution had wisely provided safeguards.

As regards Indianisation, the Commerce Member most emphatically declared amidst official applause that Indianisation would not be by the door of supersession. When he and Sir Basil Blackett thought last year that Mr. Sim's successor might be an Indian, they had not paid enough attention to the claims of more competent non-Indians. Nevertheless, though last year there was no Indian Director in the Railway Board, in the present year there were two Indian Directors. Over 50 per cent of the new appointments in the senior grades had gone to Indians. He claimed that the Railway Department's record in that respect could compare most favourably with any other department. But he deprecated the attempts asking him to show six-monthly returns. They must give time to the policy being worked out.

Pandit MOTILAL said last year he had moved the omission of the Railway Board's grant on the ground of grievances before supply, and he would support the present motion on the same ground, for the Railway Board had, during the past twelve months, not changed its policy and methods, and was continuing to be wasteful and was betraying its trust. Last year, however, Mr. Jinnah and the Independents joined the Government in voting down his motion, because they wanted to give the Government an opportunity to show better results under the new convention. He would leave it to Mr. Jinnah to say what his opinion was after 12 month's experience. But even if the House did not accept the speaker's reason for the omission of the grant, he hoped the members for their own reason would vote with him. The picture that Sir Charles Innes had drawn of Railways being free from Parliamentary interference might apply to a free country, but in the case of India, they had to keep watch over arbitary powers.

Mr. RANGACHARIAR asked the House to realise that the Railway Board was there to manage property of a large value. Even the Swaraj Governmant must have a Board to manage it. If the House wanted to condemn the Board, it could do so only as regards its policy about stores, about rates and about Indianisation, but certainly not because of the Lee loot, which concerned other departments as well and might better be considered in connection with the General Budget. No doubt Sir Basil Blackett

had to redeem the promise he gave last year that, in appointing a successor to Mr. Sim, the scales would be weighed down in favour of an Indian. The House would be justified in passing a vote of censure on the Railway Board, but to turn down the whole demand was not a correct procedure to adopt.

After Sir Charles Innes had briefly replied, the vote on Mr. Mehta's motion was taken. **By 51 votes to 48 the motion to refuse the grant was carried.** The Swarajists and a majority of Independents voted together, while one or two non-official members remained neutral.

### Other Cuts.

Subsequent grants numbering four in all were considered on their merits. Three of them were withdrawn and the fourth was lost.

### Assembly and Lee Concessions.

Next day, the 24TH FEBRUARY, an interesting discussion ensued in the Assembly on Mr. M. K. ACHARYA'S motion to cut down the working expenses by 20 lakhs, in respect of the cost of the Lee Concessions to Railway Officers during the next year. Not only, said Mr. Acharya, had no case been made out for the Lee Concessions, but Indianisation had been tardy and not according to the Lee proposals.

Sir Charles Innes said the case was considered by an impartial tribunal. He hoped motions like the one moved would not be an annual feature of their budget debates. Indianisation had not been tardy. Mr. Joshi asked what was meant by "as soon as practicable," in respect of the Indianisation proposals of the Lee Commission. When higher pay was given effect to from 1st April 1924, why should not Indianisation be given effect to from the same date? Sir Charles Innes replied that, where facilities for training existed, the proportion of recruitment of Indians had been 75 per cent.

Mr. B. Dass said that the Government by making Indian Officers of the Railway Board sit in the officers' boxes of the House could not deceive them, regarding the real state of Indianisation. The Government had been squandering public funds, and not fulfilling their part of the bargain about Indianisation. Sir Basil Blackett replied that the Government was not squandering money, but was fulfilling its pledges in respect of Indianisation. They would see that at the earliest opportunity 75 per cent of the new recruits to the railway services were Indians. He assured that a nominal cut of, say, a hundred rupees was, in such matters, felt by the Government more keenly than these big cuts, for if the House adopted the attitude of non-co-operation, restoration would become automatic. Lala Lajpat Rai expressed thanks to the Finance Member for once again painting the Constitution in its true colours. Non-official members knew that their vote would have no effect, but they wanted to tell their electorate that at least they were doing their duty. Mr. Chamanlal declared that the Constitution was being corrupted, not by the Swarajists, but by dishonest men on the Government benches, who took money out of the public exchequer without the sanction of the people's representatives. Nothing had been done for the subordinate service. Was not their contentment as essential as that of the superior officers?

The House divided, and by 60 votes to 46 carried amidst loud non-official applause Mr. M. K. Acharya's motion.

Mr. Goswami's Adjournment Motion.

On the 25TH FEBRUARY, as soon as the Assembly met to continue voting on Railway demands, Mr. Goswami moved an adjournment of the House to discuss the hunger-strike among the State-prisoners in Mandalay jail.

In opposing the motion Sir Alexander Muddiman said that, as soon as the matter was brought to his notice the day before, he wired for information as to whether there was actually a hunger-strike, but information had not reached him yet. The publication of a certain statement by a paper could not be taken as a matter of definite and urgent public importance.

The President held that the fact that Government did not possess information could not influence the Chair in the matter. He held the motion in order, and, in view of the Home Member's opposition, asked the members who supported it to stand. Both Swarajists and Independents rose, and their number being more than 25 the President admitted the motion, and fixed the afternoon for its discussion.

Protest against Slow Indianisation.

Mr. Shunmukham CHETTY then moved a reduction of Rs. 1,000 under the head, Working Expenses in order to protest against the slow rate of Indianisation. He said that in spite of the censure motion of last year the Government had not made any serious attempt for speedy Indianisation. There were two questions in Railway Administration, about which Indians had been agitating for a number of years. One was the question of enablng Indians to rise from the lowest to the highest rank in Railways, and the second was the training of Indians for recruitment to the superior appointments. It would be well for the Railway Board to prepare a memorandum showing what the Government were doing to train Indians for the superior grades of services and to place the memorandum in the hands of the members of the House. The speaker said that he would take the word of the Commerce Member that he was trying his best to Indianise the services as quickly as possible; but a definite scheme should be formulated, and definite prososals should be announced. It was claimed by the Government that they could not Indianise the services by the back door of supercession. What India wanted was that for any post, if there was an equally qualified Indian, he should always be given preference. It was alleged that there were no trained Indians. The speaker asked how long Mr. Sim was trained in the Railway Board, and how long he studied problems of Railway Finance before he was selected as Financial Commissioner. The supreme qualification of Mr. Sim was that he belonged to the heaven-born services, the I. C. S.

Mr. NEOGY, in supporting Mr. Shunmukham Chetty, said that a scheme was prepared by the Government and laid before the Advisory Commitee. But it had not yet seen the light of day. Had it been published, an opportunity might have been given to the House to discuss the provisions of the report. But the report discussed the question of superior services in State-managed Railways only, and did not touch the problems of Indianisation in Company-managed Railways. The terms of contract of the Company Railways were subject to legislation passed by the Government of India, and a Bill to regulate recruitment for these Railways and speedy Indianisation of services should be passed by the House. The speaker

held that Indians were kept out, not because they were not trained for particular posts, but because of the prejudice against them. In conclusion, Mr. Neogy appealed to the Commerce Member to make a definite pronouncement, regarding what the policy of the Government of India was in the matter of Indianisation of the Railway Services.

In reply, Sir Charles INNES said that he wished that he had been able to publish the scheme of Indianisation prepared by the Railway Board, but he could not do so, as the sanction of the Secretary of State had not yet been received. As a matter of fact, the first scheme was not approved by the Advisory Council and a new scheme was prepared, which the Council passed. It dealt with the recruitment and training of Indians in Transportation, Civil Engineering, Mechanical Engineering, and Stores. As regards transportation, preliminary selection would be made probably either by the Local Governments or by the Railway Board, after which there would be a competitive test.

Continuing, Sir Charles Innes said that as regards Civil Engineering, after the expiry of their present gurantee to provide employment for boys of the Roorkee College and the Sibpur College, the doors would be opened freely for boys of all the Civil Engineering Colleges. As regards Mechanical Engineering, at present, facilities did not exist for getting fully qualified Mechanical Engineers. Candidates for the branch would be selected and given practical training for three years in the Railway Workshops in India. At the end of that period, they would be sent for further two years' training to England. They would get stipends while under training. They had also made arrangements for training boys for the subordinate posts. Such was, in short, their scheme in respect of State Railways. Sir Charles Innes thought that probably the Companies would find that the best way was to adopt the scheme that had been prepared for the State Railways. The speaker assured that avenues for service would be provided thus. Of every 10 appointments in the superior branches, 2·5 would be made in England, and 7·5 would be made in India. Of the latter, 6 would be made by direct recruitment on a competitive basis, and 1·5 would be by promotion from the subordinate services. Sir Charles claimed that within two years, the State Railways had made marked progress in Indianisation, and hoped the Company Railways would begin to show a like result soon.

After a few other members had spoken the cut of Rs. 1,000 was pressed to a division, and carried by 58 against 45 votes.

## Third Class Fares.

The rest of the day was devoted to the question of third-class fares when all kinds of charges were levelled at the Railway Board, one being that it was extorting the uttermost pie from the pockets of the poor man. The motion was raised by Mr. Joshi who referred to the South Indian Railway where the increase had been more than 100 per cent. Mr. Sim replied that three years ago the Railways were practically bankrupt, and yet it had been found possible to reduce third class fares. He visualised further reductions during the course of the current year, but the House refused to be moved and insisted on applying the cuts. On vote being taken the motion of Mr. Joshi for a cut of Rs. 100 was put carried.

## Mandalay Detenues' Hunger-Strike.

As soon as all the demands had been disposed of, Mr. T. C. GOSWAMI rose from his seat and moved an adjournment of the House to discuss the situation created by the hunger-strike among the Regulation and Ordinance prisoners in Mandalay Jail.

Mr. Goswami said the hunger strike was the result not only of the Government withholding facilities for worship in Mandalay Jail, but of the accumulation of grievances. In Mandalay Jail, the life of Mr. S. C. Bose and others was in danger. If Mr. Bose died, the Home Member and the Government might feel a satistaction, but he hoped he was expressing the feeling not only of Bengal, but of the whole of India, when he said that, in recent years, India had produced very few young men of the high character of Mr. Bose. (Applause.) Whatever might be said about Mr. Bose's complicity in revolutionary crime, the speaker deemed it a privilege that he was a friend of Mr. Bose. That was the treatment meted out to the Chief Executive Officer of the largest Municipal Corporation in the East.

Continuing, Mr. Goswami referred to the disclosures made in *The Forward*, of the 23rd publishing Lt.-Col. Mulvany's evidence before the Jail Committee. The previous day, he wrote to the Home Secretary to let him have a copy of Volume II of the Jail Committee's evidence. He was told that it had not been published. But when he got that morning's "Forward" from Calcutta, he approached the Home Member to make sure whether the newspaper disclosures were correct; and, from the copy which was made available to him, he found that those were correct. That was why he had raised the adjournment motion. He wanted the disclosures to go into the record of the Assembly, so that when the report travelled across the seas, it might inform the world of the character of the wretched Government they were under. (Applause.)

Mr. Goswami, continuing, read a number of extracts from Colonel Mulvany's statement before the Jail Committee. The Colonel had stated that not only was the confinement to which the State prisoners were subjected positively inhuman, but that in fact misleading reports were deliberately submitted to the Government. The Colonel said: "I feel very strongly on this point, and I write under the greatest restraint, for I consider that the share I was compelled to accept in this painful business was and is, a disgrace which can never be obliterated. My feelings were outraged by the cruelty of the treatment I was ordered and expected to carry out." That gallant Colonel, said Mr. Goswami, to whom he paid a tribute for his great courage, had submitted his report to the Inspector-General of Prisons, expressing his opinion against solitary confinement, which, he thought would drive a sensitive man insane. The Inspector-General wrote him back, returning his letter and asking him to re-consider it, because it had to go to Simla and would arouse Olympian wrath (laughter). The Colonel was asked to report that the prisoners were in solitary confinement and were permitted exercises daily, that they were cheerful and that their health had not suffered. If he agreed, he was to cancel the letter in his books and substitute a new one.

Mr. Goswami declared that was how deliberately false reports were sent to the Government of India, and he asked, pointing to the Government front benches, "Are you not ashamed of this? What did your white-washing Jail Committee do? It expressed its satisfaction at the arrangements made to deal with such prisoners."

Mr. Goswami took the Jail Committee's Report, threw it on the ground, violently shouting: "This is a lying Committee (Applause), and the Government which concealed from the public Colonel Mulvany's evidence and took no steps for the amelioration of the treatment of political prisoners is condemned." (Applause.)

Sir Alexander MUDDIMAN regretted that Mr. Goswami had not had time to explain why he raised the motion. It was, of course, known that he wanted to bring the question of those who were on hunger-strike. Mr. Goswami had read the statement of Lt.-Col. Mulvany. The Colonel did make the statement before the Jail Committee, but that was in England in the year 1915. Since then 11 years had elapsed, and considerable improvements had been effected in the condition of political prisoners. If Col. Mulvany's statement had, in any way, contributed to it, he, the Home Member, would feel pleased. But it was on the record of the Committee that Col. Mulvany's written memorandum was not accepted. In the short time given to him, he, the Home Member could not be expected to examine all the papers of an event that took place in 1919. However, the fact that the experienced Committee did not accept Col. Mulvany's statement was there, and it could not be brushed aside. At the same time, there was published in the "Forward," which Mr. Goswami had quoted, the statement of the same Colonel that arrangements

made were in his (the Colonel's) opinion adequate and that the prisoners' wants were supplied according to their rank in life.

Mr. Goswami: That was the statement he was asked to give.

The Home Member said that it was the statement in writing of Col. Mulvany. Regarding the hunger-strike, the Government of India had wired to the Burma and Bengal Governments. The reply of the former was not yet complete, and the reply of the latter had not been received at all. He had however received a petition from the prisoners in Mandalay Jail which he was enquiring into. But he must point out that the petition contained no allegation. The only inference was that there were no allegations to make. He would consider the petition very sympathetically. The only complaint was in regard to financial assistance for prisoners in connection with their pujas. "The Government are not here to provide for expenditure on a ridiculous scale. We are providing for expenditure on a reasonable and suitable scale."

Proceeding the Home Member pointed out that rules relating to the treatment of political prisoners had been issued from time to time. The object was to see that the prisoners got reasonable amenities, i.e., games, newspapers and books. They got these, and the books included, Sir Alexander Muddiman found to his surprise, Vol. III of the Indian Jail Committee's Report, a volume not made public. He therefore contended that there was no question of ill-treatment. There was no allegation from the Mandalay prisoners. He asked those members of the Assembly who had been to Jail under the Regulation whether there had been ill-treatment meted out to them.

Mr. Bepin Chandra PAL said that Col. Mulvany was in charge of him when he was suffering simple imprisonment. The Colonel was a strict disciplinarian, and, when such a person had made those statements to which Mr. Goswami had referred, then surely all was not right. The Home Member had produced no shread of evidence that things had improved since 1915 when the Colonel had made charges against the character of the administration. The prisoners should be given the ordinary social amenities. His own opinion was that they were treated worse than cattle.

Lala Lajpat RAI said that when a man of the character and position of Mr. Subhash Chandra Bose had to resort to hunger-strike, then surely no one could question the seriousness of the situation. The treatment meted out to the prisoners under Regulation III was certainly inhuman. He himself was in the Mandalay Jail under the Regulation, and for six months he was given no newspapers. To deprive him of his studies for six months was, certainly, not human. Then there was one Superintendent who gave him rotten vegetable, which he did not accept. The man rebuked him as a harsh teacher would rebuke a student. Was that the way persons should be treated? So long as the Regulation lasted the public irritation would last, and the Government would have no peace.

### Mr. Goswami's Reply.

In reply Mr. Goswami said that while the Home Member had declared that the Jail Committee had rejected Col. Mulvany's evidence, he had not shown at all where the Jail Committee had made any reference to the evidence of such a highly placed official who had more to do with political prisoners' supervision than any other official. The Home Member's statement that the prisoners in Mandalay were satisfied with the treatment and had only complained in the matter of certain allowances was not correct. The speaker would ask the Home Member to see the document sent by the prisoners in January, wherein they had shown that their grievances regarding the absence of facilities about religious observances were only one of many. Mr. Goswami finally warned that the temper of the Bengal Government was such, that it was adopting all possible vindictive measures against the Swarajist political movement. That was why the treatment of prisoners was inhuman.

### The Home Member's Reply.

Sir Alexander MUDDIMAN, replying asked the House to consider the position dispassionately. There was no evidence produced regarding the cause of the hunger-strike beyond the complaint regarding certain allowances. No other allegation had been made and the mover of the adjournment had not thrown any light on the subject. Under the circumstances, he held that the treatment of prisoners was not inhuman. He did not say that every subordinate officer was acting rightly. He could not guarantee that, either in Jail or in Police or in any service. But he contended that the House was not in possession of any facts which would support the motion. He therefore asked the House to reject it.

**The House divided and carried Mr. Goswami's motion by 57 votes against 40.**

## Other Railway Demands.

The Assembly met again on the 26th February, this being the fourth and last day of voting on railway demands for grams.

### Inadequacy of Pilgrim Traffic Arrangements

Colonel Crawford moved a cut of Rs. 100 to draw attention to the inadequacy of the arrangements made by the Government to deal with the pilgrim and mela traffic at smaller stations. The speaker, on the 14th January last, travelled from Howrah, and, when he reached Mogra, one seething mass of humanity got into the train. Even every footboard contained half a dozen people. Only a solitary guard was in charge of the train. The Colonel found that there was considerable danger to the safety of the travelling public. He also found that practically all the people in the compartment next to him were without tickets. The Government was thus losing considerable revenue for not adequately dealing with such traffic. On Sir Charles Innes replying suitably, the motion was withdrawn.

### Non-Stoppage of Mail Trans.

Lala Dunichand moved a cut of Rs. 100 to protest against the non-stopppge of mail trains at several important stations like Ambala city.

Lala Dunichand also moved a cut of Rs. 100 to draw attention to the loss of articles and the inefficiency of the Railway Police. Both the cuts were rejected.

Dr. Lohokare next raised the question of Indian food stall vendors' fees. He wanted annual figures showing what was realized from those fees. The intention of the mover was to draw the attention of the House to the very unwholesome quality of food sold by those vendors. This was rejected.

Mr. B. Das moved a cut of Rs. 100, and drew the attention of the Government to the mismanagement of the Stores Department in the E. I. Ry. He complained that the Agents of both Company and State-managed Railways were not parting with one inch of the vested interests. The scandals committed by the E. I. Railway were too well-known to be mentioned.

### Railway Subordinates' Grievances.

Mr. M. K. Acharya then raised a lively debate on grievances of Railway subordinate employees. By a token cut, he revived the discussion he had initiated last year on the question. The grievances of the 700,000, men, said Mr. Acharya, were genuine, and he wanted an impartial Committee to go into the matter. After a lively debate the motion was carried.

THE GOVERNMENT OF INDIA'S

# Financial Statement for 1926-27

*DELHI—1ST MARCH 1926.*

Sir Basil Blackett, the Finance Member, introduced the Central Budget for 1926-27 in the Assembly on Monday, the 1st March 1926. In presenting the budget the Finance Member declared that the Cotton Excise duty had been finally and entirely abolished, that there was no new taxation this year and that there were further remission of provincial contributions as follows :— Madras 57 lakhs, U. P. 33 lakhs, Punjab 28 lakhs and Burma 7 lakhs.

The total estimated revenue for the budget year (1926-27) is 133·43 crores and expenditure 130·38 crores, yielding an expected surplus of 3·05 crores. The sum of 1·75 crores as the estimated outcome of the Cotton Excise Duty is to be deducted from this surplus, the duty being abolished. Hence the actual figure of surplus comes to 1·30 crores.

Reviewing the general condition of the country Sir Basil said that there was increase of revenues from Customs, while Income Tax and Opium Duty had considerable decrease. There could be no reduction in the price of post-cards and letters in view of the considerable decrease of postal traffic and increase of working expenses for the department.

The Budget speech disclosed no remission of Salt Duty, while there was the most insignificant cut of 20 lakhs in the military expenditure which amounted to 56·28 crores, being more than 43 per cent. of the whole expenditure. The following is the speech of the Finance Member delivered on the occasion :—

Sir, in the Budget for 1925-26, the Government of India and the Legislature had the satisfaction of making a substantial beginning in the reduction of Provincial contributions, when, apart from other temporary relief, a permanent diminution of Rs. 2 half crores was effected in their total. We were enabled to take this welcome step in view of substantial realised surpluses in each of the years 1923-24 and 1924-25, and in expectation of a balance on the right side in the year 1925-26. I am glad to be able to inform the House that, in spite of the considerable revenue which we then gave up in relief of the Provinces, a realised surplus for 1925-26 is now assured. The exact figure is of course still a matter of estimating, but there is no doubt that the balance will be on the right side ; and this notwithstanding the very unusual step taken during the year in regard to the Cotton Excise Duty. This duty ceased to be levied as from the 1st of December 1925 and in the announcement regarding the cessation of this levy it was made clear that, barring unforeseen accident, suspension was intended in all but form to be equivalent to abolition.

This announcement inevitably takes away some of the beautiful uncertainty of anticipation, some of the pleasant thrill of expectancy, which is supposed to attach to the opening of a Budget. Instead of hoping—shall I say, against hope ?—that this Budget may perhaps contain proposals for bringing to an end this tax, so long the subject of controversy, Honourable Members have, I suspect, already in their minds written it off, and, as they listen to me, are waiting in anxious suspense, not to learn the fate of the Cotton Excise Duty, but only to know what other reliefs, if any, may be in store for them. In regard to the Cotton Excise Duty, I will keep them in doubt no longer. I will admit them at once to the secret that the Finance Bill about to be presented to the House includes a clause abolishing the Cotton Excise Duty finally and entirely. The patient died on December the 1st, 1925, and it only remains for us to assist at his obsequies and give the corpse decent interment. We have no need to fear even its unlamented ghost. No miracle can restore it to life at this time other than some unthinkable accident in the passing of the Finance Bill.

## Review of the year 1925-26.

Reviewing the conditions of the country during the last year Sir Basil said:—

I drew attention a year ago to the gradual recovery of trade from world-wide depression under the stimulus of greater general security and reduced prices. Similar forces have operated in India during 1925-26, but the fall in prices has been more marked than in the precious year. For all commodities the general index figure came down from 175 at the end of December 1924 to 163 at the end of December 1925. Prices of cotton piece goods and, in a lesser degree, of raw cotton were a year ago entirely out of tune with the general price level. Raw cotton appears now to have returned very nearly to its pre-war relation to other prices, and this fact holds out the prospect of an increased volume of trade in cotton piece-goods as soon as prices become steadier.

Apart from these two commodities, the trade figures of the year have been satisfactory. The tea industry has had another prosperous year, while the prices both of raw jute and jute manufactures show a considerable advance. A significant feature of the year which is of great importance in relation to the question of transport facilities in India has been the growth of the use of motor vehicles. There has been a large increase in the number of private cars in use and an even more striking increase in the number of vehicles plying for public hire. The number of motor vehicles imported has gone up by 24 per cent. Our receipts from the excise duty on petrol reflect the increase in the use of motor vehicles in a striking manner. Though the rate of duty was reduced by 33 and one-fourth per cent a year ago, yet our revenue from the duty is as high as before. Among other features of interest I may mention that imports of artificial silk have gone up sevenfold in two years.

The rupee-sterling exchange has shown persistent strength almost throughout the year, and for the time being at any rate we seem to have come to an end of the wide fluctuations which have been a feature of the post-war period. Thanks in large measure to the steadiness of exchange and also to other causes such as the abstention of the Government of India from the loan market for purposes other than conversion—a subject to which I shall have reason of 1926-25—promises to be remarkable for an almost complete absence of stringency in the money market.

The figures given in the Budget estimate for revenue and expenditure for the year were 130·68 crores and 130·44 crores respectively, leaving an estimated surplus of 24 lakhs The improvement shown in the revised estimate is 1·06 lakhs, the figure for revenue being 131·35 crores and for expenditure 130·05 crores. The four special items which I have mentioned aggregate 1·23 crores and more than account for the increased surplus.

The following statement shows the main variations in revenue and expenditure working up to this total :—

| | Lakhs. | |
|---|---|---|
| | Better. | Worse. |
| Customs ... ... ... ... | 50 | ... |
| Taxes on Income ... ... ... ... | ... | 1,10 |
| Salt ... ... ... ... | ... | 55 |
| Opium (net) ... ... ... ... | 48 | ... |
| Interest receipts ... ... ... ... | 43 | ... |
| Currency receipts ... ... ... ... | 46 | ... |
| Extraordinary receipts ... ... ... | 21 | ... |
| Interest on debt (net) ... ... ... | ... | 35 |
| Posts and Telegraphs ... ... ... | 77 | ... |
| Railway contribution ... ... ... | 8 | ... |
| Other heads ... ... ... | 13 | ... |
| | 3,06 | 2,00 |
| Total, better ... ... ... | 1,06 | |
| Budget surplus ... ... ... | 24 | |
| Revised surplus ... ... ... | 1 30 | |

### Indian Archaeological Fund.

This anticipated surplus would in the ordinary course be applied automatically to the reduction or avoidance of debt. The Government of India, however, desire to place before the Legislature a proposal for the utilisation of 50 lakhs of the surplus for the formation of an Indian Archaeological Fund. The details of the proposal which will be embodied in a Bill will be explained more fully to the House in due course. Its financial effect will be to apply 50 lakhs of the surplus, which would otherwise go to debt-redemption, for the purpose of capitalising our liabilities in connection with archaeological research. It is not therefore except in form a departure from the sound rule that a realised surplus should go to reduction of debt. Future budget will be saved from a revenue charge on this account, but as it may be assumed that our outstanding debt will be 50 lakhs higher than it would otherwise be and our interest charges consequently increased, the net ultimate effect on future budgets is nil. Its immediate effect upon our revenue estimates for the current year will be to reduce the revised figure for the surplus to 80 lakhs.

### Ways and means and Public Debt.

The real improvement which has come about in the finances of the Government of India during the last few years and the strength of our position during the financial year 1925-26 are strikingly reflected in figures of our Public Debt and of our debt position generally and in the story of our ways and means operations. The House will remember that in my Budget speech last year I stated that not only did we not anticipate any necessity for borrowing outside India during the year, but also that the maximum amount that we should require to raise by a rupee loan in the open market in India would be 12 crores. I stated that it was not improbable that at the same time as we approached the market for a rupee loan we should also place before the public a conversion offer with a view to beginning operations for the conversion of early maturing bonds. In the event, we found ourselves able in June 1925 to announce that our operations in the market in India would be confined to a conversion loan in view of the improvement shown by the figures of our actual balances on the 31st March 1925 in comparison with our anticipations indicated in the revised budget figures. This increase in balances was mainly due to the increase in the net railway earnings which affected both our revenue surplus and our ways and means position, and to the drawings upon us by the Provincial Governments proving very much less than they had anticipated at the time they framed their budgets.

In 1926-27 maturing debt falling due for repayment including railway debentures to be redeemed in England amounts to nearly 22 crores. The capital expenditure of the Central Government amount to 28 half crores of which 25 crores is railway capital outlay. The Provincial Loans Fund estimates shows an outgoing of 7 crores for advances to Provincial Governments. We thus require nearly 24 crores for maturing debt and 35 and half crores for new capital expenditure, or nearly 60 crores in all. In order to meet this liability we expect to be able to draw further on our cash balances to the extent of 15 crores. We look for 11 and half crores from miscellaneous sources including Post Office Cash Certificates and other unfunded debts, and about 5 crores each from the Debt Redemption provision and from railway reserve and railway and other depreciation funds. So far therefore as we are able to judge from our present estimates, we shall require to raise a loan in the money market of an amount not exceeding 22 crores. There is no likelihood of our having to resort to external borrowing during 1926-27, this being the third year in succession in which the issue of an external loan will have been avoided. We expect to confine ourselves accordingly to the issue of a rupee loan in the Indian money market for a sum not exceeding 22 crores, of which 20 crores will be for the renewal of the bonds maturing next September. The net amount of new money required from the Indian market will not exceed 2 crores, which is less than the amount needed to pay off external debt in London. More than the whole of our new capital programme amounting to over 35 crores will be financed without recourse to market borrowings. It will be a matter for consideration whether at the same time as we issue our rupee loan we should offer a further opportunity to holders of bonds maturing after 1926 for anticipatory conversion, as we did last year.

In order to show the figures of our external debt in a significant way, I have converted sterling at the current rate of 1s. 6d. per rupee not only for 1925 and 1926 but also for 1923 and 1924. The improvement in our exchange has undoubtedly given us some temporary relief in the burden of interest and other payments on sterling debt, and its effect of course is to bring about a marked reduction in the rupee figure as compared with what it would have been at 1s. 4d. It will be seen that our total debt of all kinds had increased from 873.88 crores on the 31st March 1923 to 956.11 crores on the 31st March 1925 and by a further 11.80 crores to 967.91 crores on the 31st

March 1926. The unproductive debt was 254.74 crores on the 31st March 1923, 249.63 crores on the 31st March 1925, and will be 225.81 crores on the 31st March 1926 out of a total debt of 967.91 crores. At the present moment it may be said, in order to put the position in a graphic way, that the whole of our rupee debt and more than half of our sterling debt is productive and that our unproductive debt is now less than one quarter of the whole debt. Excluding the Provincial Governments' debt, the increase in the productive debt during the current financial year amounts to 27.66 crores, while the increase in the three years since 31st March 1923 amounts to 91.06 crores. Unproductive debt has decreased during the year 1925-26 by 23.82 crores.

Our internal debt, excluding Provincial Governments' debts to the Government of India on the 31st March 1923 was 386.08 crores, on the 31st March 1925, 394.75 crores, an on the 31st March 1925 396.88 crores. Our external debt on the 31st March 1923 was 405.31 crores, on the 31st March 1925 454.31 crores, and on the 31st March 1926 456.64 crores. The increase in our external debt during the current year is as last year, purely nominal. The latter figure includes 4.67 crores or £3-half million of Great Indian Peninsula Railway Company's debentures which, exactly as was the case in 1924-25 with the 24.67 crores or £18-half million of East Indian Railway Company's debentures, are not really an increase in the debt of India as a whole but are merely a transfer from the railway company to the Government of the liability to meet the same interest charge out of the earnings from the same Railway.

## Improvements in Financial Machinery.

Before I pass on to the Budget estimates for 1926-27, I desire to refer briefly to some not unimportant changes which have been made this year in the form of the documents which will shortly be placed before the House. A year ago as the House will remember, we introduced various changes in the form of the Demands for Grants in the light of observations made by the Public Accounts Committee. This year we are in possession of results of an enquiry conducted at the request of the Public Accounts Committee into the possibility of improving the appropriation reports on lines suggested by that Committee. The Auditor General's recommendations were considered by the Public Accounts Committee in August last and received their general approval, and their wishes are being carried out in the Appropriation Reports for the year 1924-25 now under preparation. In order to bring the Demands for Grants into general conformity with the Appropriation Reports and thereby to facilitate comparisons between estimates and actuals, corresponding changes have been made in the form of the Demands for Grants for 1926-27. Each grant is now shown sub-divided into a number of sub-heads and the actual expenditure will be accounted for under each so that the Public Accounts Committee, when they scrutinise the final accounts, will be able to compare without difficulty the actual expenditure with the budget provision under each sub-head and to fulfil more easily their constitutional task of examining the extent to which savings under one sub-head have been utilised by the Executive Government towards extra expenditure under another. The existing division by circles of account has, however, been retained and details of expenditure are given in the same fullness as before. Another change which will jump to the eye of anyone using these volumes is that we have reduced most of them to octavo size—a change which effects a considerable reduction in the cost of printing. It is not possible to alter the size in all cases this year, but our intention is to complete the process of conversion to octavo size in full a year hence.

A separate demand will be included in the 1926-27 Demands for Grants for expenditure in connection with the separation of Audit from Accounts in the United Provinces. This measure has been advocated by the Retrenchment Committee and by the Reforms Enquiry Committee from different points of view. The latter Committee held that separation of Provincial from Central finance was an essential preliminary to any appreciable advance towards provincial autonomy in financial matters, but before such separation can be accomplished, Provincial Governments must be in control of their own Accounts. Audit, however, appears to be a subject which should remain as at present in the hands of a single authority, the Auditor General, all over India. The separation of Audit from Accounts is therefore involved as a preliminary to further advance and it appears to offer other incidental advantages. I need only mention two at present. The new system of accounting which we propose to introduce greatly facilitates a closer and more efficient control of expenditure by the Department responsible for that expenditure as a continuous process during the period of the expenditure. The Audit department, on the other hand, is relieved from the mechanical routine duties involved in the present system and its audit becomes more searching. With the approval of the Secretary of State, therefore, we have decided as an experimental measure to

introduce the new scheme of separation, as from 1st April 1926, in the accounts of the United Provinces whose Government have expressed their desire for its introduction.

## Budget Estimates for 1926-27.

### Military Expenditure.

The form in which the detailed military estimates will be placed before the House has not been materially altered as has been done in the case of the civil estimates, and the changes are confined to a more logical re-arrangement of minor heads.

The net military expenditure for the year 1926-27 is estimated to amount to 54.88 crores, i.e. a reduction of 1.37 crores as compared with the Budget estimates for 1925-26, thus marking a further stage in advance towards the goal set by the Retrenchment Committee. The provision for established charges amounts to 54.24 crores, the balance representing remnants of special post-war charges. The figure of 54.88 crores includes a sum of 66 lakhs for the payment of gratuities to demobilied officers this being the last year which will be burdened with a charge of this character.

Among the more salient features in the new estimates I many mention first the disappearance of provision for one British Cavalry regiment, costing a sum of 22 lakhs a year, which has now been dispensed with, this being the last of the specific reductions of strength following on the recommendations of the Retrenchment Committee which remained to be carried out.

Our total expenditure on military services, including the Army, Marine, Military Works, and the Royal Air Force, amounted in the year 1920-21 to 87·4 crores net, of which about 20 crores represented special expenditure on operations in Waziristan. With the cessation of these operations, the Budget estimates for 1922-23, which formed the basis of the Retrenchment Committee's investigations, showed a net total expenditure of 67·75 crores. The actual expenditure of the year 1923-24 amounted to 56·23 crores and the first stage of 57 crores mentioned by the Retrenchment Committee was thus passed in the first year. The figure of 56·23 crores included heavy expenditure on gratuities to demobilised officers and in Waziristan, but these abnormal items were counter-balanced by credits from the proceeds of sale and utilisation of surplus stores. The Budget for the year 1923-24 allotted a net sum of 62 crores for military services. This was reduced in the Budget for 1924-25 to 60 and a one-fourth crores, but by the time when the Budget for 1925-26 was under consideration the actual effect of the retrenchment operations, which it had been difficult to gauge in advance, had become apparent, and it was possible to reduce the budget provision for 1925-26 crores net.

The following table brings out the results achieved at a glance :—

Net Expenditure of Military Services.

(In crores of Rupees.)

| | 1921-22 | 1922-23 | 1923-24 | 1924-25 | 1925-26 | 1926-27 |
|---|---|---|---|---|---|---|
| Budget estimate ... | 66·82 | 67·75 | 62·00 | 60·25 | 56·25 | 54·88 |
| Revised estimate ... | 69·35 | 67·09 | 59·74 | 56·33 | 56·28 | ... |
| Actual expenditure | 69·81 | 65·27 | 56·23 | 55·53 | ... | ... |

Adjusted figures of Established charges.

(In crores of rupees.)

| | 1923-24 | 1924-25 | 1925-26 | 1926-27 |
|---|---|---|---|---|
| Estimate ... | 61·9 | 59·4 | 55·0 | 54·2 |
| Actuals ... | 56·7 | 55.8 | 55·2 | —— |
| | | | (Revised Estimate.) | |

We are fortunately able to foresee considerable savings of an automatic character in our established charges in future years, as the result of the reduction of the rates of pay of the British soldier which came into effect in October 1925. The immediate saving for 1926-27 under this head is not appreciable as the reduced rates of pay affect only new recruits, but it is estimated that, taken in conjunction with the reductions below present cost which will in due course result from the recent revision of the pay of officers in July 1924, the savings from this source should amount to 12 lakhs in 1927-28, increasing annually to about 80 lakhs in 1930-31, and about 1 and one-fourth crores in 1933-34.

### Civil Expenditure.

I now turn to our estimates of civil expenditure. The total figure of civil expenditure in the revised estimates for 1925-26 is 41·46 crores; the corresponding figure for

1926-27 is 41·76 crores. This small increase, which amounts to 30 lakhs, conceals a big decrease. In 1925-26 we had a big non-recurring credit, ordinarily estimated at 1·29 crores but now ascertained in the revised estimates to be 1·81 crores, on account of the transfer of postal and telegraphic stores (including the store of the Indo-European Telegraph Department) from Revenue to Capital. The chief feature of the expenditure of 1926-27 is the reduction, whose significance I have already endeavoured to explain, of approximately 1 crore in the charge for interest. For market debt the charge for interest in 1926-27 shows a reducion oft 1·79 crores on the current year's figures partly because of the effects of our conversion loan and partly because we were able to finance all our own capital expenditure including railways and the capital expenditure of Provincial Governments without adding to our market debt. On the other hand, there is an increase of 75 lakhs under Interest on miscellaneous obligations which includes interest on provident and similar funds, Savings Bank deposits, cash certificates and unfunded debt generally. The net reduction in interest charges is therefore, as already stated, about one crore.

A drastic reduction of the area under cultivation in the United Provinces by one-third results in a considerable reduction in our expenditure on opium. A further reduction is anticipated in the near future as the result of the substantial reduction in the prices paid to cultivators.

Additional Expenditure on Beneficial Services.

Our estimates of Civil expenditure include increased provision for what I may call beneficial services. Among new items and increases in existing items of expenditure on beneficial services included in the Demands for Grants I may mention on enhanced grant of 6 and three-fourth lakhs to the Indian Research Fund Association, an increase of about a lakh for education in the North-West Frontier Province, as well as a non-recurrent grant of about 1 and a one-fourth lakhs for a new building for the Government High School at Peshawar, a further grant of Rs. 50,000 for the construction of the Victoria Hospital at Ajmer and a similar grant towards Dr. Shroff's new Eye Hospital in Delhi. We have increased the grants to the Benares and Aligarh Universities by Rs. 25,000 each and that to Delhi University by Rs. 10,000 and have provided 2 lakhs each as the first instalments of non-recurring grants to the two first named Universities. Additional funds have been provided for research at Coimbatore, Pusa and Muktesar, and for the development of the Dairy Farms at Bangalore and elsewhere and of the Anand Creamery recently taken over from the Military Department, and further provision has been made towards the completion of the new Forest Research Institute at Dehra Dun, where over 60 lakhs out of a total sanctioned programme of over a crore has already been spent.

The provision for reduction or avoidance of debt in accordance with the plan set out in the Government of India Resolution dated the 9th December 1924 require 4·83 crores in 1926-27 or practically the same figure as in 1925-26. The Government of India propose, however, to make two changes which affect the total amount of expenditure under this head in 1926-27. There are objections in principle to inflating revenue at the expense of capital. Our object in amending the Sea Customs Act and making Government stores liable to duty was clearly not to increase the Customs revenue at the expense of our capital charges. We have therefore decided to meet the view expressed by critics in this House a year ago and omit this portion of the provision for redemption of debt. An opportunity for reconsidering the whole question can be taken at the expiry of the five year period for which the Debt Redemption scheme is in force.

The second proposal which the Government of India are making in this connection will be found enshrined in a clause in the Finance Bill dealing with the disposal of the sums received by India from Germany on Reparation account. These sums represent India's share of the amount allocated to the British Empire out of the Dawes annuities. The actual allocation is full of complications. The payments by Germany for all treaty charges under the plan adopted vary from 1,000 million gold marks at the start to 2,500 million gold marks in the fifth year; thereafter they are to be fixed at the latter sum together with a supplement computed according to an index of prosperity. The British Empire as a whole receive 22 per cent of the total sum available, and India receives 1·2 per cent of the British Empire's share. The best calculations that I have been able to make, which necessarily are based on somewhat arbitrary assumptions, point to an annual receipt by India over the next few years of sums varying between a minimum of £66,000 and a maximum of £250,000. In 1924-25 we received £37,400 and we expect to receive about £66,700 in 1925-26. The present estimate of receipts in 1926-27 is about £120,000.

It seems resonable to utilise receipts from Germany under all but the last head for reduction or avoidance of debt rather than to treat them as an ordinary item of revenue. Only by this procedure will there be annual savings in interest in future to correspond to annual payments on account of pension. The Government propose therefore that payments for compensation shall be deduced from the total reparation receipts and applied for the purpose for which they are intended, and that the balance of our reparation receipts shall be devoted to the reduction or avoidance of debt.

This may perhaps be a convenient point at which to mention that we are continuing for 1926-27 the assignments on account of Customs duty on Government stores introduced as a temporary measure two years ago to those Provinces which have not yet obtained a reduction in their contributions to the Central Government. The only important item in this connection is a sum of 5·38 lakhs payable to Bombay. It is obviously desirable that these assignments, which are objectionable in principle, should be extinguished at an early date and we propose very shortly to take up this question in connection with the examination of the Report of the Taxation Enquiry Committee recently published with special reference to their proposal for modifying the existing Devolution Rule 15 in regard to the payment to the Provinces of a share in Income-tax receipts.

## Revenue 1926-27—Customs.

I now turn to the estimates of our reveune. It is necessary to anticipate some diminution in the imports of sugar, but we may reasonably look for compensation for the sums thus lost in increased receipts from duty on cotton piece-goods and in what I may call the normal growth under other heads. On this basis the net revenue under the head of Customs is estimated at 48·15 crores, or, an increase of 1·30 crores over the revised estimate for the current year. This figure includes 1,75 lakhs of revenue from the Cotton Excise Duty. This may be regarded as a fairly conservative estimate of what the yield from the duty would be if if were continued. The yield in 1924-25, the last year in which the duty was fully collected, was 2,18 lakhs, while the highest figure during the last six years was 2,31 lakhs.

### Taxes on Income.

The main change in the trade conditions of 1925-26 as compared with the previous year is that the cotton mill industry in Bombay has passed through, what I hope will prove to be, the period of its severest depression. We have to allow therefore for an appreciable reduction in our revenue from Bombay under the head of Taxes on Income. Conditions elsewhere have been on the whole better than in the previous year and our administration is increasing all the time in efficiency. We have adopted for 1926-27 a figure of 16·15 crores of receipts under this head or 10 lakhs less than our revised estimate for 1925-26. This represents 1·20 crores less than the Budget estimate for the current year.

### Salt.

I estimate our receipts under the head Salt at the figure of 6·90 crores, which assumes that accumulated stocks will have been worked down by the end of this month.

### Opium.

The gross receipts from opium are estimated at 59 lakhs below the revised figure for 1925-26 which included a large adventitious receipt under Excise opium owing to the taking over by the Provincial Governments of stocks held at treasuries. The net receipts are estimated to be practically the same as this year, namely, 2·26 crores owing to reductions in expenditure already referred to.

### Railways.

As the House is aware, the total contribution from Railways to general revenues during 1926-27 is estimated at 6·01 crores. This represents simply the amount of the fixed contribution based on the actual receipts for 1924-25 which was a particularly profitable year. It assumes that the net gain from Railways, after deducting the contribution, will not exceed 3 crores and will accordingly be transferred in full to the railway reserve.

### Posts and Telegraphs.

The working expenses of the Indian Posts and Telegraphs Department for 1926-27 are estimated at 10·17 crores, or 61 lakhs more than in 1925-26. The growth of working expenses is due in part to the absence of the non-recurrent features which, as already explained, made the figure of 1925-26 less than the normal, and in part to an increase in expenditure amounting to 10 lakhs due to the decision of the Railway Department to withdraw the concession of free railway passes to postal employees and to the

inclusion of a provision of about 19 lakhs for new measures designed to improve the emoluments and terms of service of the postal and telegraph staff. The gross receipts have not kept pace with the increase in expenditure, and we can expect an improvement of only 41 lakhs, making the total of our gross receipts for 1926-27 10·65 crores as compared with 10·24 crores in 1925-26. The Post Office account alone shows an estimated profit of 20 lakhs, but there is a loss of 20 lakhs on the Telegraph and of 10 lakhs on the Telephones, owing largely to the fact that the charge for interest is proportionately heavier in the case of the latter services. The upshot is that the estimates of the year point to a loss of approximately 10 lakhs on the working of the department as a whole. I have, however, every confidence that a revival in trade will lead in due course to a considerable addition to our revenue from telegrams which has recently been disappointingly low, and that by next year the department will be completely self-supporting. To complete the picture I must add that owing to a reduction in traffic we expect, in addition, a loss of 6·7 lakhs in 1926-27 on the working of the Indo-European Telegraph Department.

The House will observe that in face of these figures it is impossible for us to contemplate any reduction this year in the rates for letters and postcards—a subject on which after an interesting debate in this House a few weeks ago further discussion was adjourned in order that the whole matter might be considered in its proper setting in connection with the budget figures. Such a reduction of charges as was then under consideration is clearly impossible unless the tax-payer is to be saddled with the burden of a heavy subsidy in relief of the customers of our postal and telegraph system. I know that a return to pre-war rates is keenly desired in many quarters in the House and in the country ; nor would the Government desire to oppose such a reduction for a moment if they believed that it was within the range of practical politics. I desire, however, to put the question frankly before the House. There is in my view no probability whatever of a return to pre-war rates for letters and postcards except at the cost of a heavy and steadily increasing subsidy from the pocket of the tax-payer.

The truth is that we are confronted by what I may call a secular change in conditions in India. The very cheap rates of postage to which India had become accustomed before the war were possible only because of the very low level of prices in India as compared with other countries. If we take the figure for the average of the year 1861 for wholesale prices in the United Kingdom and India as 100, the increase in the year 1924 in the case of India is represented by a figure of 251 and in the case of the United Kingdom by a figure of 142. If we go back only as far as 1914 and compare per-war with present prices, the increase in India is from 100 in 1914 to 163 at the end of December 1925. The corresponding increase in the United States is from 100 to 158, and in the United Kingdon from 100 to 153. In the face of these figures which, whatever doubts we may have as to the absolute accuracy of the calculations on which the index numbers are framed, are at least a reasonable guide to the general trend of events, it is impossible to expect that the Indian Postal department should be able to carry letters or post cards at the rates prevailing in 1680 or even in 1914.

### Other Receipts

Our estimates of revenue assume the continuance of the practice of appropriating to revenue the interest on the Paper Currency Reserve and the surplus of the Gold Standard Reserve over 40 million. We may, I think, assume that, whatever changes may be introduced as the result of the recommendations of the Royal Commission on Currency, the profit now obtained by the Government from these Reserves, whatever form they may assume, will not be substantially affected. In regard to other heads of receipt, extraordinary income from enemy ships will no longer accrue to us, and it is necessary to estimate interest receipts on a lower scale than this year.

We are now in a position to frame our balance sheet. The total estimated revenue for 1926-27 amounts to 133·43 crores, and the total estimated expenditure amounts to 130·38 crores. We are left with a surplus of 3·05 crores. I hasten to remind the House that the latter figure includes the sum of 1 and three-fourth crores for receipts from the Cotton Excise Duty.

### Conclusion.

To what extent can we regard this surplus as being free for us to dispose of ? How far is it a recurring surplus ? The House will observe that I have made no reference except on a very incidental way to the the Report of the Taxation Enquiry Committee, or to the proceedings of the Royal Commission on Currency. The former's report has only recently come into the hands of members, and though incomplete copies have been available to the Government for a somewhat longer period, we came to the conclusion that

the extremely interesting and instructive material which it provides demands more prolonged and more complete examination than was possible in the time at our disposal. I have therefore included in this Budget no suggestion for modification of our taxation system in the light of the Committee's recommendations.

The same assumption must be made in regard to the work of the Royal Commission on Currency. Our estimates assume the continuance of the present credits to revenue of the interest on Currency investments.

In regards to other items in the Budget we have to remember that the receipts from Railways in 1926-27 are high; the earnings of the year 1925-26 were not as good as those of the previous year, so that our fixed contribution from Railways in 1927-28 may be less by as much as 79 lakhs than in 1926-27, if the actual figures for Railway receipts fo 1926-26 confirm our revised estimate. Our opium revenue is also an uncertain factor. The net revenue fluctuates within rather wide limits and at times may even increase owing to sudden decreases in expenditure following on reductions in the area cultivated and in the price paid, but the progressive elimination and eventual extinction of our opium revenue has to be assumed.

Remission of Provincial Contributions.

After giving full weight to these various considerations, we have come to the conclusion that there is no undue risk in treating the whole of our surplus as a recurrent one. The House will I feel sure have no hesitation in agreeing that past expressions of policy and the truest interests of the people of India alike demand that, after using 1 and three-fourth crores of the sum at our disposal for the reduction of Central taxation, we should devote as much as we can of the rest to the relief of the Provinces. We accordingly propose to apply 1·25 lakhs to the further reduction of the provincial contributions in accordance with the Devolution Rules. The relief thus afforded will go to the extent of 57 lakhs to Madras, 33 lakhs to the United Provinces, 28 lakhs to the Punjab and 7 lakhs to Burma.

The total of the Provincial contributions fixed under the Meston Settlement was 9·83 crores. A year ago we made a permanent reduction of 2 and a half crores and provided 63 lakhs for the continuance of the temporary remission of Bengal's contribution. With the additional 1 and one-fourth crores set aside now we shall have reduced our reliance on the Provinces by 4·38 crores in all, which is not very far short of half the total. The Provinces whom fortune and the Devolution Rules favour this year are, apart from Bengal, the same as those which obtained biggest benefit a year ago. Bnt the turn of the other Provinces will come.

The Budget of 1924-25 which concided with the first session of this House signalised our definite escape from the era of deficits and brought the Salt tax back from Rs. 2-8 a maund to the present rate of Rs. 1-4. For this reduction, though no doubt it had the assent of the majority, only the minority in this House who voted for the second reading of the Finance Bill can claim a share of the credit with the Government and the Council of State, and the Government did not conceal their view that a higher rate, which might have enabled us by now to have achieved the complete extinction of the Provincial contributions, had much to commend it. But, if this House dealt in a step-motherly way with the Budget of 1924-25, it placed to its credit six months later the convention in regard to the separation of railway finance from general finance, a reform which I regard as the greatest financial achievement of the years under review. We have made other advances in our financial machinery during this period, such as the establishment of the Provincial Loans Fund and the formulation of a clear policy of reduction and avoidance of debt, and we have paved the way for other advances, as for instance, the separation of Accounts and Audit, and the reform of the Indian Currency system.

I ask those who profess unending dissatisfaction with the Reforms and denounce them as a sham and the Government as insincere and unresponsive, does the financial story of these three short years justify depression or despondency? In that brief space we have immensely improved our financial machinery and have progressed nearly halfway on the road to the extinction of the Provincial contributions, and we have reduced the Salt Tax and abolished the Cotton Excise Duty. To me it seems undeniable that the association of chosen representatives of the people of India with the Executive Government and their constant inter-action the one upon the other in the Assembly and the Council of State have enabled India to win through the inevitable discomforts of the period following the war with a measure of success that makes her financial position the envy of other nations and could scarcely have been possible without the Reformed Constitution.

The Government of India and this Assembly have not always seen eye to eye on financial questions, but the record shows that we have worked together, not without

reward to establish a foundation of financial stability far more firmly based than when we began. We leave to the next Assembly the task of building on those foundations with the firm assurance that, though all the difficulties are not surmounted and though new anxieties may arise, they will not have to complain of our work of preparation and will find their financial heritage a source of strength in advancing to the solution of the political and constitutional tasks which await them.

## The Finance Bill.

After Sir Basil Blackett had read his Financial Statement, he introduced the Finance Bill. In the statement of objects and reasons it is explained that the objects of the Bill is to continue certain provisions of the Indian Finance Act 1925, which would otherwise cease to have effect from the 1st April 1926; to repeal the Cotton Duties Act 1896, and to provide for the appropriation of the share of British India in Dawes annuities to the reduction or avoidance of the Debt. Clauses 2, 4 and 6 provide for the continuance of the rates of the Salt Duty, Postage, Income-tax and Super-tax prescribed by the Indian Finance Act 1925, while Clause 5 provides for credit to revenue for a further period of one year, i.e., till the 31st March 1927, of the interest on securities forming a part of the Paper Currency Reserve. Clause 7 provides for the balance of the share of British India in the annuities payable by Germany under the London Agreement of 1924, remaining after payment to private persons and local bodies, as reparation for damage due to enemy action.

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*Statement comparing the actual Revenue and Expenditure of the Central Government Imperial Revenue and Expenditure before the Reforms with the Revised Estimates for each year from 1915-16 to 1924-25.*

[In thousands of Rupees]

| | Revised Estimate. | | | Actuals. | | |
|---|---|---|---|---|---|---|
| | Revenue. | Expenditure. | Surplus (+) Deficit (—) | Revenue. | Expenditure. | Surplus (+) Deficit (—) |
| 1915-16 .. | 78,89,08 | 81,58,21 | —2,69 13 | 80,00,96 | 81,79,26 | —1,78,30 |
| 1916-17 .. | 97,25,67 | 88,27,37 | +8,98,30 | 98,53,10 | 87,31,37 | +11,21,73 |
| 1917-18 .. | 1,14,84,48 | 1,06,27,74 | +8,56,74 | 1,18,70,58 | 1,06,57,52 | +12,13,06 |
| 1918-19 .. | 1,27,94,65 | 1,34,79,88 | —6,85,23 | 1,30,40,66 | 1,36,13,72 | —5,73,06 |
| 1919-20 .. | 1,44,07,56 | 1,59,18,67 | —15,11,11 | 1,37,13,98 | 1,60,79,27 | —23,65,29 |
| 1920-21 .. | 1,35,10,35 | 1,48,03,61 | —12,93,26 | 1,35,63,32 | 1,61,64,17 | —26,00,85 |
| 1921-22 .. | 1,13,15,32 | 1,41,94,52 | —28,79,20 | 1,15,21,56 | 1,42,86,52 | —27,65,02 |
| 1922-23 .. | 1,20,70,17 | 1,37,95,52 | —17,25,35 | 1,21,41,29 | 1,36,43,05 | —15,01,76 |
| 1923-24 .. | 1,31,96,04 | 1,29,89,97 | +2,06,07 | 1,33,16,63 | 1,30,77,63 | +2,39,00 |
| 1924-25 .. | 1,34,82,26 | 1,30,82,68 | +3,99,58 | 1,38,03,92 | 1,32,35,68 | +5,68,26 |

# General Discussion of the Budget

*DELHI—4TH MARCH 1926.*

After two day's adjournment the Assembly met on the 4th March to begin the general discussion of the Budget. The Swarajists did not take any part in the discussion. The Independents also decided not to participate. They felt that in the absence of the Swarajists, they would find the non-official ranks numerically so weak as to make it impossible for them to carry any motion against the Government. Moreover, they thought that the Government's action in not acceding to the demand of a Royal Commission before 1929 called for an emphatic protest. They anticipated that a Royal Commission would be the logical outcome of the Reading-Birkenhead negotiations of last year. Since then there had been Lord Birkenhead's speech in which they find little consolation and the Viceroy's speech at the opening of the Assembly was held to contain less. Accordingly, as a protest, they decided not to participate in the debate and proposed to make a statement in the House outlining their position. When, therefore, Mr. Harchandrai Vishindas had actually commenced to speak on the Budget, he was apprised of this decision and he resumed his seat amidst Swarajist cheers.

Mr. M. C. NAIDU then commenced the debate. He congratulated the Finance Member on the satisfactory Budget. He was gratified that Burma was given seven lakhs more out of the surplus. The speaker suggested that Provincial Contributions should be done away with before reduction in other taxes was attempted. The Army was the hobby of the Finance Member and the Commander-in-chief, and some reduction in its expenditure should be made. The high income tax was in the way of the proper development of industries.

Col. CRAWFORD paid his quota of congratulation to the Finance Member on the very satisfactory state of Indian Finances. In two years the Finance Member had succeeded in reducing the provincial contributions by a crore and a half and in wiping out the Cotton Excise duty altogether. But some more reduction in the Customs duty was highly desirable. The reduction of the duty on petrol had proved, by results, to be a wise one. The duties on cotton goods, tin, foodstuffs, cheap motor-cars and patent medicines should be lowered. A reduction of the duty on cheap motor-cars would bring in more revenue, which ought to be employed in improving roads. The general tax-payer should also be given some relief by reduction of taxation.

Continuing, Col. Crawford said that there was no relief to the ordinary tax-payers. The Customs tariffs stood high. The speaker considered the Military budget to be exceedingly economical. The recent Northern manoeuvres had been most instructive, but he hoped economy was not arranged at the expense of officers, and trusted that they were given travelling and other allowances with the same liberality as during ordinary duty. He also agreed with the Finance Member in having insurance at a minimum cost, but felt that in regard to equipment and mobility more should be done. Reduction in the Military budget could only be achieved through pacification of the Frontier.

Dr. S. K. DATTA emphasised the need for standing against increase in the cost of living, for that was proving burdensome to his community,

and to those depressed and other clases that were not adequately represented in the House. The Commerce Member's Customs Tariffs added to that burden. Dr. Datta particularly spoke on the Ecclesiastical Establishment, whose cost, he found, was increasing every year. He said there was scope for economy. He asked why the Inchcape Committee's recommendation had not been carried out under the head. Then again, while the Dominions were free in ecclesiastical matters, they in India were following an ancient practice, established in 1814, whereunder the Metropolitan of India was still under the Archbishop of Canterbury. He stood for the Church in India to be made free, and asked for an early announcement of the official policy on the subject.

## THE MILITARY BUDGET

Sir William BIRDWOOD rose amidst loud applause to make his observations regarding the Military Budget. One of the clauses which had most contributed to the present satisfactory military situation on the Frontier was, he said, the proved success of their policy in Waziristan. The process of reducing the special recurring expenditure in Waziristan had been continued, while the conditions of service, of their troops, in that region, had been sufficiently improved. The concessions granted in Waziristan, as the Finance Member had pointed out, had been reduced from 87 and half crores in 1920-21 to 55 crores in 1926-27. Still it was frequently stated that they should reduce the figure to 50 crores as recommended by the Inchcape Committee. Lord Inchcape, himself, had definitely recognised that that figure could be reached only if there was a real fall in price. Such a fall had not occurred. He was for reduction in Military expenditure, but a reduction to 50 crores in the immediate future did not seem possible.

Proceeding, the Commander-in-Chief informed that the Government had already reduced the number of British cavalry regiments from nine to five. the infantry from 52 to 45 and horse artillery from 11 to 4. The Indian cavalry regiments had been reduced from 39 in 1914 to 21. The Indian infantry battalions had been reduced from 126 to 100.

As regards the barracks of Indian troops, the Commander-in-Chief stated that they proposed to spend 20 lakhs out of the suspense account for the improvement of sanitary conditions. Regarding the Auxiliary and Territorial Force Committee's Report, they had to consult the Local Governments and also the Secretary of State about details.

Concluding Sir William said that he had already announced the proposal to create an Indian Navy. The proposal was on practical lines. He however emphasised the fact that the greatest patience would have to be exercised regarding the formation of an Indian Navy. "Let us remember that the Indian Navy is not going to be formed in a day or in a few years. The eventual success of the measure will lie in the hands of the people of India. I do not think a nation can provide a really efficient naval service for itself, unless its people can develop what I would describe as a sea sense. Indians of the right class must come forward and subject themselves to the necessary education and training and discipline. There will be a great responsibility upon the leaders of Indian thought and Indian society in making the necessary effects and in exercising their influence in the matter. With the proceeds available from the giving up of the Kidderpore Dockyard we hope to meet a considerable proportion of the initial outlay on the purchase of ships for the Indian Navy.

Mr. COCKE characterised the budget as excellent and sound. Looking back over the past 12 years, he found they had had seven deficit budgets and five surplus budgets. The total deficit in 7 years was 100 crores, while the total surplus in five years had been 32 crores. The Army Accounts Committee that had been appointed had an important task before it. As regards tariffs, he emphasised that the first question to be considered in the revision of tariffs was the high duty on motor-cars. He drew attention to the inequity of income-tax arrangement under which a person, as an individual paid only Rs. 39,000 as tax over 3 lakhs profits, while he would have to pay for the same amount of profit, a tax of Rs. 51,000 if he converted his business into a company. The Taxation Enquiry Committee had, by its recommendations, made the inequity more noticeable. The speaker further advocated the abolition of corporation profits-tax. He suggested that, with a view to increase the popularity of the Postal certificates, an inter-provincial competition, by publishing monthly returns, should be started. He hoped the accounts of the various departments of the Government and not only of the railways would be commercialised.

Sir Basil BLACKETT, in replying to the debate, referred to the question of provincial contributions and said that the Government had already set before themselves the objective of remission of provincial contributions. But he agreed with Mr. Cocke that it was not enough and that some remission of the Meston settlement was called for and must ultimately take place. He held that the worst sufferer under the settlement was the Central Government. If the Central Government could not reduce the central taxation to any great extent, without getting into trouble with the provinces, it was largely because of the Meston Settlement. They must realise that, even at present, there was a balance of five crores still remaining from Provincial contributions. The Taxation Enquiry Committee had written an interesting chapter on the subject, and had taken them a step further. He announced that during the next summer, the Government would examine Devolution Rule No. 15 and the provincial share of the Income tax. But the solution would depend on the good-will of all the 9 provinces. There was divergence of interests between the provinces and the interest of all provinces divergent from that of the Central Government. The problem was thus difficult.

He next referred to the question of reducing the burden of the consumer. He agreed with Col. Crawford that the motor car stood on a different footing from other luxuries. The need was for helping communications. He was reading, the other day, a file, where he found that prices in a particular place had suddenly gone up, because bullock carts, due to bad roads, had not reached with food grains. Quick transport was necessary. He would draw the attention of the Provincial Governments to the need for establishing a Road Fund, as advocated by the Taxation Committee. The committee had also recommended a reduction in the tax on motors. He agreed that these two suggestions of the Committee were interesting. He, at the same time, showed that the average price of a motor-car in 1921 was Rs. 5,993, compared with Rs. 2,135 in 1925-26. He could not however hold out a hope of reduction. In general tariffs they had looked through the tariffs to see if any reductions could be made without sacrificing much revenue. In conclusion the Finance Member congratulated the House on the business-like character of the discussion and amidst ironical Swarajist cheers the Assembly was adjourned until Monday the 8th March.

# The Swarajists' Walk Out

*DELHI—8TH MARCH 1926*

Mr. Jinah's Adjournment Motion

After an adjournment of 2 days the House met again on the 8th March to discuss demands for Budget grants. After interpellations and presentation of Select Committee's Report, Mr. JINNAH got up and moved that the demand under the head 'Executive Council' be taken up first. He quoted from the last year's proceedings, where Dewan Bahadur Ramachandra Rao had suggested similarly, that the demand for the Executive Council be taken earlier than the order of business permitted. The then President, Sir Frederic Whyte, had stated that according to the practice in the House of Commons, the order of business was arranged by agreement between the Leader of the House and the Chief Whip of the Opposition. Mr. Patel, now President, but then a Member, had then enquired whether the arrangement of the order of business was not entirely in the hands of the Chair, and had stated it had nothing to do with the Home Member. Then, said Mr. Jinnah, the Home Member had agreed to its discussion.

Mr. Jinnah briefly gave the history of his attempt to secure the Executive Council grant being discussed first. Failing to get at the Home Member on the 4th, he approached Sir Basil Blackett, but in vain. The Home Member replied to him by a letter, the text of which Mr. Jinnah read to the House. In it, the Home Member had stated that unless he knew that it was the desire of all the parties in the House that the discussion on the Executive Council be taken earlier, he could not consider it favourably. The Home Member also pointed out that if a constitutional debate was to be raised, it could as effectively be raised under the first head "Customs" or any demand, and the Home Member concluded by stating that he did not want to face the full force of non-official opposition under the vote for the Executive Council.

Mr. Jinnah said that it showed the motive of the Government in refusing to concede to his proposition, which was intended to enable the House, most constitutionally, to record, in a most unequivocal manner, the protest of the House by omitting the grant.

Sir Alexander Muddiman, replying to Mr. Jinnah's motion, said he did not know whether to consider Mr. Jinnah's motion an appeal or a demand. Mr. Jinnah did not show the speaker that he (Mr. Jinnah) had held consultations with other parties of the House in making his request. He would not say whether the motion was in order or not. That was for the Chair to decide, but if it was put to the House he would advise it to vote against it.

The President wished the Government had adopted a reasonable attitude to help the Members of the House, but so far as the business of the House was concerned, it was settled for non-official days by ballot and for official days by the Government. The order thus arranged could not be upset until a motion was actually moved. Then it was the property of the House, and the House could do whatever it liked. It could adjourn it or

discuss it. Mr. Jinnah would therefore be well advised, if he wished, to go on moving adjournment of every head till he reached the head "Executive Council." He, therefore, ruled Mr. Jinnah's motion out of order.

Mr. Jinnah, thereupon, moved the adjournment of the discussion under Customs. This was put to vote and lost by 43 to 29 votes.

## Pt. Motilal's Speech

Pundit Motilal Nehru then got up and announced that his party were under a mandate to walk out in view of the Government attitude over the Reform issue. We give below the full text of his speech delivered on the occasion :—

Sir,—"This is the third and last occasion in the life of this Assembly, for Honourable members to treat the treasury benches with a feast of grievances.

Sir Basil Blackett : Sir, I rise to a point of order. The Honourable Member is moving a motion which does not stand on the paper and of which we have only had recent notice, that the demand be omitted. I feel that I am entitled to object to that motion being put, in view of the fact that we have had such short notice and the result of its being carried would be that questions that are raised in other motions that had priority over it would not be discussed.

The President : The Honourable Member is making the position of his party absolutely clear. He is making a general statement as to the position of his party in regard to all the demands for grants.

The Hon'ble Sir Basil Blackett : Then he is not moving a motion.

Pandit Motilal Nehru : "No. I am not moving a motion. I was talking of the annual feast of grievances which is provided by the vicious system of Government under which we have the misfortune to live. I was going to say that this is the third and last occasion in the life of this Assembly which gives an opportunity to the Honourable members to provide that feast for the delectation and consumption of the Treasury Benches. Sir, the system itself is a perennial grievance and therefore it is not necessary for this House to pick and choose and select this or that demand which has been laid before us. As I intimated to the House we are here to day under a mandate. Our instructions are quite accurate and precise ; and it is under these instructions that I crave your indulgence to permit me to make a statement.

### The Mandate of the Congress.

"We have on two previous occasions taken part in the discussion on the budget. We told the British Government that we refused to be consenting parties to an administration which has been forced upon us against our will. We took the opportunity to convey a message to the people of the United Kingdom that, unless that system was changed according to the wishes of the people of India, there would be no contentment in this country. That message, Sir, has so far been unheeded, and the latest utterances of high and responsible members of the Government have shown the utter futility of any further action that can be taken in this House. As I have said, we come here, to-day, under a definite mandate to deliver that message of the Indian National Congress. For that purpose we avail ourselves of the rules of procedure and I take liberty to stand on the motion which has been made by my Honourable friend, Sir Basil Blackett. The message of the Indian National Congress to the Government and the mandate to us are embodied in this resolution, which was passed by the All-India Congress Committee only the day before yesterday :—

'This meeting having taken into consideration the pronouncements made, in the Council of State and the Legislative Assembly, by the Governor-General and the Home Member and referred to in the report of the Special Committee, is of opinion that the insistence of the Secretary of State and the Government of India on full co-operation by the representatives of the people under the existing conditions, clearly demonstrates the intention of the Government to coerce the nation into abject submission without making any advance on the present vicious system of Government. The Committee therefore has no option but to adopt the recommendations of the Special Committee and to call upon the Swarajist members of the various legislatures to follow the course laid down in resolution (herein quoted) of the Indian National Congress passed at Cawnpore. This Committee hereby calls upon the Swarajist Party in the Assembly to leave their seats after raising a Constitutional issue once again on the first motion on the

8th March. This committee hereby calls upon the Swarajist members of all legislatures to conform to the other directions contained in the said resolution of the Congress and to engage themselves in carrying on the programme hereinafter laid down'.

"I need not trouble the House with the programme which has now been laid down, and I confine myself to the mandate which I have just read. We are here to act on that mandate and you will soon hear, Sir, that we act on the programme too. I crave the indulgence of the House to state briefly what has led to the action we are taking. As I have said, we took part in the budget debates of the last years. We did this on the time-honoured principle of grievances before supplies. The Treasury Benches replied by piling upon us all the obloquy and ridicule, which they could, for presuming to use a weapon which we had not the strength to wield. After subjecting generations of people to a long-continued process of emasculation, they took a cruel delight in reminding them that they were helpless and could not enforce their rights as free men could do. Well Sir, we admit that, at present, we cannot. Government is welcome to derive such consolation as it may from that fact and to gloat over our helplessness and to jubilate over their own shame. But, however much we may be enfeebled in body, our souls have never been and will never be killed.

"Your much boasted Reforms are not acceptable to us, and we shall not have them. We said so before they came into operation. We refused to have anything to do with them when they were first put into operation. The Government replied by repression and oppression on an unprecedented magnitude. During the first period of the operation of the so-called Reforms, thousands of our best men were ruthlessly locked up in jails under various pretents. They bore it all patiently and courageously. Then came the second period. Some of those who had abstained from coming into the Councils during the first period made up their minds to enter them when the second period began. This they did with the double object of testing the *bona fides* of the Government and showing their determination not to rest till they achieved what was their due. I—who was honoured by those who entered the Assembly by being elected as their leader—I began by making a humiliating confession. What I said was: 'We have come here to do something which we have not been doing so far. Sir, we have come here to offer our co-operation, Non-co-operators as we are, if you will care to co-operate with us. That is why we are here.' I call this a humiliating confession advisedly, and I wish, I could convey to the House even a very faint idea of what I felt when I uttered those words. But the words were well considered and carefully ordered, before they were uttered. The humiliation involved was of my own seeking. I sought it, and I got it. But the tragedy conveyed no lesson to the unfeeling stone hearts of the Bureaucracy. They rejoiced at what they considered our weakness, and tried to rub it in. But they failed to take note of the sentence which followed the one that I have just read. It runs thus: 'If you agree to have it, (referring to co-operation) we are your men: but if you do not, we shall like men, stand upon our rights and continue to be Non-co-operators.'

The Muddiman Enquiry.

"Sir, the co-operation we offered has been contemptuously rejected, and it is time for us to think of other ways to achieve our object. I shall not trouble the House with the details of what followed. They must be fresh in the memory of the Honourable Members. First came a Departmental enquiry, and then another, more or less public, which is known as the Muddiman Enquiry. The last enquiry culminated in a majority and a minority report. These reports have been the subject of consideration and important pronouncements by high members of the Government, by the Secretary of State, the Governor-General and by my friend the Honourable the Home Member. They have been fully discussed in this House and the resolution of the 8th of September last was the result of deliberations by this House. Then, Sir, we waited and waited. We were told from time to time, that the matter was receiving the great consideration, the careful thought that it deserved, and, that, in the fullness of time, the Secretary of State and the Governor-General will announce their final decision.

"Mr. Gaya Prasad asked: Will the Government kindly state what conclusions, if any, they have arrived at regarding the amendment passed by the Legislative Assembly on the 8th September 1925, on the Muddiman Committee Report? Have they sent any despatch to the Secretary of State for India? If so, when? Are the Government prepared to lay a copy of it on the table? There were other questions of the same kind. I will now read the answers given by the Honourable Home Member. He answered all these questions together. He said: 'As was stated by His Excellency the Governor General in his valedictory speech on the occasion of the dissolution of the first Council of State, it was, and remains, the intention of the Government of India, to formulate

their conclusions on the debates in both the Houses on the Reforms Enquiry Committee reports. No despatch to the Secretary of State has yet been issued, and, though the subject has been discussed, the Government of India are not yet prepared to arrive at a decision on a matter of the greatest importance, on which it is essential that the Government should have ample time for the fullest consideration."

Govt.'s Irresponsive Attitude.

"Sir, this was in answer to the question which was asked as to what was being done on the resolution passed by this House, and the matter is here said to be of the greatest importance on which it is essential that the Government should have ample time for the fullest consideration. To an ordinary reader it will strike, as it struck this House at the time, that the Government was yet in the early stages of their consideration of this matter, of this most important matter, and that the fullest opportunity and time that was demanded will take some months. But what do we find? In less than a month, the matter came up before the Council of State, and there a Swarajist Member, Seth Gobind Das, moved an amendment to the resolution of the Hon'ble Mr. Sethna asking for a Royal Commission earlier than the time appointed in the Statute. The amendment of the Hon'ble Seth Govind Das was that action be taken by the Government on the resolution of the Assembly at the earliest possible moment. What was it that my friend the Home Member said in that House? I will only read one passage, which is enough for my purposes. He said: 'On this amendment, I am in a position to give the considered opinion of the Government of India.' Remember the amendment was to take action under a resolution passed by the Assembly not only on the 18 of February 1924, but on the 8th of September, 1925. On the 21st of January, the Government was in deep meditation with the members of the British Cabinet, perhaps in deep consultation, and they did not know where they were. But on the 18th of February, we find on this amendment, which was none other than the resolution itself, which was passed by this Assembly, the Home Member saying: "I am in a position to give the considered opinion of the Government of India. It was brought forward in September. We considered it then, and we put forward the provisional opinion of the Government of India then. We have considered it since then, and after the debates in both the Chambers I have authority to say that the Government of India are unable to make any such recommendations to His Majesty's Government in the terms of the amendment.' (An Hon'ble Member: Shame).

"Within this short period of less than a month, the Government of India came to a final conclusion so far as that resolution was concerned. What they were unable to achieve in six months was accomplished in this period of less than a month. That was the answer given on the 21st of January. Read in the light of the observation made on the 18th of February, can it be called an honest one? Is it conceivable that the Government was absolutely blank on the 21st of January, and some sudden light dawned upon it during the short interval before the 18th February. It not only formulated, not only adumbrated, the provisional decisions, but came to final decisions in the matter. What were the decisions? The decision was the self-same decision which, under the name of "No Decision," had been announced from time to time by the Secretary of State and by the Governor-General. 'Co-operate with us fully, and then we will consider what more we can do for you.' Sir, we are not children, and the Government knows very well how far it is possible at least for this section of the House to go on the road of co-operation. The late Mr. Das offered generous terms for honourable co-operation. The Government rejected them.

"Let us come to what we have been doing in this House itself. I say that what we have done amounts to the fullest co-operation that we, Swarajists, are capable of or can be capable of. The reports of the proceedings in the House, and the Committees will amply bear witness to what I am saying. Sir, we brought what co-operation we could give absolutely to the straining point. But there could be none so blind as those who will not see. Not that Govt. could not see. They saw that no more was possible, and yet, in the utterances to which I have referred, more and more was expected; and we were threatened that unless it was the fullest co-operation in the sense of working all the details of these Reforms without any demur and going as the Government told us to do, unless we brought ourselves to that frame of mind, nothing further would be done for us. How does the Government claim to deserve all that co-operation? Has the Government done anything to deserve it after the little co-operation, we will call it the very minimum of co-operation, that admittedly was given even by this section of the House to the Government? We find that this has been admitted and acknowledged in the utterances I have referred to. But it was taken only as a sign of better things to come, more co-operation to come. Well, but have the Government done anything to deserve it?

"What the Government has done to deserve it is that it has repeatedly flouted the opinion of this House, the considered resolutions of this House. It has passed laws of certification, which have been aptly described as lawless laws. What has it done? Soon after the life of the Assembly began the Labour Government came into power. What was done? An Ordinance was passed shutting up some of the noblest sons of India without trial in jails. Those sons of India are still r otting in jails. The House passed a motion of adjournment only the other day, in which attention was called to the ill-treatment, the gross ill-treatment to which the detenues are subjected. (A voice on the Government benches: Question). Have the Government benches read the extract from the evidence which Colonel Mulvaney gave before the Jails Committee?

The Hon'ble Sir Basil Blackett: Why did they not explain when they went on hunger-strike? We did not know.

Pandit Motilal Nehru: Because every man is judged by his antecedents, and we know your antecedents. These antecedents have been described by your own countryman, a countryman against whom you cannot possibly say that he has not told the truth. Has Colonel Mulvaney stated or not stated the truth? Was he a liar? (A voice on the Government benches: Yes).

Lala Lajpat Rai: And you are not?

An Hon'ble Member: Who was the liar? Was the person who suggested to him a lying report a lesser liar or a greater liar than he was?

Pandit Motilal: Do you deny that Colonel Mulvaney was not instructed to send a lying and a perjured report? Here it is in black and white; and you, now, behind his back, being Englishmen and being his own countrymen, have the audacity to say that he is a liar. (Cries of "Shame.") I know that in order to maintain your grip on this country you will do anything, you will go to any length, you will even desert your own countrymen.

The Lee Loot

"Now, what are the other favours bestowed by you upon India? There was first the Lee Loot. After the Lee Loot, came eye-washes. What are the eye-washes? There was an announcement made the other day by His Excellency the Commander-in-Chief, of a Royal Indian Navy. It seemed indeed to be something very grand that was coming to us even before our right was conceded of entering the army, even before the Skeen Committee which is engaged on exploring avenues as to how to get men in the whole length and breadth of India to fill vacancies reported. Here is an announcement that India is to have a Royal Indian Navy of its own. Well, yes, so has India had an Indian Army of its own. And when you look at the terms which were announced, and when you work it out, God only knows whether, within a hundred years, we will have even a tenth part of what is in the announcement. Then there is a Royal Commission on Agriculture, a very tempting announcement indeed, in a country which depends solely upon agriculture. Anything to improve it would be welcome news to all sections of the public. Of course, it is coming. We shall know what it does when it comes. But we know enough from the reservations which have been made of the matters which are not to be within its jurisdiction, that it is not to be anything very grand or a thing which will carry us very far.

"Sir, I do not propose to go into other matters. They have been fully discussed on the floor of this House. I do not wish to exhaust the list of other grievances of the public. They are all scattered over the reports of the debates in this House, and they are public property. But I should like to call attention to one passage in the statement which was made by Lord Birkenhead in the House of Lords. Now that the statement has been fully discussed on the floor of this House and also the speeches of the Governor General delivered from time to time as inaugural addresses in this Assembly and in the Council of State. I do not wish to comment on them again to-day. But I do wish to notice this remarkable passage occurring in the speech of Lord Birkenhead. He says: The door of acceleration is not open to menace; still less can it be stormed by violence. ("Hear, hear" from the Government benches). Now it is all very well for Lord Birkenhead to have thundered forth those words, and for the benches opposite, when those words are repeated here, to say, "Hear, hear." But who in the world ever tried to accelerate Reforms by menace, by threat or by violence? You will say, there are those conspiracies, secret conspiracies and secret societies. Surely, when Lord Birkenhead made that statement, he was making it on the demand made by this House. Can it by any stretch of reasoning be said that demand was accompanied by any kind of threat or menace?

"As for the existence of anarchical societies, I do not feel it necessary to go into that question to-day. I have gone into that question fully, and I only warn you

that, if you do not take care, you will find the whole country, from end to end, honeycombed by these anarchical societies. Sir, violence, of any sort, as you know, so far as my party is concerned, does not enter into our ethics. We resort to no menace or threat. We know the great power that this Government wields. We know our own weaknesses. We know that, in the present state of the country, rent as it is by communal discord and dissensions, civil disobedience, our only possible weapon, is not available to us at present. But we know also that it is equally unavailing, to us, to remain in this legislature, and in the other legislatures of the country any longer. We go out to-day, not with the object of overthrowing this mighty Empire. We know we cannot do it even if we wished it. We go out in all humility, with the confession of our failure to achieve our objects in this House on our lips. We should indeed have done so much earlier. But the superior diplomacy and tactics of the Government put us off from day to-day. We never believed in their professions, but we did not wish to put ourselves in the wrong, and we waited till a clear answer to our demand was forthcoming. It is now clear and crisp from my Honourable Friend, the Home Member.

"There is no more use for us here. We go out into the country to seek the suffrage of the electorates once more. We do not give up the fight. We fully agree in the sentiment contained in the lines quoted by Lord Birkenhead in the statement to which I just referred which he made in the House of Lords. Only he has misapplied those lines and I am giving to that statement the true signification. He either fears his fate too much, or his deserts are small. We have no misgivings either about our fate or our deserts, and we go forth into the country to put it to the touch, to win or to lose it all. We feel that we have no further use for these sham institutions, and the least we can do to vindicate the honour and self-respect of the nation is to get out of them and go back to the country for work in the country. We will try to devise those sanctions which alone can compel any Government to grant the demands of the nations. We hope and trust that the nation will give us a suitable reply to the truculent rejection of our demands, and will send us again in larger numbers, with a stronger mandate, and God willing, with the mission of fulfilling its aspirations and enforcing its commands.

"These are the remarks, Sir, that I wish to make in order to make the position of the Swaraj Party clear. And, with these remarks, I beg your permission to withdraw, and I call upon all Swarajist members of this House to follow me."

The Walk-Out.

**At this stage Pandit Motilal Nehru and all the Swarajist Members walked out of the House in a body.**

After the walk-out Sir Alexander MUDDIMAN rose to express his regret at the action taken by the Swarajists. The impression formed by the walk-out of the Swarajists was that the avowed object of those people in entering the Council, was to destroy, not to construct. He recognised that it was impossible to be associated with a House of this kind, without developing constructive tendencies. "I was extremely interested and I extremely liked that much constructive work was done in spite of those who said that nothing could induce them here to do such work. It is by that, that advance will be made. As a sincere friend, I desire to see that this Constitution is worked to its full. It is, in my judgment, the only way by which you will advance. It has been admitted to be the only way. I would rise under a feeling of extreme discouragement to-day, did I not recollect that we are very near and close to the end of the Assembly's term. I have not the slightest doubt that when the sheep come back from the wilderness, they will be with us in the third term, till the last day. (A voice: They will walk out). I say they will not walk out, but will remain and co-operate. By doing that they will have made the first real step towards the goal, which we have all at heart".

## President's Observations.

The President, in adjourning the House till the next day, said: "The Chair regrets the circumstances which have necessitated the largest party in the House to withdraw. Whether the crisis could have been averted or not by tactful and wise handling, is not a question on which the Chair is called upon to make any statement. The fact, however, remains that the House ceases to be representative, in the sense in which it was intended to be by the Government of India Act. There is absolutely no doubt that the

Assembly, as it is constituted now, is merely there to register the decrees of the Executive Government. It cannot be anything else, and, therefore, it is for the Government seriously to consider how long it should allow this House to function. But, so long as it is allowed to function, I would advise the Government to bring forward only such business as is absolutely necessary for the purpose of carrying on the administration, and not to bring forward any controversial measures. The Chair has a duty to see that the machinery of the Government of India Act is not abused to the prejudice of the people of this country, and for that purpose the Chair possesses sufficient powers in the shape of the adjournment of the House *sine die* or in the shape of refusing to put any motion to the House. I hope and trust that the Government will so act in carrying on the business of the Assembly hereafter, that the Chair will not be compelled to resort to its extrarordinary powers. I think it is necessary, in the present atmosphere, to adjourn this House, till to-morrow morning at 11 o'clock."

President's Explanation

Next day, the 9TH MARCH, before the House proceeded with the demands for grants, Mr. Patel made the following statement:—

"The remarks which I made yesterday have been taken by several non-official members of the House, as a reflection on them. It is my duty to assure them that I never meant to cast any reflection on them. What the Chair intended to emphasise was, that the Government should not take advantage of the numercial weakness of the representative of the people in this House and bring forward measures of highly controversial character, except such as were necessary for the discharge of their responsibility for the carrying on of the administration. I might add further that I feel, on reflection, that the Chair should not have made reference to its own powers or have used language which might, perhaps, be construed as a threat to the Government, but should have waited further developments before deciding on its course of action".

Sir A. Muddiman said:—Sir, I confess I left the House yesterday with a feeling of profound oppression. I will add nothing to the situation beyond saying that your words to-day have done much to relieve that.

Thereafter the matter was allowed to drop and the House proceeded to discuss the Budget grants by agreement with the Home Member.

Customs Administration.

At the outset Mr. Jinnah, the leader of the Independents, intimated that his party would raise the constitutional issue on the demand for the Executive Council when he would move for its rejection in its entirety. As a consequence the grants which came before the House on this day were discussed purely on their merits. The first was the Customs, in regard to which a variety of "cuts" was moved. Mr. V. N. Mutalik moved a reduction of Rs. 100 because of what he described as its inefficient administration. The debate centred upon smuggling, and more especially cocaine smuggling, of which there is admittedly, a great deal in India. References were made to the daily statements in the Press of hauls of this dangerous drug, made by the police in all parts of the country, and some speakers went to the extent of declaring that there was an international organisation at work for letting loose upon the world the vast supplies of cocaine which were manufactured by unscrupulous wholesale chemists in Europe and America.

Dr. Datta suggested the enforcement of more penalties, and that proceedings be taken against the masters and owners of vessels which were found to have carried cocaine which had not passed through the Customs carriers.

Mr. Lloyd, replying on behalf of the Government, pointed out the facilities which existed for smuggling—the various foreign territories which abutted the seaboard, and even Indian States which possessed ports of their own. He admitted that, although his department had given its constant attention to the problems connected with opium traffic, it could not pretend to have solved them. This explanation satisfied the mover and the motion was withdrawn. Eventually the whole grant was voted without any motions for reductions having been carried.

## Income-tax and Salt.

The demand dealing with income-taxes naturally gave the House an opportunity of dilating on the grievances of the tax-payer. One of the principal grievances was voiced by Mr. Cocke, who complained of the lack of continuity in the income-tax administration. Others were not wanting, however, to voice the grievances of the income-tax staff. This grant also was voted in full before the Assembly adjourned for the day, as was also that for Salt in regard to which there was only one motion for reduction.

## Demand for " Opium ".

The Legislative Assembly met again on the 10TH MARCH, it being the third day for voting on demands for grants. After about 20 questions were answered, discussion on the demand under the head " Opium " was opened by Sir Basil Blackett.

Dr. Lohokare moved a reduction of the demand by Rs. 30 lakhs with a view to stop the consumption of opium entirely with a substantial beginning in the current year. The policy of the Government, as outlined by the Viceroy in the Council of State, was to stop export, but neglected altogether the question of internal consumption. The motion was defeated.

Dr. Datta next moved a reduction of the demand by Rs. 100, to discuss the question of Government policy about opium. His main contention was that opium is a poison, and should be treated as such, and he contended that the opinions of the Royal Commission of 1892, which were to the effect that the drug was useful for medicinal purposes, should now be treated as dead ; because medical science had now disproved them. He welcomed the policy of the Government so far as it referred to the export of opium, but he was loud in his criticism so far as it related to the consumption in this country. He asked for nothing less than the entire suppression of the opium evil, and this, he declared, could only be accomplished by a united all-India policy.

Sir Basil Blackett, replying on behalf of the Government, after referring to the official policy in regard to export and to the losses to revenue which would follow the fulfilment of India's international obligations in respect to the drug, pointed out the fact that opium, as far as internal consumption was concerned, represented a transferred subject, a fact which placed him in considerable difficulty. He informed the Assembly that a letter had been addressed to all Local Governments, asking whether there was evidence of the Royal Commission of 1892, but the Local Governments had replied to the effect that in their opinion there was no occassion for any

general enquiry. Nevertheless, he added, the attention of the Local Governments had been drawn to the necessity of a careful examination of the problem, with a view to a closer co-ordination of policy with the object of reducing consumption. Proceeding, Sir Basil said that in his opinion the evidence of the abuse of opium was very small, and in his view India was temperate, whether in the use of alcohol or of drugs. As the whole question was to be reviewed during the summer he suggested to Dr. Datta that he might withdraw his motion. Mr. Rangachariar supported the Government's policy, while Mr. Ramchandra Rao advocated a continuous and progressive policy aimed at the extinguishing of consumption. Ultimately the motion for a reduction in the grant was lost when pressed to a division.

Grant for Stamps.

Sir P. S. Sivaswamy Iyer moved that the demand under the head "Stamps" be reduced by Rs. 100. He drew attention to the increase in the English charges of the Department. This was withdrawn.

Forest Expenditure.

Mr. Rangachariar next moved reduction of the demand under the head "Forests" by Rs. 5, in order to find out from the Government the progress of Indianisation in the Department and the opportunities offered to Indians. This too was withdrawn.

Irrigation Demand.

Mr. B. Das next moved a reduction on the head "Irrigation". He discussed the question of the prevention of floods and famine. Floods were a natural phenomenon in Orissa and other parts of India. These floods were largely due to the bad system of drainage and irrigation embankments. The Government of India should insist on Provincial Governments giving proper attention to it. The speaker enquired what the policy of the Goverument of India was and what they had done in the matter. The motion was defeated.

Posts and Telegraphs.

The Assembly then proceeded to discuss for a period of ovèr two hours a motion standing in the name of Mr. Rama Aiyengar suggesting that the grant for the Post and Telegraph Department be reduced by Rs. 50 lakhs. This Department has had to withstand much criticism from the Assembly in the past, and the same old arguments were used on this day. It was held that the retrenchments recommended by the Inchcape and Ryan Committees had not been carried to the full; while other speakers maintained that the Department should be run in a more economical manner, thereby enabling letter and post-card rates to be reduced.

This matter was also taken to a division, but the suggested cut was vetoed. Mr. Joshi also desired to show his displeasure with the Department by denying it a sum of Rs. 1000. His object was to draw attention to the grievances of the postal employees, a subject upon which many floods of oratory have previously been let loose. Mr. Joshi, however, was commendably brief, his principal point being that the pay of subordinate postal employees was less than that of subordinates in other services. Sir B. N. Mitra disproved this argument, whereupon Mr. Joshi's motion was rejected. A few other minor cuts proposed by Mr. Rangachariar and Col. Gidney were ultimately withdrawn and the demand for Posts and Telegraphs was finally passed without any cut.

*DELHI—11TH MARCH 1926*

### Interest & Miscellaneous

On this day Mr. Rama Iyengar moved a reduction under Interest charges and for avoidance of debt by Rs. 88,06,000, the demand for which was moved by Sir Basil Blackett the day before. This demand as well as that for miscellaneous obligations was passed without any reduction.

## Executive Councillors' Allowances

### Mr. Jinnah's Motion on Constitutional Advance.

The Finance Member next moved the demand for the Executive Council. Mr. JINNAH rose, amidst cheers from the Independent benches, to move the omission of this demand. He wanted the House to pass his motion, thereby recording its unequivocal vote of censure on the Government policy with regard to the Reforms.

Mr. Jinnah recalled the history of the working of the Reforms. While some section of public opinion boycotted it, the other a fairly large section, worked it. Even the boycotters came back after three years. The Right Hon'ble Mr. V. S. Srinivasa Sastri, whom even the Government must admit as a fair and impartial politician, had summed up the position in a recent article on the Viceroy's speech, showing how the Governmen't responsiveness to the opinion in the Legislature during the first three years had now completely changed. He next referred to the demands made for the revision of the Constitution, the appointment of the Muddiman Committee and the report of the minority of that body, suggesting immediate changes in the Constitution which could not be worked any longer. The people thought that, as the result of the Muddiman Committee's labours enquiry into the Reforms would be expedited, but Lord Birkenhead, Lord Reading and Sir Alexander Muddiman had thrown cold water and had, parrot-like asked for co-operation. What did the Home Member want? Was it that, whatever the opinion of the whole country was, until the Swarajists said they would co-operate, response from the Government would not be forthcoming? Mr. Jinnah continued: "Is it possible in India or in any country in the world that all people could agree on a particular course of action? Are you right in treating with contempt the opinion of all bodies and associations in the country who are not Swarajists?"

Mr. Jinnah, continuing, quoted from Lord Olivier's speech in the House of Lords, which fully supported the Minority report. He declared: "Never mind the resolutions passed by the Assembly in September or earlier. You say you are prepared to accelerate the appointment of the Statutory Commission. But you want co-operation. On the other hand, you have driven out these men (Swarajists) who were co-operating with you. If you have a genuine desire to put your announcement into practice, you have a larger body of opinion in the country who desire the appointment of a Royal Commission. But you are making excuses. You are taking advantage of the mentality of a certain section of my countrymen in shirking your responsibility."

As regards his motion, Mr. Jinnah thought that the Executive Councillors did not benefit by travelling but even if the grant was certified he would not be deceived by the Home Member characterising such a step as refusal of supplies. His position had been consistent. He did not move a nominal cut, because he wanted to defeat the Government beyond any doubt

Mr. Dumasia asked Mr. Jinnah positively to state what he wanted.

Mr. Jinnah: I want an assurance that the Government are prepared to announce the immediate appointment of the Statutory Commission within the meaning of Section 84, and that the personnel of the Commission would be satisfactory.

The Home Member: Satisfy whom?

Mr. Jinnah: Satisfy the people and not satisfy you alone

Continuing, Mr. Jinnah said that to-day he asked only for a Royal Commission. The September resolution of the Assembly, which put forward a scheme, was only in reply to Lord Birkenhead's invitation. The speaker was sure to prove his case, on the basis of the September resolution before any Royal Commission, but he did not want the Government or any body to commit themselves to the House. He declared: "I do not appeal to the Treasury Benches. Those 26 members are mere machines, automatons. They have no

conscience, no judgment. (Laughter.) My appeal is to the nominated members. I appeal to them, as conscientious men, to exercise independent judgment.

I appeal to you not to be misguided by the Home Member. Refusal before supplies is not my course of action. I have been conscientiously co-operating with the Government to work this rotten Constitution. If I had joined my Swarajist friends that very moment, this legislature would have to come to a close. I supported you, because I thought it was the right course to adopt. I ask the Government: "Do you want here men who would do real solid work or do you want rebels?" I appeal also to my European colleagues for support, and I am confident they will give it.

Mr. RANGACHARIAR, in a vigorous speech, attacked the policy of the Government in regard to the Reforms and held that the Government, by shilly-shallying, had driven out the Swarajists, who had, during the last two years and more, co-operated with the Government in working the Reforms as admitted by Government representatives themselves. At the outset, he referred to the attitude of co-operation which Sir William Vincent, the Home Member in 1921, showed towards the representatives of the people in the Assembly. In fact, Sir William helped in drafting a proposition that the situation warranted an advance in the Constitution. That was at a time when the circumstances were favourable to the Assembly and unfavourable to the Government. Lord Reading went to England and came back after consultations with the Secretary of State, and asked for co-operation. There was co-operation in the Assembly, as indeed everywhere. Sir Charles Innes and Sir Basil Blackett admitted there was co-operation from the second Assembly, and from the Swarajists of the Assembly. Now, the Swarajists had been driven out by the Government by shilly shallying with the question. But the Swarajists did not represent the country.

Sir Alexander Muddiman: They say they do.

Mr. Rangachariar: But do you think so? Either they do represent or they do not. You cannot have it both ways. If they do not, you must respect us. I say they whole-heartedly co-operated during the last two years. They abandoned their policy of consistent, insistent obstruction of 1924. They co-operated in your committees and in passing resolutions and Bills, the very same thing which we Liberals and Moderates have been doing in this House. You have driven them out by your policy and attitude. If you had really shown a change in the angle of vision and a change of heart, they would have remained here. We come here, waste our time, waste our intellect; and what do we get? Nothing, but a sense of irresponsibility created by your policy, as Sir Alfred Mond himself stated in the House of Commons. Your irresponsibility cannot but create irresponsibility in us. Sir Muhammad Habibullah is an Executive Councillor. Does he believe that we are not fit for provincial autonomy? What is his advice to his European colleagues? He must have appealed to his friends there. Are their ears deaf to these appeals? Please don't stand on prestige. The Government in England know nothing about India. The responsibility lies on the Executive Government in India, and I say you have failed miserably in your duty.

Sir Darcy LINDSAY, on behalf of the non-official Europeans, struck a grave note when he gave expression to the hope that the Government in its reply to Mr. Jinnah would give him something more than bone dry platitudes. He emphasised the fact that the attitude of the non-official Europeans was sympathetic, and he felt that the group he represented had much in common with the Independents. Although he appreciated the work which had been done by the Independent Party, he could not accord his support to the motion, as he felt that recent events in the Legislatures had put back the clock. Sir Darcy Lindsay, in making this pronouncement, deprecated any suggestion that the non-official Europeans were in the pockets of the Government, but emphasised that, although they were anxious for greater co-operation with the Independents, they would always have to vote as their consciences dicatated.

Sir H. S. GOUR quoted Mr. Montagu's statement that the Act contained, within itself, provisions for further expansion without the necessity of an amendment of the Act. It was on that stand that the Assembly in 1921 demanded further Reforms, a demand which was unanimously passed with the open support of Sir William Vincent. In 1922, Sir Darcy Lindsay himself supported the demand for the removal of the distinction between votable and non-votable portions of the Budget, but to-day he had made a *volte face* and was unable to support the very moderate proposition of Mr. Jinnah. The Reforms Despatch of Lord Peel was that there was room within the structure and the Constitution for the legislatures to develop in conformity with the spirit of the Act. The Assembly, in July 1923, wanted the Government to make good the promise, and, even after two years, the Government of India were unable to make good the promise. In that Peel

Despatch the Government stood committed to the grant of further Reforms. The argument that Non-co-operation stood in the way of further advance in Constitutional Reforms was a mere pretext for refusal of the just demands. The argument was invented by the Government in 1925, and not before that. He did not believe that there was any force in the argument that, if a Royal Commission was appointed now, it would prejudice the cause of India. What the Assembly wanted was only that the advent of the Royal Commission must be hastened by two years.

Sir P. C. Sivaswami IYER supported the motion of Mr. Jinnah. He said an indictment could be drawn against any Government. In the case of their bureaucratic Government, which had stood for so long and threatened to continue for another long period, it was easy to form an indictment. The new constitution, when it was under discussion, was considered queer by the bureaucrats. But, after its introduction, they became so enamoured of it, that they refused to part with it. He declared that distrust of the Government was universal in the country. He maintained that there had always been a party in the country which had extended co-operation. Co-operation had been forthcoming and the Government case was a mere excuse. He next asked whether the Government had taken action even on the Majority recommendation of the Muddiman Committee. Were even those recommendations accepted ?

Sir Sivâswami Iyer opined that stagnation and procrastination were writ large on the Government's action. Viceroy's might come and go, but the Bureaucracy ruled for ever. (Applause.) Then again, no action had yet been taken upon the recommendations of the Territorial Forces Committee, though they were unanimous. No provision had been made in the Budget for expansion of the Territorial Force and the University Training Corps. That there was stagnation in the Government machinery was apparent, not only from that report, but also from the fact that, though the question of an Indian navy was mooted in 1921, it took 5 years for the announcement to be made and he did not know how many more years it would take for the scheme to begin actually to take shape. Only in respect of one Commission he gave credit to the Government for acting promptly, namely, the Lee Commission. He further complained that the lack of breadth of political vision was proved by the manner the Burma Expulsion of Offenders' Act had been assented to by the Viceroy. His complaint was that the Government was out of touch with the people. The speaker would not however vote for a motion which would drive the Government to certify and deprive the Executive Councillors of their much needed travelling allowance.

Sir Alexander MUDDIMAN said that Mr. Jinnah had asked for a Royal Commission, because he thought he would get a further advance. If that was not so, no Indian cound ask for a Commission. But was there sufficient evidence to prove the necessity for an advance? The Reforms had been worked for five years. In the first Assembly, non-co-operators were not present. They came to the second and were the single largest group. Their avowed intention was to render the work of the Reforms impossible, but they had to soften down by association with others. It could not be said that the Government provoked the breaking down of the Reforms. On the other hand, they had exercised great patience in the face of great provocation. It was the duty of the Government to carry out the avowed policy as laid down by the Act. Non-co-operators who came to curse, remained to bless, and, at the end of a dying session they walked-out. That was not right. The test of a true leader lay in leading and not in being led by his followers. Sir Alexander acknowledged the efforts of the first Assembly and of those members of the second Assembly who saved the wrecking institution, and hoped that when they went out into the country they would get their due reward.

Mr. Rangachariar : But where are the fruits ?

Sir Alexander : You must stand by your opinion. Don't let it be said that we or you have not done all that could be done to maintain and work the existing Reforms. The Royal Commission will not come to merely register the decrees that had been already formulated but to consider the evidence of co-operation. The Swarajist are there in the Central Provinces Council. They refused salaries for the Ministers. On these facts, how are we to go to the Commission? By our work we would be judged. The last word has never been said. The door is still open to you to secure that advancement of the date of the Royal Commission, which is so strongly desired, on the conditions previously laid down.

Mr. B. C. PAL regretted the absence of the largest single group from the Assembly, because, otherwise, Mr. Jinnah would not have to go down on his knees before Sir Darcy Lindsay and his other friends for votes. But he regretted more the unwisdom of the Swarajists' absence. Pandit Motilal Nehru had said that he and his followers walked-out on account of the mandate of the Congress. The Congress was not a legislative constituency,

but a purely outside voluntary organisation, and no member of the Assembly had a right to come to the Assembly with a mandate from his constituency and then be driven here and there according to the wishes of the Congress. Therefore, he protested against the wisdom of the walk-out. What India wanted was the Statutory Commission or Royal Commission under the terms of the Act, and India knows that her voice would be heard by that Commission. No doubt the argument of failure of the Reforms in Bengal had been stated. But, if only Mr. B. Chakerbarti had been given permission by Lord Lytton to form a Ministry, with joint responsibility, as had been the case in the Madras Presidency under Lord Willingdon, then there would have been a Ministry there. As Mr. Jinnah put it, it was the burcaucracy that was bungling. Indeed, it appeared that the Government were in collusion with the Swarajists in wrecking the Reforms. Otherwise, why did they not help the Independents and Liberals in working the Constitution? The Government never yielded except to pressure of public opinion. The Swarajists had gone out and the only logical result of their propaganda would be that there would be revived the Non-Co-operation Movement, with the blessings of Mr. Gandhi. What the country wanted was not non-co-operation now, but ordered and peaceful progress towards Dominion Status If the Government took the people's representatives into their confidence then they could have loyal co-operation to the fullest measure. If not, the consequence would be disastrous. Mr. Pal's speech brought the debate to a close for the day.

## *DELHI—12TH MARCH 1926.*

Next day, the 12th March, discussion on Mr. Jinnah's motion on constitutional advance was resumed. Moulvi Mahomed YAKUB speaking first, reiterated the demand of educated Mussalmans for the speedy attainment of full Responsible Government in India. At the same time, their demand for freedom of India was supplemented with the demand for safeguarding the rights and interests of the community at various stages of advance until the goal was reached. The basic principle of the modern system of democratic Government was that the Executive should be responsible to a really representative legislature, but, in order to make the legislature really representative, electorates must be so constituted as to give the fullest scope to representatives of all sections of the people. Protection of minorities had been recognised in the Lucknow Pact, and now a Royal Commission was wanted in order, among other things, to remedy the injustice done by the exclusion of Mahomedans from certain bodies. What Mussalmans wanted was bare justice and fair treatment, and they were prepared to concede the same to minorities in any province.

Mr. Joseph BAPTISTA regretted that he had to bring his policy of Responsive Co-operation in the Assembly by associating himself with a motion for the total cut of the allowances for the Executive Councillors, but this motion, he said, need not frighten anyone, as it did not mean that the Councillors should resign or any such disastrous consequence, but was merely an emphatic manner of raising the Constitutional issue. While admiring the spirit of self-sacrifice which the Swarajists had displayed on many occasions, he could not help remarking that their walk-out from the Assembly, on a mandate from the Congress, was a wrong course, because the House should not tolerate interference from outside regarding the course of business to be done here. No party in the House of Commons, be it Liberal, Labour, or Conservative, would tolerate such interference from an outside organisation, but here in India, the Swarajists had walked out on a mandate from the Congress, a course which was subversive of all representative institutions. What he feared was that the enemies of India would take advantage of this position, and attempt to damage India's case for Constitutional advance. What India wanted was a Royal Commission for the purpose of reforming the Reforms. No one was enamoured of the present Constitution. The Viceroy continued to be the autocrat that he was before the Reforms. And, indeed, he had emerged from the Reforms more autocratic than before. His power of restoration meant the imposition of taxation without representation. Was there any one who could tolerate this legalised robbery? The present Constitution did not receive the approbation of India; and, if only the Executive Government in India advised a change, he was sure that the Government in England would not reject the advice. Those who were appointed as Indian members of the Executive Council, far from commanding the confidence of the country, commanded their diffidence. The Muddiman Committee Report only trifled with the demand of the people. India wanted a better machine than the one now supposed to work; and, if only the Government had grasped the hand of fellowship offered by Pandit Motilal Nehru when he entered the Assembly, the history of the last three years would

have been different from what it had been. It was not wise to insist on the humiliation of the Swarajists. It was a time not for humiliation, but conciliation.

Sir Charles INNES congratulated the Assembly on its acquisition of an old Parliamentary hand in Mr. Baptista. But he, wholeheartedly, disagreed from Mr. Baptista's views. He (Sir Charles) intervened in the debate because Mr. Pal, in February last, said that the Assembly must create a convention whereby the Viceroy should not ordinarily restore or certify. It was a convention similar to that which was hinted in Lord Peel's despatch referred to in the course of the debate, but Mr. Pal had receded from the position he had taken last year. If the cut was carried, then the members of the Executive Council would be deprived of their allowances meant for travelling throughout India, and getting to know the people's views on some of the most important questions. He asked the commercial members, especially, of the European community, to say if the visits of the Executive Councillors had not been of mutual good. However, the demand of Mr. Pal and Mr. Jinnah was for an earlier revision of the Constitution by the Statutory Commission. That was a demand with which they, on the Government side, had much sympathy.

Mr. Pal: Then why not accept?

Sir Charles Innes, proceeding, referred to the language of Section 84-A of the Act. When he mentioned the words that the Commission should see to what extent it should modify or restrict the degree of Responsible Government, Mr. Pal interjected: Let us go back if necessary.

Sir Charles Innes: You must also remember the preamable of the Act.

Mr. Jinnah: But the preamable does not say that the Swarajists must co-operate.

Sir Charles Innes: I know, Mr. Pal stated yesterday that there could be no co-operation between slaves and masters. I object to that statement. We have never objected to receiving criticism of any action of the Government.

Mr. Rangachariar: Did I not co-operate?

Sir Charles Innes: Sir, I must say if there were 318 million Rangachariars, or, say, 159 million Jinnahs and 159 million Rangachariars, then the position would have been different, and he would not be arguing there. I think you will admit that, whatever the grievances there may be regarding the system of Government introduced by the 1919 Act, if only there is goodwill and co-operation, dyarchy is workable as a transitional measure. That Act represents a noble advance. It was an advance which, ten years ago, no member in the Assembly would have thought possible. The British Parliament made this very generous advance. What was the response? The non-co-operation movement and then the entry of the Swarajists with the avowed intention of persistent obstruction. Only last July there was a generous gesture by way of the Muddiman Enquiry and when the report was placed, there was flank attack, and the Assembly's resolution of September last was passed, and now the numerically strong party in the Assembly has walked out. Is all this co-operation? The Government is bound to look for reasonable co-operation in working the present Reforms, before any further advance is made. That is my answer to Mr. Pal.

Continuing, Sir Charles Innes pointed out that the Swarajists in the present Assembly had really shown co-operation so far as Railway and Commerce went. His appreciation of their co-operation and assistance did not go to other departments. He had not the slightest doubt that many members of the Swarajya Party bitterly regretted the step they had taken He agreed with Mr. Pal in believing that the Swarajists, like Non-co-operators, would spend themselves out, and would soon realise the mistake they had made. Mr. Jinnah's motion for total cut was an unsound political manoeuvre, which must be resisted and if it was withdrawn, Mr. Jinnah and his friends would be showing the sign for which Sir Alexander Muddiman was asking.

Colonel CRAWFORD also further expressed the non-official European view. He declared that those he represented were prepared to assist all those who were working constructively for India, and he greatly regretted that he was unable to support the Independents in their present motion. He pointed out that he had to answer to his constituency, a constituency which was fully aware that hard things had been said in the Assembly against the non-official Europeans.

Pandit MALAVIYA said that, while he had his difference with the Congress policy, he wanted the Government to believe that the Congress represented the strong, keen and undying desire of the country for immediate revision of the Reforms. He asked whether the Government was right in saying that co-operation was not forthcoming. Were the Swarajists alone to blame for it? Should not the Government share the blame for it, because it was the martial law regime, followed by a policy of ruthless repression,

that was responsible for Non-co-operation? Did not the Swarajists came into the Councils after the second election? They came in to end or mend the system. There was nothing wrong in the cry for ending or mending the system. That was adopted by politicians all over the world. Pandit Motilal, after coming into the Assembly, offered his co-operation on conditions which were not impossible of acceptance. Only a Round Table Conference was asked for to consider the problem in all its aspects. The resolution of last September was a real contribution, because it laid down the fundamentals of the scheme, and was done in a spirit of co-operation.

Pandit Malaviya contended that he was not repentent of his action of 1924 in successfully moving the rejection of the Finance Bill. It was an extreme constitutional protest intended to draw the attention of the Government here and particularly in England to the extraordinary situation that had arisen, and he would move such rejection again under similar circumstances. Concluding, Pandit Malaviya referred to the administration of Justice, and complained that political prisoners were wrongly deprived of their freedom.

Dewan Bahadur RAMACHANDRA RAO contested the views of Sir Charles Innes, and in particular, questioned the argument that the Swarajists had shown want of co-operation. In fact, there had been whole-hearted co-operation from the Swarajists ever since they entered the Assembly. That was admitted by Professor Rushbrook Williams, the official historian, and acckowledged by the Government, from time to time.

The machinery set up by the 1919 Act was creaky, and of such a hybrid nature that every political party in India had given a warning at the time of the introduction of the Act. Notwithstanding all those warnings the machinery was forced on Indians, who were obliged to work it. Then again in 1919 Indians wanted revision every five years instead of every ten years, but the ten years perion was fixed, Now however seven years had passed, and they demanded the immediate appointment of a commission. He continued: "I am sure the present Executive Council does not wish a set-back, but we are prepared to take whatever risks there may be. We Indians are sure of satisfying any reasonable body of men of the urgent necessity for a substantial advance. I maintain, in spite of all the arguments advanced on behalf of the Government, that there is no sense of responsibility shown by Government.

Proceeding, Mr. Ramachandra Rao quoted the instance of the Lee Commission whose recommendations were thrust against the wishes of Indians, The rules of procedure in the House had been formulated by the Executive authority. After quoting a few other instances, Mr. Rao contended that the Government had, by its policy, driven out the Swarajists who, in spite of heavy commitments, had helped in passing legislative and administrative measures.

Hon. Mr. S. R. DAS, Law Member, said that it was not the Government policy, but the elections that made the Swarajists walk out of the Assembly and the Councils. The co-operation which the Swarajists had shown in the Assembly was not real, but forced by circumstances. That co-operation was not the kind of co-operation was laid down by Lord Birkenhead as a necessary condition of advance. In trying to establish this point of view, Mr. Das spoke for nearly 20 minutes, and was frequently interrupted by Messrs. Jinnah, Pal and Rangachariar. First of all, Mr. Das reminded the House of his own defeat at the last elections, as a result of the whirlwind campaign of election started by his own cousin, the late Mr. C. R. Das, against him. He was defeated, not because that the Swarajist programme was in any way sound. The policy was to destroy the existing structure, when there was no material for building a new one. He, for his part, preferred to remain in the old building which protected him from the sun, if not from rain.

Sir Hari Singh Gour: Destroy a dangerous building.

Mr. S. R. Das: It was with such a policy that the Swarajists entered this Assembly, and they would have pursued their Non-Co-operation and obstruction if only Mr. Jinnah and his party had not discountenanced their programme in the manner they had done. The co-operation which the Swarajists gave was not co-operation from a feeling that they ought to work the Reforms Act, but it was one which was forced by circumstances.

Proceeding, Mr. Das pointed out that, at Cawnpore, Pandit Motilal was twitted by the Responsive Co-operators for his having co-operated, and, in order to get rid of that charge, Pandit Motilal made the Congress pass a resolution that the Swarajists must walk-out if certain demands were not conceded. Pandit Motilal knew that the demands would not be conceded. And so he got that programme approved, and, thereby, managed to silence the Responsive Co-operators. Pandit Motilal and his followers had walked-out, not because of the Government policy, but because the Responsive Co-operators would, otherwise, get more influence at the election time. Could anyone reasonably say that

that was the co-operation which the Government was bound to accept as fulfilling the necessary conditions mentioned by Lord Birkenhead? Mr. Jinnah had asked whether the Government were going to be guided only by the action of the Swarajists and whether they represented the whole of India, but Mr. Das contended that the Government could not possibly ignore the influence which the Swarajists, at present, held in the country. Whether that party was numerically strong or weak in the country, it could not be forgotten that that party, by its organisation and discipline, had managed to bring the Reforms to a standstill in the Central Provinces and Bengal.

Mr Jinnah: Am I to understand that, so long as the Swarajists do not make a declaration of co-operation, however small that party be, the Government is not going to make a move?

Mr. Das: I do not suggest that for one moment. So long as the Swarajists have the influence they have at present, it is difficult for the Government to ignore their attitude.

Mr. Pal: Will not the action and attitude of the Government help the Swarajists in the next election?

Mr. Das: That is a question of policy, on which I am not prepared to express an opinion. The Government have laid down certain conditions to be fulfilled.

Mr. Ramachandra Rao: And you are the sole judges whether there is co-operation or not?

Mr. Das: I say there has not been that co-operation that is required for advance. Let the Independents, Liberals and Nationalists organise, and not be apathetic as they are. Get rid of disunion, and let them go to the elections and work. I am positive that you will be able to exercise an enormous influence as against the Swarajists. Then it will be difficult for the Government to say that the country is not prepared to co-operate.

Motion Lost.

After a few more speeches, the President put **Mr. Jinnah's motion to the House, which was rejected by 47 to 31 votes.**

## Remaining Demands Passed.

Mr. Rangachariar then moved a nominal cut to draw attention to the inordinate delay in giving effect to the Mercantile Marine Committee's Report. This was rejected.

Sardar Mutalik raised the question of the insufficient allowances given to the members, and the inequality of treatment between the members of the Assembly and the Council of State.

Discussion was proceeding, when the clock struck five, and the guillotine was applied, and the demand was passed. Altogether twelve demands out of 77 had been disposed in five days, and the 13th demand was under discussion.

The remaining demands were consequently voted without discussion. On the demand for the expenditure in England under the control of the Secretary of State, the Independents insisted on a division, and though they opposed it, the demand was carried by 33 to 20 votes. The House then adjourned.

## Tariff Act Amendment.

The next sitting of the Assembly took place on the 15TH MARCH when the most important business was the discussion of the Finance Bill. In the beginning the House proceeded with the consideration of the Tariff Act Amendment Bill.

Sir Charles Innes accepted the amendment of Seth Kasthurbhai Lalbhai for including "Cotton yard, reeling machines and packing bands" in the clause dealing with textile machinery. When the Commerce Member asked that the Bill, as amended, be passed, Mr. B. Das made a general attack on the tariff policy of the Government, and their half-hearted policy of protection. Cement was not having proper protection, while saccharine smuggling

could have been prevented by arrrangement with foreign Governments. Eventually the Bill was passed.

Mr. Tonkinson next moved consideration of the Madras Civil Courts Amendment Bill. After Mr. Rangachariar had uttered a word of caution in its use, the Bill was passed.

## The Finance Bill.

Sir Basil Blackett then moved consideration of the Finance Bill. He made no speech.

Mr. Rama IYENGER criticised the Budget in detail, holding that it contained more surplus than the Finance Member had shown. He concentrated his attention particularly on the Military Budget, and opined that military estimates had already begun to go the wrong way, instead of showing progressive reduction. He protested against the Commander-in-Chief's declaration that reduction of the Military estimates to 50 crores was a pious hope. The Inchcape Committee had kept all contingencies in view, in recommending that the estimate be brought down to 50 crores. The speaker examined figures, showing that, instead of decrease, the army expenditure had begun to increase and he asked the Finance Member to fight for the interest of the taxpayers. Mr. Iyengar requested the Finance Member, in view of the very sound financial position, to at least agree that not more than five crores should go in any year for reduction or avoidance of debt, and that the surplus be used for non-recurring charges of the next year. He felt that the position was so satisfactory that it was a pity that there was no relief to the general taxpayer. Even from Railways they were getting one crore of additional contribution.

Dr. LOHOKARE opposed consideration of the Finance Bill on three grounds: (1) inattention to the demand of the nation on Reforms, (2) excessive army expenditure, and (3) unjust taxation. Dr. Lohokare complained against inadequate Indianisation of the Army, and opined that the safety ratio theory should not be always brought forward. He also suggested variation in *ad valorem* duties according to exchange fluctuations.

Mr. B. DAS regretted that, owing to other important preoccupations, Sir Purshottamdas Thakurdas was not present to put forward the view of the Indian Merchants' Chamber and Bureau. Mr. Das read the views expressed by the Chamber on the Budget. He felt that Bihar and Orissa did not have proper treatment under the Meston Settlement. He pressed that, in the interests of the industrial prosperity of India, they must have a State Bank in India, in place of the Imperial Bank, for the latter now was a commercial concern, and was run by European Directors in the interests of vested interests, and not in the interests of India's prosperity.

He further stated that not only no Indian was found in the superior ranks in the Imperial Bank, but the conditions of recruitment made it impossible for Indians to secure appointments in the Imperial Bank.

Sir Basil Blackett:—The Hon'ble Member is making so many wild statements without foundation, that I cannot but intervene to challenge them.

Col. Gidney:—There are over 300 Indians in the superior ranks.

Mr. Das maintained that for higher appointments, European or American training in Banking was required. That was why he suggested annual

training of 5 Indians in the branch of the Imperial Bank in London. Before the Imperial Bank was granted powers of control over the currency issue and reserve, the Government should convert the Bank into a State Bank. Then again, the high rate of interest had nullified the policy of protection. The budget was a budget of surprises, particularly in respect of the Archaeological Fund, and provision for the Agricultural Commission.

Mr. K. C. NEOGY said when in 1921 the Government of India, of their own accord, agreed to include provisions about postal rates and salt tax, etc., in their annual Finance Bill, it was acclaimed as an important constitutional convention; but he now found that frequent use of the power of certification by the Governor-General had reduced that important convention to a mere formality.

Mr. Neogy next explained that the policy of separation of Railway Finance was responsible for depriving the Provinces of full remission of contributions, for Railway earnings were being used for building up an unnecessarily large reserve.

Turning to the Post and Telegraph Department, he complained that no less than 60 lakhs of rupees of interest charges had been shown in the revised estimate of this department for 1921-22, while this money had never been voted by the House. How did that gross irregularity happen? Moreover if this was commercialization of accounts, which the speaker did not accept, why did this amount of Rs. 60 lakhs appear in the postal account in 1922, when commercialization of accounts had not begun till 1925? Mr. Neogy further recalled the speech of Sir Malcolm Hailey in 1922, insisting on every department paying its own way. At the time, Sir Malcolm thought that the Postal Department was losing, and was being fed by the Telegraph Department. On the other hand, it had now been found that the case was the reverse. There was strong opinion in the country that the Telegraph Department was always given favoured treatment compared with postal employees. He suggested a committee of the House to examine the system of Post and Telegraph accounts, to ensure that the Postal Department was not made to pay for the benefit of the Telegraph Department.

He further complained that customs duty on jute was driving other countries to find a cheaper substitute for jute. If the jute trade was hit by this policy, Bengal's poor agriculturists would suffer. He hoped that, next year, the duty would be reduced and Bengal given relief in other directions as well.

Col. GIDNEY said he had studied the question of Indianisation of the Imperial Bank and found that schemes for training and recruitment of Indians had resulted in the appointment of over 300 Indians to superior appointments. But Anglo-Indians had not had their share, and he hoped the Finance Member would give an assurance on that point. As for the military budget, he suggested that considerable reduction was possible. For instance, a majority of the men in the R. A. M. C. were men of senior rank, though its cadre was only 280. It had 130 Majors, while the I.M.S., with a cadre of 800, had only 189 majors.

Mr. Burdon, interrupting, explained that they could not secure recruits for the service at the existing scale of pay.

Col. Gidney asked why money was being wasted on senior men doing juniors' work. Why not utilise the splendid body of workers of the Indian Medical Department? He put in a special plea for the removal of grievances

of this service, which was reserve for his community, and whose vested interests had been struck by the Inchcape axe. Then again, nurses costing in all about Rs. 500 each a month were being obtained from England, while domiciled European and Anglo-Indian girls were loafing about without employment. The latter would come for much less pay. Finally, he fervently appealed to the Government to expedite its discussion regarding the position of the Anglo-Indian community with regard to Indianisation of the army.

Sir Basil BLACKETT, in his reply, informed Colonel Gidney that the memorandum regarding the entry of Anglo-Indians in the army had reached the stage when a despatch was to be sent to the Secretary of State. He also mentioned that by recent order Anglo-Indians were now entitled to apply for posts on the staff of the Imperial Bank of India, on the same conditions as Indians.

After Sir Basil's speech, the motion to consider the Finance Bill was taken into consideration without dissent, and the House adjourned.

## Reduction of Salt Duty.

Next day, the 16TH MARCH, the Assembly resumed discussion on the Finance Bill clause by clause.

Mr. Schamnad moved that the duty on salt be reduced from Rs. 1-4 to As. 8. He said that, because of the high taxation, poor people were prevented from using salt. Muslims were prevented from observing their religious rites, as they were enjoined to take salt at least twice every day. Lower taxation would increase the consumption, and therefore the revenue would not suffer.

Mr. Venkatapathi Raju moved an amendment with the object of reducing the duty on salt manufactured in India from Rs. 1-4 to Re. 1, while raising the duty on imported salt to Rs. 1-8. The proposal would, he said, give relief to the poor.

On the Finance Member raising an objection to the amendment, as it proposed to vary the taxation and make changes in the Tariff Law which was not before the House, Mr. Raju urged the House to press to a division the motion for reduction of the Salt duty to 1 rupee.

The Hon'ble Sir Basil Blackett said it seemed the religious duty of the House to move every year reduction of the salt duty. It might be a political electioneering cry, but was no useful financial cry, for its acceptance would merely result in postponing relief to the Provinces. When the Meston Settlement was recommended, the salt tax stood at the same figure as now. Reduction of four annas would give a relief of 3/5 of an anna per head only, while it would prevent relief to the provinces, which would benefit the poor man more than the reduction of the salt tax could. Mr. Raju wished to increase the duty on imported salt. In this connection, the Taxation Committee's proposal to give a temporary advantage to local salt to make India self-contained in its production, would be considered. If it was found on examination that temporary advantage to local manufactured salt would make India self-contained, it would no doubt be accepted by the Government.

Mr. Ramachandra Rao deplored the Finance Member's remark that the motion for reduction in salt duty was an electioneering or political cry, because identical motions had been made in the past. He assured the Government that till the tax on salt existed motions for reduction and

abolition would be made in the future as well. Politically minded people in India had been advocating the abolition of the salt duty in and out of councils, not in the interests of elections, but in the interest of the general public.

After Mr. Rao's speech closure was applied, when both the amendments were rejected. The clause relating to the Salt Duty was then passed.

### Abolition of Cotton Excise Duty.

The House then took up the clause relating to the abolition of the Cotton Excise Duty. Dr. Macphail was of opinion that the repeal of the duty marked India's desire to further assimilate western ideas of manufacture, and therefore he regarded the event as a landmark in the history of the country. Mr. Joshi emphasised that the people who deserved the thanks of the millowners for the relief thus accorded were the 150,000 mill-hands who drew attention to the cotton industry by their recent strike in Bombay. Mr. Jinnah, in acknowledging the Government's action with thanks, pointed out, however, that it had taken 40 years to right what he insisted was a wrong and here he drew a moral. Nothing, he declared, would influence the Anglo-Saxon race except extremism and he asked the Government to take stock of the situation and to yield to the other demands expressed by the Assembly. Sir Basil Blackett maintained that the country should see in the repeal of this duty what could be achieved by good-will between officials and the people.

This clause was then put and passed amidst applause.

### Reduction of Postal Rates.

Mr. Kabiruddin Ahmed moved that half an anna be charged for a letter up to one tola, and ½ of an anna up to 2½ tolas. He said it was due to the amalgamation of the Post and Telegraph Departments that the profits of the former were being eaten by the latter and reduction in postal rates was made impossible.

The amendments for reducing the rates of both post-cards and letters were numerous. The Government was accused of turning the Postal Department into a shop, for the purpose of raising revenues without regard to the intentions of the taxpayers in the past, and that it should not be regarded from the commercial standpoint, but as a department existing for the benefit of the people of India. Subsidies were suggested by some members who did not claim that reduced rates would bring more traffic and consequent revenue. Sir B. N. Mitra read to the House a lengthy statement detailing the lakhs of rupees which each alternate suggestion would cost. Sir Basil Blackett pointed out that even the proposed reduction on post-cards would entail the loss of a crore which could only be made good by less relief in respect of Provincial contributions, Ultimately Mr. Kabiruddin Ahmed's amendment was rejected without division and all the clauses and Schedules were passed. The Finance Bill was then put to the House and passed.

### *DELHI—17TH MARCH 1926.*

On this day business of the House was mainly official. On the motion of Sir Charles Innes, the Bill requiring regular submission of return of cotton goods manufactured and cotton yarn spun in British India was considered and passed, without discussion, after some verbal alterations. The necessity for the passing of this bill was to secure the continued supply of cotton production statistics owing to the repeal of the Cotton Excise Duty.

The House also passed without discussion the Bills of Sir Alexander Muddiman and Mr. Tonkinson defining in certain cases the rights of Legal practitioners to sue for their fees and their liability to be sued in respect of negligence in the discharge of their professional duties, and the amendment of the law relating to legal practitioners in respect of Vakalatnamas.

## Factories Act Amendment Bill.

Sir B. N. Mitra then moved consideration of the Factories Act Amendment Bill as altered by the Select Committee.

Mr. Joshi, in moving to restore Clause V of the Bill, omitted by the Select Committee, said that the Clause was not a novel one, and was embodied in the British Factory Act, and most of the Local Governments and Factory Inspectors were in its favour. It only asked that reasonable temperature should be maintained in the factories, and was a healthy provision which the Government should not oppose. He wondered why the Government had changed their intention, after they had incorporated the Clause in the Bill originally.

Mr. Rangachariar said that he was neither a factory-owner nor a capitalist. He was a landowner. The opposition to the Clause did not come from the Government or from the factory-owners. It was the speaker himself who suggested the deletion of the Clause, it being impractical to lay down the standards of temperature suitable for various localities. The matter should be left to the employers for reasonable handling.

Mr. Jinnah expressed surprise at this divestment of their responsibility by the Government. "I say you are responsible. You should be capable with all the assistance at your back, to come now with an alternative amendment. Why consult Local Governments again and again? If I am assured by the Government that during the next session a Bill will be brought forward to give effect to the whole principle underlying the Clause, I shall be satisfied. Otherwise, I will support Mr. Joshi. It is to safeguard the labourers health that the clause is necessary".

Mr. Joshi moved two amendments, disapproving of the extension of exemptions, and asking for a definite provision safeguarding exempted workers, in the matter of interval for food and rest. Both the amendments were rejected.

Mr. Joshi moved another amendment. He said that exemption of works of continuous production resulted in depriving the labourers of their weekly rest. If employers engaged sufficient hands it was possible to give weekly rest to all the men in turn. This amendment, too, was rejected.

The House then passed, without alteration, the Factories Act Amendment Bill, as amended by the Select Committee.

## Income-Tax Act Amending Bill.

The House then took into consideration Sir Basil Blackett's Bill amending the Income-Tax Act, as altered by the Select Committee. The purpose of this Bill is to provide machinery for the recovery of super-tax from non-residents of India with sufficient shares in this country to warrant the surcharge. The Bill makes it incumbent upon the principal officers of companies, on demand from income-tax officers, to deduct from the dividends of share-holders the amount payable as super-tax on the shareholders' annual income.

Mr. Wilson and Sir Darcy Lindsay took strong exception to the Bill, as they maintained that it would be equivalent to the broadcasting abroad of the amount of an individual's income, a point which they declared aimed at the very root of the secrecy which was supposed to surround super-tax. Mr. Wilson also objected to the principal officers of companies being utilised as collecting agents by the State, and he gave it as his opinion that the amount of trouble which the Bill would entail would be out of all proportion to the gain. These objections, however, failed to carry the House and the Bill was passed.

### Other Official Bills.

Sir B. N. Mitra moved the House to consider the Trade Union Bill as amended by the Council of State. This was agreed to.

Mr. Tonkinson moved that the Legal Practitioners' Bill for removal of the evil of touting as amended by the Council of State be passed. This was done

Mr. Tonkinson's motion to agree to the amendment made by the Council of State to the Madras Civil Courts was also considered and agreed to.

Sir Alexander Muddiman moved for a Select Committee on the Bar Council Bill. This was passed.

Sir Hari Singh Gour's Bill amending the transfer of Property Act as altered by the Select Committee, was also passed without discussion.

## *DELHI—18TH MARCH 1926.*

Among the resolutions on the agenda paper on this day were those asking for a supplementary grant of Rs. 50 lakhs for the Archaeological Fund; urging acceptance of the Labour convention regarding workmen's compensation for occupational diseases; approving the new Opium Export policy, urging further consideration of the proposal for Reforms in the Frontier Province; and regarding the Indian position in South Africa. In this respect Mr. Jinnah, the leader of the Independent party, gave notice of an amendment almost following the lines on that given by Pandit Motilal Nehru earlier during the session, asking for a Round Table Conference or a deputation to wait on the British Government, and urging disallowance of the Anti-Asiatic Bill by His Majesty's Government.

### The Archaeological Fund.

Mr. BHORE moved for a supplementary grant of Rs. 50 lakhs in respect of Archaeology. He referred to the discoveries made in the valley of Sind. These discoveries enabled the Government to put in the current year's budget a sum higher than last year's. There was a large avenue which promised to lead to a knowledge of a period in human history probably never before reached. If any serious impression had to be made on the problem by Sind and Baluchistan discoveries, it was clear that there must be also fixity and continuity about the grant, enabling programmes to be carefully planned and thought out for systematic execution. The Director-General of Archaeology had estimated a bigger amount but in the end, it was agreed, that a fixed sum of 2½ lakhs a year would suffice. The sum of fifty lakhs would be placed with a Board of Trustees who would directly finance the work of excavation.

Mr. RANGACHARIAR said that though he sympathised much with the motion his heart was against it. He considered it would be an unpardonable sin to spend 50 lakhs when more urgent problems of direct economic benefit to the people were awaiting solution. This expenditure might therefore wait.

Sir Basil BLACKETT assured that the Government were not anxious to bustle the Assembly into giving the grant against their judgment, but he pointed out that the demand for Archaeology had not been put before the House in connection with voting up to now. If the House was opposed to giving fifty lakhs as a permanent fund, then it must agree to Rs. 2½ lakhs for the next financial year. But he asked the House to consider the benefits of creating a permanent fund.

Colonel Crawford, speaking on behalf of the European non-official members, expressed sympathy with the object of the Finance Member, but said he would oppose the motion on principle, because the House must not surrender the right of examining expenditure annually. They would be prepared to grant Rs. 2½ lakhs a year. He hoped the Archaeological Department would sell its own photos to newspapers, both in India and abroad, and make revenue from this source, and that some method would be devised to get contributions from tourists.

Sir P. S. Shivaswami IYER said there were so many competent objects that it was difficult to find which one should be given preference. He was all for archaeological research, but he hoped the Finance Member would withdraw the motion for an endowment fund, and be satisfied with an annual grant of Rs. 2½ lakhs. The speaker would like more attention being paid to fine arts.

The Chair suggested that, in view of the opinion in the House, some member might move that the demand be reduced to Rs. 2½ lakhs.

On Mr. Ramachandra Rao and Mr. Jinnah pointing out the irregularity of this course, Sir P. S. Sivaswami Iyer did not move this amendment.

Mr. BHORE, replying, attempted to remove the fears expressed by some members which, he said, had no basis. The proposed fund did not, in any way, deprive other beneficent activities of necessary funds, and he showed how research and educational institutions had been receiving progressively increasing grants. This year 4½ lakhs were being granted to Universities over and above the current year's grant. Next year it would be Rs. 6½ lakhs. It was open to the Universities concerned to make a good case for more money. He announced that the Government was contemplating a five years' programme for advancement and expansion of education under the central charge. He hoped the members would allow an annual grant for archaeology, because this also had an educative value and would make India have her proud place in the community of nations.

The original proposal of Mr. Bhore for a 50 lakhs fund was rejected by the House.

## Geneva Labour Convention.

Discussion was next resumed on Sir B. N. Mitra's resolution for ratification of the Geneva Labour Conference Draft Convention regarding workmen's compensation for occupational diseases.

Mr. Joshi moved an amendment for the ratification of the conventions for equality of treatment for national and foreign workers regarding workmen's

compensation for accidents and for occupational diseases, night work in bakeries and recommendations regarding minimum scale of compensation.

Sir B. N. Mitra, in reply, said that if all labour codes were adopted in India, irrespective of the conditions prevailing in the country, all industries would be killed, and there would be no labourer for him to protect. The Government of India was, however, adopting the conventions it could give effect to. Mr. Joshi's amendment was rejected and the original resolution was passed.

## Government's Opium Policy.

Sir Basil Blackett then moved the official resolution for the progressive reduction of exports of Opium except for strictly medicinal or scientific purposes, with a view to extinquish exports within a definite period.

Sir Basil Blackett, in moving the resolution, traced the policy of the Government since 1911-12, and pointed out that, whereas the revenue from this source was ten crores then, it was now two crores. But the Government were prepared to see the extinction of even this revenue, in order to meet the international obligations imposed on this country by the Hague Convention. They had recently been considering the extension of the system of direct sale so as to cover all their exports, and an agreement on the point was being signed with Indo-China, which was a large purchaser from the Calcutta auctional system. The Government had undertaken the obligation to give their best assistance in preventing smuggling of opium from becoming a danger. The Government would automatically, limit export year by year until it was finally ceased. Let the Assembly agree with the Government in taking finally from the State the responsibility of the Government in the matter of export of opium, for undesirable uses in the Far East.

The resolution was agreed to.

## Reforms for the Frontier Province.

On the resumption of the debate on Reforms for the Frontier Province (*See p. 193*), Raja Ghaznfarali and Mr. Jinnah asked the Government of its policy, for the present position was likely to embitter the feelings between the Hindus and Muslims on the Frontier by the latter taking Hindu opposition to their demands as standing solely in their way of advancement. On the other hand, it was the Government that had not made up its mind.

The debate could not be finished on this day, and the House adjourned to met again on the next day, the 19TH MARCH, when Sir Alexander MUDDIMAN, in a long speech, gave out the Government's policy regarding the extension of the Reforms to the Frontier Province.

Sir Alexander said the debate had been to him of absorbing interest, both for what had been said and for what had not been said. On the first day of the debate, the opposite benches were crowded, and, though many Muslim members spoke, not one of them belonged to the largest group in the House. It might be good party control, but it was not helpful to the Government benches. Though the occupants of the benches now vacant were silent on that day, their faces showed that they took keen, even painful interest in the debate. If one were to derive conclusion from the speeches alone, it would seem that with one notable exception, the Hindus of Northern India had no interest in the subject, while it was a matter of deep interest to the Hindus and Brahmins of South India. That view would be entirely erroneous. The debate had, so far, followed on communal lines, though he acknowledged that the atmosphere in the House had been proper. He did not propose to examine that day the larger issues to which the debate had given rise. They had not escaped the attention of the Government

He congratulated Sir Abdul Quyam on the effective way in which he had put forward his case. The Nawab had proved that, if he was a man wise in war, he was not unversed in the wiles of parliamentary debate. The Nawab's case was that people of India were granted Reforms because of their services in the War, and that the Frontier people for their services, should also be given the benefit of Reforms. That appeal must touch the heart of every Englishman and Indian. But the Nawab, with his knowledge of the local conditions, did not, the speaker was sure, in his heart of hearts, feel that the resolution before the House for extension of the Reforms on the same scale as in other provinces was right. Sir. P. S. Sivaswami Iyer read his speech with such rapidity that the speaker could not fully appreciate it There must be something which must have stirred the judicial training and long executive experience of Sir P. S. Sivaswami to let emotion have the mastery over him in the presentation of his case. There were reasons which made the Government very cautious in arriving at a final conclusion in this matter.

Proceeding, the Home Member stated the position of the Government. Sir Denys Bray, being a signatory to the report, found himself in a position that signatories to other reports had found themselves in. But he had managed to protect his dual position with great skill. However, it was quite clear that Sir Denys Bray signed the report in his own capacity, and not in any way as representing the Government. As the House was aware, the Government had definitely turned down the question of amalgamation of the Frontier Province with the Punjab. The Home Member proceeded: "That itself is a position which has a definite implication which, I hope, will not be missed by the House. The N W. Frontier Province will remain a separate province, and it must therefore look to itself in due course to complete its stature as a separate province. The question what, if any, and in what direction constitutional advance can be given in the N. W. Frontier Province has been, and is, under the consideration of the Government. No definite decision on that point has been arrived at, and no definite decision will be arrived at or announced till the Government are satisfied that they come to a right conclusion and that the moment for its announcement is ripe."

He continued: "The attitude of the Government front benches must therefore be one of neutrality. Those officials who sat behind could vote according to their inclinations, but they must remember that, in exercising their vote, they should ask themselves whether they were in a position to express an opinion on the question before the House. Similarly, all the members, and, even those who had already expressed their intention to vote either way, should bear in mind that the question was of first rate importance, and should not give their vote lightly, but should give due consideration to the issues involved. The Government would give fullest consideration to the views of this House".

Finally, Sir Alexander Muddiman dealt with Mr. Jinnah's speech, which, he said, was admirable, but for one unwise remark. Mr. Jinnah had said:—"These Hindu organisations yet find it in their hearts to advocate a continuance of the obscurantist mediæval principles of Government, the bureaucratic high-handedness and the policy of zoolum for which the Frontier Government has been so often criticised." The Home Member said that he was not a Frontier Officer, but he had visited the Frontier and being a man of peace, had observed with some horror the levity with which lethal weapons were produced there. Firearms lay about in the most unexpected places. He continued. "Sir, it is a country where life and death are very close together, and, whatever, may be the constitutional advances that may be granted in future to the Frontier Province, we owe a debt of gratitude to that faithful band of officers, civil and military, British and, Indian, who often lay down their lives, and, what may even be worse for some, spend their long lives in the protection of those Marches of which they are such faithful Wardens."

Dewan Bahadur RANGACHARIAR (Member of the Frontier Committee) said the communal aspect had absolutely no bearing on the issues involved. He had bestowed anxious thought to the question of Frontier reforms, as a member of the Bray Committee; and, out of deference to his friends in the Assembly and in the light of Government views and their action on some of the recommendations of the report, he had again pondered over the question, and had found no reason to change his view. In his opinion, the proposition of Syed Murtuza Sahib which, in effect, was for a Governor's province in the Frontier, was constitutionally unsound, politically unwise, financially extravagant and administratively unsound.

Proceeding, Mr, Rangachariar quoted the observations contained both in the Majority and Minority Reports, as also in the book on the Frontier by Mr. Ewart of Peshawar, to show that the people of the Frontier were one homogenous community, bound by ties of blood and economic necessities, speaking one language and bound also by a common tribal law. It was to such a people on the Frontier that Mr. Jinnah

said responsible Government must be given. He (Mr. Rangachariar) was not opposed to giving Responsible Government to any race if it was possible, but the Government had recognised that it was impossible to entrust the administration of the land frontier to a major local Government, and the resolution asked for a major Local Government. Indeed, the Majority Report clearly stated : " It is inexpedient, and we make bold to say it is impossible, to transfer the administration from the Government of India to any major Local Government." The resolution before the House was therefore, contrary to the accepted principle.

Proceeding, Mr. Rangachariar referred to the financial position of the Frontier and said it only produced 78 lakhs revenue, while a few days before, the Assembly had granted out of the public revenue of the country, 60 lakhs more than the Retrenchment Committee's recommendation. " As you are the watch and ward people, we are prepared to help you financially, but those who pay must have the controlling voice in expenditure."

Continuing, Mr. Rangachariar explained the various items of revenue in the Frontier province, and pointed out that it was even less than that of a single district in his province. The popular House had therefore a duty to discharge in voting on this resolution. " Let us not exaggerate the communal aspect of this question at all. The communal aspect has nothing to do with it. I am concerned with the all-India aspect of it. The records in the archives of the Foreign and Political Department speak for themselves. I would refer to the views of officials in the Frontier, who have pointed to the wave of fanaticism that spread over the Frontier in 1919-20. We have to recognise the facts in the interests of the 300 millions of the people of India. I respect the feelings of the people of the Frontier. I admire their faith in their own kinsmen. But, Sir, self-interest and self-preservation require that we should not allow this Frontier to be a source of trouble to us. I have done my duty. If the people of the Frontier were all Sir Abdul Quyams, I would not have opposed it. But I must oppose it because the people there are not fully civilised and the system of Government proposed in this resolution, would be a danger to the rest of India. I want the people in the Frontier to go back to the Punjab." (Cries of " No, no, no.").

Sir Abdul Quyam : If you give us Reforms, then our local Council would send men better than Sir Abdul Quyam, to vote with you in your lobby here.

Mr. Rangachariar : I don't want that kind of vote. I say that if you are given Self-Government there will be more local feuds among the Khans themselves The protection afforded to Hindus there is because these Hindus attach themselves to Khans. My cry is " Go back to the Punjab, and get advancement and learning and civilisation."

Col. GIDNEY supported the resolution which, he said, was the touchstone of the feeling between Hindus and Mussalmans on the question of Reforms. He considered Sir Alexander Muddiman's warning as very timely, but he had considered the proposition and given his pledge to vote for the resolution. Mr. Rangachariar had referred to the extra expenditure. But who got the benefit out of it ?

Mr. Rangachariar : That is what I ask you to consider.

Col. Gidney : The Frontier is the gateway, and we must pay for it. I am glad that my European friends have already promised their votes

Dr. Sir H. S. GOUR quoted from Lord Curzon's despatch and the Secretary of State's views, which laid down that, while creating a separate Frontier Province, the Frontier policy shall remain under the direct charge of the Central Government, and that it should not involve any additional cost. The day before the House rejected the proposal to set up an Archæological Fund, because it did not want the proposed Board of Trustees to usurp the function of the Assembly in the disposal of expenditure. He asked, how the House could to-day agree to vote annually money for a deficit province without having control over its expenditure. Then, again, only two years ago, a public meeting at Peshawar opposed the introduction of elections in District Boards.

Nawab Abdul Qayum, interrupting, explained that, what they wanted was that the elective system should first be introduced in Municipalities.

Dr. Gour thanked the Nawab for the interruption, which put the position very fairly. All over India, before the Reforms were introduced, the experiment of elections was tried in Municipalities.

Sir Abdul Qayum : We want first the mother that will produce children.

Dr. Gour held that, if to-day, the Frontier was given Reforms, to-morrow Beluchistan would ask for it.

Nawab Abul Qayum : Yes, and the tribal area too later on

Dr. Gour mentioned that there were, on the Frontier, Parajamba parties.

Nawab Abdul Qayum, thumping his table, declared : "You have the worst Parajambas in this House."

Concluding, Dr. Gour said that the extension of Reforms to the Frontier would involve amendment of the Government of India Act. He suggested that, when the Royal Commission came, it should not ignore the Frontier. He expressed surprise that Colonel Gidney, who opposed the Reforms for Frontier in 1921, supported it now.

Sir Denys BRAY, in replying to the debate, said that Pandit Malaviya had faced the issue boldly, but had misrepresented facts in raking up ghastly memories. Sir P. S. Sivaswami Iyer had also spoken like Pandit Malaviya with conviction, but the speaker would suggest that Sir P. S. Sivaswami Iyer should leave his text books and blow out his midnight lamp, and proceed to Peshawar, where he would find many of his cobwebs blown away, and would revise his opinion about the fine Frontier men. Mr. Rangachariar's speech was powerful. It deserved and indeed, commanded, close attention. Mr. Rangachariar accepted the opinion of a Collector in the Frontier against the Reforms. Would he accept the opinion of the Collector of Tanjore against any advance in Madras ?

Mr. Rangachariar : We have no land on the Frontier of 700 miles and fanatical tribes.

Sir Denys Bray : You forget there is no Frontier more vulnerable than the Madras Coast lines. It is the British Navy that protects it. Who pays the mighty bill for the protection of the coast line of Madras ? Does the British Navy dictate what Reforms Madras should have ? Why then talk of the Frontier deficits ? It is not only the British Navy, but the North-West Frontier that enables him to forget this vital factor in Indian life. The Frontier people are more homogeneous than the people in any other Province. The Frontier is free from untouchability, that most awful example of man's inhumanity to man, that negation of all that is best in democracy. The Foreign Secretary, however, commended Mr. Rangachariar's speech to Mr. Jinnah, who seemed to think that the problem was so easy and so simple that a decision should have been arrived at long ago.

The Foreign Secretary next dealt with the financial difficulties, and invited Mr. Rangachariar to study with financial advisers the figures for provincial as apart from imperial concerns. He asked the House not to see the problem from the spectacles of Madras Members. Sir P. S. Sivaswami Iyer had the excuse that he did not go to the Frontier. Mr. Rangachariar had not such an excuse, though he too paid only a flying visit. The speaker asked Mr. Rangachariar again and again to go to the Frontier Province. He declared, "He will then see there people, in a sense, more homogenous than the people in any other province of India. There are no submerged classes, no untouchables. Let him go there, and learn a lesson. The frontier is free from untouchability, that most awful example of man's inhumanity to man, that negation of all that is best in democracy. On the Frontier he will find none of it. There men are called upon to do stern duty." One argument particularly jarred on the speaker's ear. He was told that because the Frontier people belonged to the same race as Indian and because they had ties of race with the tribal area and Afghans, therefore, they should not have Reforms. That was indeed a devastating argument. He asked whether the Hindus, Buddhists or Mongolians abutting on the independent Hindu Buddhist or Mongolian States, were not to have Reforms because of that fact.

Mr. Rangachariar : I say let them not have it as an isolated body. Let them have it with the Punjab.

Sir Denys Bray : My friend made one constructive suggestion. He had tabled an amendment, but, he has decided to keep silent over it.

Resolution Carried.

The President read out the resolution and the amendments, but put to vote the main resolution of Mr. Syed Murtaza first, and declared it carried, the dissentients not claiming a division.

## Mercantile Marine Report.

After the "Frontier resolution" was carried a large number of members, especially Mahomedans, left the Chamber. At this stage Sir P. S. Sivaswami IYER moved the following resolution :—

"This Assembly recommends to the Governor-General-in-Council that he will be pleased : (a) to recognise the need for the training of Indians for nautical careers, and encouraging the creation of an Indian Mercantile

Marine, (b) to accept the policy and measures recommended by the Indian Mercantile Marine Committee, (c) to take early steps for the training of Indians in a suitable training ship in Indian waters, for the provision of facilities for their further training as apprentices in Mercantile Marine ships, and for their employment after the completion of training, (d) to arrange for the establishment of primary nautical schools in selected maritime stations and the introduction of Marine engineering as a subject of instruction in the Engineering College at Shibpur, and (e) to announce his intention to adopt, in the near future, a system of licensing in respect of the coastal trade of India.

In moving the resolution, Sir P. S. Sivaswami Iyer reviewed the various recommendations of the Mercantile Marine Committee, as also Captain Sayer's on the question of a training-ship. He did not wish to go into the question of reservation of coastal trade, but wanted the Government to adopt, in future, the system of licensing in respect of that trade. He also urged on the Government the necessity of giving training in marine engineering and suggested that the Sibpur College be chosen for the purpose rather than a college in Bombay or in Karachi.

The PRESIDENT suggested to the Government and to the House that discussion on controversial matters contained in the resolution be postponed, so that agreement could be arrived at on the non-controversial items.

Sir Charles INNES said he was going to move an amendment to that effect. On the question of the reservation of coastal trade, there had been a good deal of propaganda. The Government had to devote a long time for the consideration of this important question. He was prepared to admit the principle of reservation on national considerations, but he wanted to place before the House certain economic disadvantages. Indeed, long before the report of the Mercantile Marine Committee was published, there were requests from Bombay and Calcutta for reservation of inland navigation. In this connection, he explained the experience of other countries. First of all, there would be flag discrimination, which would be opposed to the fundamental principle of Empire policy. There was no flag discrimination in the coastal provision of Australia. France's reservation of coastal trade gave rise to complaints from Algiers. When the experiment was made in Australia, the President of the Australian Tariff Board stated that it involved additional expenditure and the President of the Associated Chambers of Commerce there pointed to the diminution of facilities for shipping making forward business impossible. Reservation would also mean Government control which in turn, meant inelasticity, which was dangerous in shipping business.

Proceeding, Sir Charles Innes quoted figures to show that in India reservation would have the effect of enhancing the freight on oil, coal, rice and food-grains and all the necessary commodities. Not only would there be curtailment of shipping facilities but reservation of traffic would prove very detrimental to the traffic of Burma and Bengal. There would be no justification for doing it. At the same time, what the Government were prepared to do was to seriously take up the question of training deck officers and to go into it with a departmental committee. The question for the House to decide was whether they should have a training ship in Indian waters or send boys to England. If the House wished the former, then it must realise the difficulties. There was always the doubt whether Indian boys

of the required type from the middle classes, would come for training in this hard line which would at the most offer salaries of not more than about Rs 800 at the top of the service. Sir Charles Innes favourably commented on the alternative scheme of Captain Sayer, namely, sending boys to England for training there. If the House was for establishing a training ship in Indian waters, then there was the H. M. S. "Dufferin" which was the most suitable ship, but the Asembly must give power to the Government to elaborate their plans. He therefore moved that consideration of the various items of the resolution be postponed till the September session, but that, in the meanwhile, Government be authorised to start the scheme for establishment in Indian waters of a training ship for deck officers.

This amendment of Sir Charles Innes to the original resolution was accepted and the Assembly adjourned.

*DELHI—22ND MARCH 1926*

Emigration to Guiana

At the next sitting of the Assembly on the 22nd March, Mr. BHORE moved the House to approve the draft notification specifying the terms and conditions on which emigration for the purpose of unskilled work shall be lawful to British Guiana, and recommending to the Government to publish it in the "Gazette of India."

Mr. Bhore briefly recalled the history of the proposal which had now resulted in the draft notification which combined with the assurances given by the British Guiana Government constituted, he ventured to say, as complete a safeguard for intending colonists as could reasonably be expected. What would interest the House most was that the rights of Indians as British subjects had been safeguarded. The British Guiana Declaratory Ordinance of 1923 gave the Indian the same rights and status as any other British subject. He further felt that the scheme opened up a bright future for some in this country, who would, otherwise, be condemned to a hopeless prospect in life, due to circumstances over which they had no control and to the operation of iron customs and social disabilities which stood against them. The notification would enable the Government also to improve considerably the lot of some of the Indians already settled in British Guiana. Lastly, he recommended its adoption, because he saw in it an exodus of the sturdy Indian peasantry, the vision of a greater India beyond the seas, won not by force of the army, but by the honourable labour of the industrious and intelligent citizens of India.

Mr. JOSHI wanted information about breach of contract of service, which, in his opinion, should not be regarded as an offence. A recommendation had already been made to repeal legislation penalising breach of contract of service. He was not against emigration into British Guiana, and the scheme propounded was quite good. But he wanted to impress on the Government that it was necessary to insure that the people who went there got enough educational facilities and that education was promoted on sound lines in all the colonies where Indians emigrated. He also wanted the Government to give some assurance that facilities would be provided for promoting organisation of workers. Mr. Joshi also desired that colonisers should be given facilities for acquiring land. He pleaded for the appointment of an agent to look after the interest of the Indian colonists.

Dr. Dutta said he had visited many colonies, and in some of them, the condition of the agricultural labourers was much better than in India. He would insist on better facilities for education of Indian children. What he wanted was education, more education. He asked Mr. Joshi whether it was not possible for the Servant of India Society to go there and help the authorities. Continuing Dr. Dutta said that there was a movement to reserve certain countries for White people. The movement had spread to several continents. He therefore particularly welcomed the prospect of a vigorous Indian Colony being established under the British Flag in South America and he hoped there would be the best type of colonists who would uphold the traditions of their country.

Mr. BHORE was very gratified at the reception to his motion, and gave Mr. Joshi and Dr. Datta sympathetic assurance on the points raised by them which, he said, had not been overlooked by the Government. Finally, Mr. Bhore assured Dr. Datta that the question of appointing an Agent was receiving earnest consideration, and that, until every condition laid down had been satisfactorily fulfilled by the British Guiana Government, not a single colonist would be allowed to leave the Indian shores.

The House then passed the notification without alteration amidst applause, and adjourned.

## Government Statement on the South African Issue

*DELHI—24TH MARCH 1926.*

This day was the last business sitting of the cold weather session of the Legislative Assembly. After interpellations the President called upon Mr. Jinnah to move his resolution on South Africa.

Sir Alexander MUDDIMAN rose to crave the indulgence of the President and the House to make a statement on the South African position.

The President said he could make a statement only with the consent of Mr. Jinnah.

Mr. Jinnah said he was agreeable to meet the Government, although the Government did not meet their wishes on some occasions.

Sir Alexander Muddiman, in advising Mr. Jinnah not to make his motion, said :—

"My ground for asking leave to make this statement is, that the matter which may come under the consideration of this House is one of the greatest importance, on which I do not think there is any difference of opinion as to the object to be achieved, on the part, either of the Government or of any side of the House or the people of India generally. I am, at any rate, convinced that, as regards the mover of the resolution, his one object is to strengthen and not to weaken the hands of the Government.

"I should like to make my own position as the Leader of the House clear. The resolution on the paper to-day in the name of Mr. Jinnah is to fulfil a pledge I gave on the 28th January last when I said the discussion of the motion and amendments on the paper will, in the considered opinion of the Government of India, prejudice the position in South Africa, where negotiations are at a very delicate and critical stage. Since then the matter was raised in the House of Lords on the 28th February, and Lord Olivier, in withdrawing his motion, made the following remark, to which I wish to draw attention : 'The steps which have been taken by the Viceroy, in consultation with the Secretary of State, have, certainly, improved the situation in so far as they have enabled the whole principle of the Bill to be discussed ; and, after we know the result of these steps, then, I entirely agree, the time will arrive, if necessary, to press upon His Majesty's Government for any further disclosures of their policy and intentions.' On that statement Lord Olivier withdrew the motion. Now, Sir, the position with regard to the Select Committee which, as the House knows, is sitting in South Africa is precisely the same as when the House of Lords postponed the discussion. The Select Committee is still sitting and is still at the stage of hearing witnesses. The report is not expected

before the end of the month. The published correspondence, I think, shows, to the satisfaction of the House, that the Government of India have done everything in their power to represent the Indian case and to secure an acceptable settlement. I shall ask the House to accept my assurance, although I do not think it is necessary that I should say so as His Excellency the Viceroy has already spoken on this point. However, I renew the assurance that the Government of India will continue to spare no effort to secure that the Asiatic Bill is not proceeded with and to effect an equitable settlement of the other points at issue.

"I feel sure that the discussion at this stage of a certain clause of the resolution on the paper (the clause relating to veto) cannot be helpful, and may seriously jeopardise any prospects there may still be of a satisfactory settlement. I am confident that no member of this House and in particular the member in whose name the resolution stands will contribute to such a result by any action on his part. I, therefore, ask him, after having heard my statement, not to make the motion."

Mr. JINNAH said that he fully realised the position that was facing them at the present moment. On the 17th February, Dr. Malan made a statement (which he read out) wherein Dr. Malan had acknowledged the intensity of the feeling in this country and among the Indians in South Africa, whose vested rights were in jeopardy. Further, Dr. Malan had stated that the Union Government was adopting an unusual procedure in asking the Select Committee, before the second reading, to reopen the principle underlying the Bill and hear the point of view of the Indians in South Africa and of the Government of India. Mr. Jinnah said that he fully recognised that the Select Committee had not concluded its labours, and had not submitted its report, and, to put it in the legal language, the matter, therefore, was sub-judice. Nothing was further from his mind than to weaken the Government or their position in relation to the negotiations that were going on.

He continued : "I shall be the last person to do anything which might enable the Government to say that, because of our action, we lost this battle,—if for no other reason for the one reason that we, on this side, do not like giving the slightest occasion to the Government by doing anything which might be said to be frustrating the object the Government of India had at heart. I am in this difficult and delicate position. I have, therefore, no desire to move this resolution at this moment."

Mr. Jinnah, however drew the attention of the Government to one point in Dr. Malan's statement, that the Bill must go through the Union Parliament before the end of this session which ends in May. The Government of India were doing their best, and there was complete agreement in that object. But supposing the Anti-Asiatic Bill passed through the Union Parliament, where would the Assembly stand ? The House would be deprived of the opportunity of expressing its opinion and of making its recommendation particularly in respect of the last clause of the resolution, regarding disallowance by the King. He, therefore, asked the Government that, this being a matter of most vital importance, and knowing the intensity of feeling in the country, the Government should go to the length of calling a special session of the Legislative Assembly at an early date, and give the House an opportunity for expressing its views, in the event of the case being lost by the Government of India.

Sir Alexander Muddiman thanked Mr. Jinnah for taking a statesman-like view, and he thanked him much more, on behalf of the people of India, whose interests, otherwise, would have been seriously prejudiced. On the real issue, the speaker could not just now express an opinion, but he was more optimistic than Mr. Jinnah. As regards calling a special session, he could not give any undertaking. Mr. Jinnah well knew that the calling of a session rested with the Governor-General, and it was in the hands of a Governor-General who had not yet arrived in this country. He, however, promised to lay before Lord Irwin this debate at an early date after his arrival.

Before **adjourning the House sine die** the President reminded the members of the Governor-General's message summoning them next day to a joint session. (See Proceedings of the Council of State.)

# The Council of State

*DELHI—FEBRUARY—MARCH 1926.*

## Viceroy's Address.

On the *9TH FEBRUARY* His Excellency the Viceroy addressed the reconstituted Council of State, welcoming the members at the beginning of their Session.

The Viceroy had some important announcements to make to the Council, but these were presaged by a review of matters of general interest. It was generally expected that His Excellency would not be able to add much to what he said on the South African question when he addressed the members of the Legislative Assembly on the 20th January last. All that the Viceroy was able to do at this critical juncture in the negotiations with the Union Government was to issue a further appeal for continued trust in the efforts of the Indian Government to secure a decision on the subject acceptable to Indian sentiment. He took the opportunity, however, of thanking the members of the Lower House for postponing their discussion on the question and of reiterating his assurance that his Government was taking every step which, to the best of its judgment, was calculated to assist in arriving at a satisfactory settlement.

After referring to the Royal Commission on Agriculture, His Excellency referred to the decision of His Majesty's Government to create an Indian Navy on the lines laid down by the Departmental Committee which sat under the presidentship of the late Lord Rawlinson. His Excellency declared that the inclination of the Indian Government to take concrete measures was strengthened by the strong recommendations made by the Mercantile Marine Committee to reorganise the Royal Indian Marine on the lines of a combatant naval service. India is now able to enter upon the first stage of her naval development and to look forward to the day when she will be able to undertake the duty of her own naval defence. His Excellency also declared that from the very first the Indian Navy was to be a sea-going force, with a definite role to undertake and with a sphere of utility already marked out and approved.

The remainder of His Excellency's speech concerned the Government's future policy in regard to opium, in respect to which certain modifications have been made which will ensure that India carries out its international obligations in the largest measure possible. Exports of opium from India are to be progressively reduced so as to extinguish them altogether within a definite time, with the exception, of course, of a small quantity required for medicinal purposes. It is further proposed to suspend the system of auction sales as soon as agreements for direct sale are negotiated with French Indo China, and His Excellency intimated that a resolution on this subject would shortly be placed before both the Houses of the Legislature.

## Workmen's Compensation.

The first business sitting of the Council of State was held on the *10TH FEBRUARY* with Sir Henry Moncrieff-Smith in the Chair. After interpellations, Mr. Ley moved an official resolution for the ratification of the draft convention of the 7th International Labour Conference concerning workmen's compensation for occupational diseases. The motion was adopted without discussion.

## The Lac Industry.

Mr. Chadwick moved an official resolution providing for the continuance till the 31st December 1931, of the imposition of the duty on lac exported from British India. He pointed out that the revenue would be devoted to scientific research and improvement of the cultivation of lac. If the case for the imposition of the duty was strong four and a half years ago it was stronger to-day, and the need for its continuance was very great in view of the competition in the trade. After consultation with the Government of Bihar and Orissa a site was selected close to Ranchi where research work would be carried out. Continuity in this work was necessary in the interests of the industry. The resolution, if passed, would be a message of encouragement to the Lac Association which was engaged in grappling with the problems of the lac trade. The resolution was carried.

Royal Commission on Agriculture.

After a recess of four days the Council re-assembled on the *15TH FEBRUARY* when Mr. K. C. ROY urged the Government to lay on the table the correspondence that passed between the Government of India and the Secretary of State and the Provincial Governments on the question of the appointment of the Royal Commission on Agriculture. Mr. Roy said his motion contained a request for the publication of the correspondence that had passed between the Government of India and the Secretary of State because the correspondence with Local Governments had already been published. His other object in adopting this well-known Parliamentary procedure was to secure for the Council an opportunity to express it views on the scope of the Commission without prejudicing the success of its task. The opinions of the Local Governments showed that the initiative for the appointment of the Commission came from the Government of India, or it might be that it came from the Secretary of State, but it certainly did not come from the Provincial Governments. The Bombay Government had complained of financial stringency and stated that while they welcomed, in several respects, the appointment of the proposed Commission, they felt bound to point out that the full measure of its benefits might be lost to the Province by their inability to apply or follow up the results of the enquiries. The Bihar and Orissa Government stated that owing to local circumstances the problems under consideration varied considerably in the different provinces and it was desirable that the Commission should report separately on the circumstances of the main divisions of the country in the same way as was done by the Sugar Committee. If the recommendations of the Commission were to be of practical use they must be supplemented by specific advice as to the special measures required in different parts of India which had so far developed on different lines.

Mr. Roy admitted that against these views there was approval from some other Provincial Governments, but, as observed by the United Provinces Government, they did so because they were assured that the Ministerial sphere would be left untouched, as also the important questions of land revenue, tenancy and assessment. Was the Government right in appointing a Commission with the scope of enquiry so restricted? This raised the question of the powers and privileges of this House.

In September last, in answer to Mr. Ranga Iyer in the Assembly, it was stated by Mr. Bhore that a special commission was not in the present circumstances considered necessary, but the Government of India addressed Local Governments in December asking their views on the need for the appointment of the Commission. He contended that in appointing the Commission the Government need not have consulted the provinces, but when they did consult then why was the Central Legislature not consulted?

Agriculture was the principle industry in India and by leaving out questions connected with revenue settlements, rent and revenue legislation and agricultural indebtedness the Government of India had not acted wisely.

Concluding, Mr. Roy declared that he was not opposed to the Commission. On the other hand, he welcomed it, but the noble object which Lord Reading had in mind could not be achieved by the manner in which the Government proposed to deal with it.

Sir Mahomed HABIBULLAH, on behalf of the Government, accepted the resolution in its entirety. He had already laid on the table the correspondence that passed between the Local Governments and the Government of India on the subject and would now place the correspondence that had passed between the Government of India and the Secretary of State. He met the argument of Mr. Roy that the Government of India had not enertained the idea of a Royal Commission some time ago. What happened was that they originally proposed a Central Agricultural Board but latterly revised that decision in favour of a Royal Commission.

As regard the charge that the Legislature was not consulted, Sir Mahomed referred to resolutions frequently moved in the Council of State aad the questions put in the Assembly and said there was thus a clear indication of enthusiasm for definite action in the direcion of improving agricultural conditions in India.

Complaints had been made that the question of land revenue assessment, land ownership and land tenure had been removed from the scope of the enquiry. These questions were so complex and so complicated that it would not be possible for a Commission set up for a definite purpose to embody an investigation of such intricate matters. Four Provinces had already introduced legislation regarding one or two of these subjects, but these questions might be dealt with incidentally by the Royal Commission. The Secretary of State in one of his communications had stated: "I agree that the Commission can not be expected to deal with such questions as the relations between landlord and tenant and land revenue system or irrigation charges. Nevertheless, it is inevitable that

witnesses will refer to them and the Commission should not, therefore, be precluded from examining witnesses with a view to elicit whether, and to what extent, the present conditions of agriculture are affected by these matters. Although the Commission will not investigate these subjects I consider it should not be precluded from referring to matters directly connected with the main question under enquiry." Thus, it would be seen, said the Education Member, the Commission was not precluded from going into matters in so far as they related to the main subject under enquiry.

After a few more speeches the resolution was put to vote and carried.

### Travelling Allowances.

Dr. U. RAMA RAO then moved for the amendment of the rules relating to travelling allowances, admissible to members of the Council in such a manner as to reduce the period preceding the commencement, and following the termination of a session for 7 to 3 days, and to deprive non-official members of their existing option of reserving first class railway compartments for their personal use, and drawing the actual cost of reserving a compartment in lieu of the travelling allowance of 1 3/5 of the first-class fare. Mr. Rama Rau thought that the Council must pass this self-denying ordinance in order to show to the electorate and to the outside world that they were not unworthy of the trust reposed in them. The reforms were inaugurated at a time of financial stringency and retrenchment of national expenditure.

Mr. RAMA DAS moved an amendment to the effect that members of the Council be placed on the same footing as members of the Legislative Assembly in the matter of honours, emoluments, and allowances. Mr. K C. ROY opined that the proper place for discussion of the privileges of the House was not on the floor of the House, but in committee. Accordingly, he moved for an adjournment of the debate *sine die* which was carried.

### Official Bills.

Next day, the *16TH FEBRUARY*, the Council passed five official Bills which were passed by the Assembly. The Secretary placed on the table the Criminal Procedure Code (Amendment) Bill as passed by the Assembly the day before. No questions were put by members and the House therefore proceeded with the business on the agenda.

The Bill resolving doubts regarding the powers of Provincial Small Cause Courts relating to attachments of immoveable property was moved by Mr. S. R. Das (Law Member) for consideration. He explained that a doubt arose on account of the decision of a Full Bench of the Calcutta High Court. The Legislature had not intended to give power to Provincial Small Cause Courts to attach property before judgment. The Bill would make this point clear. The House agreed and passed the Bill without discussion.

Mr. Crerar (Secretary, Home Department) moved the consideration of the Bill amending the Criminal Procedure Code, 1898. This, he said, was intended to remove administrative inconveniences experienced in the working of a section of the Code relating to the issue of process. The Bill, if passed, would reduce the hardships felt by witnesses and accused. The House agreed and passed the Bill.

The Bill determining the liability of certain Governments to taxation in British India of trading operations, which was to give effect to a resolution passed at the Imperial Economic Conference 1923, was also passed.

On the motion of Mr. S. R. Das the House passed the Bill amending the Gurdians and Wards Act, 1890, intended to give effect to a recommendation of the Civil Justice Committee empowering the transfer to subordinate judges of minor applications under the Act.

### Indian Delegation to the League.

On the *17TH FEBRUARY* two non-official resolutions figured on the agenda of the Council of State when it re-assembled.

Mr. SETHNA moved the first resolution that an Indian of suitable rank and qualification should be the leader of the delegation representing India at the next session of the Assembly of the League of Nations. He reminded the Council that he had moved an identical resolution two years ago when Sir Mahomed Shafi, on behalf of the Government, assured them that the proposal would receive the most careful consideration of the Government when the time for an appointment arrived. He regretted that in spite of this promise no action had been taken and no Indian had been appointed.

Mr. RAMADAS moved an amendment that the leader and other members of the delegation be appointed from out of a panel of six persons to be elected by both the Chambers of the Central Legislature.

Mr. S. R. DAS (Law Member) first explained the constitutional aspect. He said that but for the fact that India was a signatory to the Treaty she would not have become an original member of the League, because India was not self-governing. The representatives of a self-governing State must be those who represented the Government or the party for the time being in power in that State. Of course, there was no legal difficulty in the way of that self-governing State selecting a member of its Opposition. But that State had to choose a person who would follow its instructions and pursue its policy, otherwise there would be difficulties. In all self-governing States the delegates were chosen by the Executive Governments and never from out of an elected panel. But India was not only not self-governing but its Government was not responsible to the Legislature, or the people, but only to Parliament. From this constitutional position of India, anomalous though it might be, the representatives selected must be one on whom the Government could rely to carry out its instructions. If the Government of India were to send as its delegates some one who had been elected by the Legislature or by the country, then the Government could not discharge its responsibilities to Parliament if that delegate were to pursue in the Assembly a policy contrary to the views of the Government. For this reason the Government opposed the amendment. As regards the original resolution the Government did not oppose it, for they were in full sympathy with it, but he (Mr. Das) was not in a position to make a definite statement. The Government hoped very shortly to make an announcement. Meanwhile, he repeated Sir Mahomed Shafi's assurance that the Government would give full consideration to the resolution.

The amendment was lost by 34 votes to 6. The original resolution was then carried.

The Proposed Kannada Province.

Dr. U. RAMA RAU then moved the second resolution for a committee of officials and non-officials to enquire into and sugggest ways and means for the formation of a separate Kannada Province. Mr. RAMADAS moved an amendment that, with a view to re-grouping the provinces as far as possible on linguistic basis, a committee with a non-official majority be appointed to enquire into and suggest ways and means for constituting the Kanarese-speaking tracts of the Provinces of Madras and Bombay into a separate Kannada Province.

When put to vote both the amendment and resolution were lost.

## Royal Commission on Reforms.

On the *18TH FEBRUARY* after the presentation of the Railway budget, Mr. P. C. SETHNA moved a resolution to urge upon His Majesty's Government the appointment forthwith of a Royal Commission to investigate and enquire into the working of the present Indian Constitution, and to formulate a scheme for the establishment of Responsible Government in India.

Mr. Sethna said that since the last September session of the Central Legislature, when the Assembly adopted the Nationalist amendment to the Muddiman Committee's resolution and the Council of State rejected it, the Cawnpore Congress, the Muslim League, the Liberal Federation, the Non-Brahmin Conference, the Christian Confereuce and other Congresses and Conferences had held their annual sessions in Christmas week and had discussed the constitutional question. The resolution was framed in the light of the considered views of the different sections of Indian opinion. It had been conceded by the Government that there was no legal bar to the appointment of a Royal Commission at any time before the expiry of the period of ten years fixed by the Act. Mr. Sethna contended that the working of the Constitution, during the past five years, and the examination of the Constitution by the Muddiman Committee, had clearly shown that the Constitution had not succeeded in achieving the object with which it was established. The failure was not due to Non-Co-operation nor to the obstructive tactics of the Swarajist, but because of the defective system There was no element of responsibility in the Central Government, and even the measure of responsibility granted to the provinces was stinted and not real. All the Indian Executive Councillors and Ministers who had worked the Constitution had emphasised that point in connection with the Muddiman Committee enquiry, and strongly favoured a further constitutional advance. The Muslim League, the Liberal Federation and the Indian Christian Conference and other political organisation had in their respective gathering, in December last, demanded a Royal Commission with a view to granting provincial autonomy and introducing an element of responsibility in the Central Government.

Proceeding, Mr. Sethna examined the general atmosphere in the country, and pointed out that the spirit of goodwill, friendship and co-operation shown by all the legislatures during the first three years was acknowledged by the Government. During the last two years also the same spirit had been manifested by all the Provincial Councils, and even in the two refractory provinces of Bengal and C. P., the situation showed a decided improvement. The attitude of the Swarajists had undergone a change for the better, and the Swarajists in Maharashtra, Berar and C. P. had openly abandoned the policy of obstruction. True, the Cawnpore Congress resolution referred to Civil disobedience, but, in fairness to the Congress, it must be pointed out that civil disobedience was held out as a remote mode of direct action, when all other methods failed. Even if the Swarajists were wrong, was the Government going to make the whole country suffer for the sins, if any, of a single political party, a party which had really practised an increasing measure of co-operation? Mr. Sethna appealed to the Swarajists to give up any idea, if they had at all, of throwing out the budget and to judge of it on its merits. In other words, let them stop to conquer. If they did so, they could tell the electorates that the onus lay on the Government. On the other hand, let England stoop to win the heart of India by appointing a Royal Commission which would usher in an era of sympathetic understanding and a more universal good-will.

Seth GOVIND DAS moved his first amendment. He said the Swarajists did not believe in a Royal Commission. Such Commissions only meant waste of public money. The Indian National Congress, which represented the true public opinion in India, did not want a Royal Commission. On the other hand, it had endorsed the resolution passed by the Assembly on the 8th September last for a declaration in Parliament embodying, in the Constitutional machinery of India, the fundamental changes outlined in the resolution. His (the speaker's) amendment only reiterated that demand which had been passed by an overwhelming majority in the popular Chamber. If it was not accepted, it would only prove that the Reforms Act was a mockery. Mr, Sethna had stated that the Swarajists were co-operating. That was not correct in the Swarajists' view. There was nothing to really co-operate with. How could there be co-operation when there was no response from the Government? It was for England to chose whether she wanted a faithful and contented India or an India seething with disloyalty and dissatisfaction and opposed to British connection.

Mr. DESIKACHARI moved his amendment for a Royal Commission or other suitable agency to formulate a scheme of Government in accordance with the recommendations contained in the Assembly resolutions. He pointed out that the scheme to be drawn up must introduce a large measure of responsibility. Otherwise, the attitude of popular representatives in the legislatures would be nothing, but one of opposition. Even the present defective Constitution had been worked with distinction and credit. The other provinces in India had also acquitted themselves properly. It was true there was some trouble felt in C.P. and Bengal. Those provinces only showed the difficulties of working Dyarchy.

Mr. RAMADAS explained the attitude of the Swarajists towards the resolution. The Swarajists, he said, had been accused of inconsistency and vacillation in their demands for Reforms. He repudiated the charges, and pointed out that, ever since the Reforms Scheme was adumbrated, genuine public opinion in India had condemned the Reforms as unsatisfactory. The Swarajists entered the second Councils only to show up the pretensions of the Reforms and demonstrate the unworkability of the scheme. The Reforms did not place India on the road to Self-Government, and so Pandit Motilal Nehru, their leader, had placed their views before the Assembly and formulated the demand of the country. It was the demand of the country, because it was endorsed by the Cawnpore Congress. In reply to the demand of February 1924 the Government appointed a departmental enquiry, which was followed by the Muddiman Committee. When the Government tabled a resolution to give effect to the Muddiman Committee Report, the Swarajists and other parties reiterated their demand, a demand which was put forward in the Council of State by no other than Mr. Sethna, who was asking that day only for a Royal Commission. Between the National Demand of February 1924 and the Demand of the Assembly in September last there was no difference. In both, the Swarajists had stated that full responsible Government was their goal, and in both they wanted an examination of their claims by an impartial agency. The second resolution merely explained the minimum demand of the nation and the outlines of the scheme to be formulated. The principal point was that unless the revenues of India were vested in the Government of India responsible to the Central Legislature, there could not be any responsibility in the administration. Therefore unless a declaration embodying that fundamental change in the Constitution was made, it

was useless to negotiate for further Constitutional advance. If that and other essentials of their demand were conceded, then they would agree to co-operate with the Royal Commission or any suitable agency in the examination of their claims.

The second point was that the preamble was an insult to Indian national self-respect. The Preamble must be changed, because the only test of fitness for Self-Government was national consciousness and Indians maintained that they were fit for Self-Government. It, however, was not the time for repudiation of British trusteeship. He was content with the assertion of their fitness and right. The Act also made co-operation on the part of Indians an essential preliminary condition of any further advance. If co-operation consisted in working the unworkable provisions of the Act, then Government were asking for the moon, The late Mr. Das in his Faridpur speech and Pt. Motilal in the Assembly had extended the hand of fellowship and honourable co-operation. The Swarajists were ready for co-operation without prejudice to self-reliance and self-respect, which were the guiding principles of the Congress. If the Government did not avail themselves of the offer of the country, and drove them to a desperate constitutional struggle, in which there might be no room for co-operation, then the responsibility for the consequences would be entirely with the Government.

Dr. RAMA RAU, in supporting the amendment of Seth Govind Das, refuted the the Viceroy's statement that the appointment of a Statutory Commission was the aspiration of all in India whose avowed desire was to attain political progress by constitutional means. If the Viceroy meant that the Swarajists' avowed desire was to attain political progress by unconstitutional means, it was wholly incorrect so far as their existing programme was concerned. If, in spite of them, any parties, in any part of the country, were driven, at any time, to unconstitutional means of attaining political progress, the responsibility would be wholly that of the Government. The Swarajists had evinced marks of desire to co-operate with the Government whenever necessary in the interests of the country from time to time, but the Viceroy still wanted a "more complete response." No self-respecting Indian, even in the "rarified" atmosphere of the Council of State would make an abject surrender. The Swarajists' attitude would depend in future on the response of the Government to the offer that had remained open during the last two years.

Amendments Defeated.

The President put the various amendments to the vote of the House. Mr. Desikachari's amendment was put and lost. The two amendments of Seth Govinda Das were also rejected and, on a division being called, were defeated by 37 to 6 votes.

Home Member's Speech.

Discussion then re-started on the main resolution of Mr. Sethna.

Sir Alexander MUDDIMAN rose to explain the Government position. He was glad that, in Mr. Sethna, he had a fair and reasonable antagonist, but the Home Member felt that Mr. Sethna's speech adumbrated a proposition quite different from the one on the agenda. The resolution wanted a Royal Commission to be appointed immediately to formulate a scheme for the establishment of Responsible Government in India. That meant that Mr. Sethna would predetermine the issue which the Royal Commission was to come to investigate, and that he would reach at once the last milestone on the road to Responsible Government. Mr. Sethna's speech, on the other hand, showed that what he desired was merely the advancement of the date of the Statutory Commission. The Minority Report of the Muddiman Committee had also taken the view that, before fundamental changes were undertaken, an enquiry should be held. Mr. Sethna had declared that they were fit immediately for further advancement. He had said in effect that they should go before an impartial tribunal. It did not concern him whether the Government thought he had a good case or a bad case. Mr. Sethna's view was that he had a case which would justify an imperial tribunal to go into it. But the resolution, continued the Home Member, asked for something different. The speaker must therefore remind the House of the exact provision of Section 84-A of the Government of India Act. Parliament, under the Section, not only provided for a Statutory Commission, but for a machinery under the Act to examine the working of the reforms. The Section stated that the Commission was "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 should report as to whether and to what extent it was 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 in the local legislatures was or was not desirable.

Concluding, the Home Member claimed that he had not given an inconsiderate or hasty reply to the resolution, and that he had shown that, as far as the Government was concerned, it stood exactly where it stood last September. It was useless to put forward the resolution in the terms in which the resolution had been couched. He hoped the House would reject it.

Lala RAMSARANDAS supported Mr. Sethna's resolution. He particularly dwelt on the argument that India was not fit for Self-Government, because she could not undertake national defence. He asked : When India was such a valuable market for British goods, when she provided an outlet for numerous Britishers for employment and when without India, there would be no British Empire, was it much to ask that Britain should help in defending India? Moreover, it was in Britain's own interest to do it. As for communal differences, they had been created by the Government agreeing to let communal representation introduced in local bodies.

The Maharaja of BURDWAN, speaking as an amateur surgeon, said he would try to diagnose the disease of India. There were four groups in the country. Anarchists and extreme Swarajist, (like Seth Govindas) formed the two groups who were tired of British rule. The Moderates, the third group, were not strong. The fourth group were the Independents and the Nationalists. Seth Govindas was a lamb which allowed itself to be shorn by the Swarajists. But others, representing vested interests, could not and would not. The problem of Responsible Government was not an easy one, nor could Government ignore vested interests and Indian States. He was glad because of Sir Alexander Muddiman's speech, and held that it was by working the present Act, by good-will alone, that the next instalment could be achieved. Otherwise, Parliament would have to consider whether it should not withdraw even the present instalment, because it was not worked. He deprecated the resolution brought forward by Mr. Sethna, and urged him to withdraw it.

Mr. SETHNA, replying to the debate, said the Swarajist influence was waning. Whatever the Swarajists might do, was the Government of India going to set back the hand of the clock? That would be a clear impossibility, because the Commission might either say that the state of things must remain as it was or recommend an advance, but there could certainly be no going back. If the Government of India wanted to help India's advance, they could easily do that The British Parliament was not a great factor, for what was India to the British Parliament, when, on Indian debates, there was not a quorum in Parliament? Transfer of power was inevitable, but let the Government be gracious and not grudge. The Maharaja of Burdwan had feared that, if there was constitutional advance, vested interests would be affected by Bolsheviks or others. But they were inviting Bolshevism by not granting further constitutional advance. He believed that Englishmen would never yield, unless they went on hammering, and so he was determined to go on hammering till a Royal Commission was appointed. He therefore would not withdraw the resolution.

Sir Alexander MUDDIMAN, in winding up the debate, advised those who believed in constitutional advance to go further with their campaign, and not be satisfied by a few victories only. He agreed that India was quite sound at heart; but Mr. Sethna's Commission would prejudge the issues at stake. That was not what was stated in the Government of India Act. The method of acceleration was by co-operation, not in word, but in action. It must be by a steady course of conduct that co-operation could be shown. Of course, the Council of State had always shown co operation. He knew that the atmosphere in the country was getting better, but the existing Constitution must be worked for what it was worth, and then the time would come for the next constitutional advance.

**The resolution of Mr. Sethna was lost without division.** As the Swarajists were determined to remain neutral, Mr. Sethna did not claim a division. The Council then adjourned.

## Discussion on the Railway Budget.

On the *20TH FEBRUARY* the main business of the House was the discussion of the Railway Budget. The majority of the spokesmen had nothing but congratulations for the Railway Board, which was heartily thanked for the manner in which it had administered the railways, and those who did raise the voice of criticism directed it not so much against the actual Budget as to local defects in railway accommodation which had come within their purview. The burden of the plaint of the Opposition was that sufficient con-

sideration had not been given to the comfort of the third class passengers, and that there had been distinctions drawn in allotments for education and medical arrangements. The claim for more rapid Indianisation of railways was naturally urged, as also the further reduction of long-distance coal freights.

Sir Arthur Froom congratulated the Railway administration on the fact that its net gains were but Rs. 35 lakhs down on the year, notwithstanding the acute period of financial depression through which the country had passed. He expressed the hope that other Provinces would follow the lead of Bombay in the electrification of lines and pointed out to the House that the retrenchment recommendations of the Inchcape Committee had been surpassed by the Railway Board.

Mr. Ramadas Pantulu struck the one discordant note when he suggested that the railway policy of the Government was directed solely in the interests of foreign capitalists and not in the interests of India, a charge which was strenuously denied by both Sir Charles Innes and Sir Clement Hindley. They maintained that the sole object of the Railway Board was to develop the railways in no other interest than that of India.

### Regulation of Medical Education.

On the *22ND FEBRUARY* the Council of State sat for only 15 minutes. Dr. U. Rama Rao introduced a Bill to regulate medical education in India. It followed in the main the principles contained in the British Medical Act, 1886 and was also intended to remove the defects experienced in the working of provincial medical registrations. The Bill proposed to establish qualifications in indigenous methods of treatment. The Government of India and various Provincial Governments, said Dr. Rama Rau, had recognised the usefulness of indigenous systems of medicine and had even gone to the length of establishing schools in important provincial centres.

On the motion of Mr. Chadwick the Council agreed to elect a panel of eight members of whom six would be selected to serve on the Central Advisory Council for Railways. The Council then adjourned.

### Official Bills Passed.

Next day, the *23RD FEBRUARY* the Council of State passed six Bills and one resolution which the Assembly had passed at the instance of Government. These included the Naturalisation Bill, Madras Civil Courts Act Amendment Bill, and the Insolvency Bill.

There was an interesting discussion on Mr. Crerar's motion for the passage of a Bill to amend the Criminal Procedure Code, 1898, in order to restore to Magistrates the discretion to send either to simple or rigorous imprisonment persons convicted under Section 109. The Swarajists opposed it for the reasons urged by the non-officials in the Assembly. They, however, did not claim a division, and the Bill was passed.

On Mr. Chadwick's motion the Council passed a Bill extending the bounty for railway wagons etc. The effect of the Bill was to extend the bounty scheme to 1927-28. A resolution was also passed giving supplementary assistance to the tinplate industry. Sir Arthur Froom held that if the industry could not, within reasonable time, stand competition, it needed no further protection.

### Official Bills.

On the *26TH FEBRUARY*, on the motion of Mr. S. R. Das (Law Member), the Legal Practitioners Act (Amendment) Bill to suppress the evil of touting, was passed with an amendment, moved by Mr. Das to Clause 2 by which "a tout will not be the person who procures in consideration of remuneration money from any person interested in any legal business." The remainder of the section was retained. This change was effected in accordance with a promise given in the Assembly.

On the motion of Mr. McWatters (Finance Secretary) the Council passed the Bill providing for the validation of promissory notes as passed by the Assembly.

Mr. Ley (Industries and Labour Secretary) then moved for consideration of the Trade Union Bill as passed by the Assembly.

The Council had no views to offer when the Bill was considered clause by clause. Mr. Ley, in accordance with a promise made to the Assembly, moved an amendment to sub-clause (j) of Clause 15 in order to incorporate a proviso to the effect that expenditure in respect of contributions in any financial year shall not at any time during the year be in excess of one fourth of the combined total of gross income accrued to the general funds of an union and of the balance at the credit of those funds at the commencement of a year. The Council agreed to the amendment and the Bill was passed.

## Budget for 1926-27.

On the *1ST MARCH*, after questions had been answered, Mr McWatters, presented the Budget. In doing so he made an extempore speech lasting 45 minutes. His announcement of the complete abolition of the Cotton Excise Duty was received amidst loud applause, but the remission of Provincial Contributions evoked only subdued applause. (For the Text See p. 211).

On the *2ND MARCH* there were two Bills on the agenda of the Council. These were the Contempt of Courts Bill and Dr. Rama Rau's Medical Education Bill.

## Contempt of Courts Bill.

Mr. Crerar, Home Secretary, in moving consideration of the Contempt of Courts Bill, said the power of courts in respect of penalties were now limited to sentences of six months' simple imprisonment. The power vested in the superior courts in India would be extended to the chief courts in respect of contempts against themselves but not to their subordinate courts. Unless this Bill were passed there would be perversion and deflection of the course of justice. There was, therefore, a need for a precise and unquestioned law in the matter.

Mr. K. C. Roy, in supporting the motion, complained that the Council was given very short time for consideration of this most important question, and also that the Government had not thought fit to appoint a joint committee of both Houses. He had been opposed to the measure since it was first introduced, but now he had to visualise the situation as it had emerged from the Assembly. He was glad there was a great spirit of compromise in the Select Committee of the Assembly, and in consequence the Bill was a great improvement on what it was when first introduced. The definition of contempts of courts had been removed. The second point was that the sentence had been reduced to a maximum of 6 months' simple imprisonment and a fine of Rs. 2,000. The power to impose rigorous imprisonment would have been unfair and unjust. He feared that the fine was too much. He would prefer in this matter a sentence of one month's simple imprisonment and a maximum fine of Rs. 500. Mr. Roy also objected to the extension of the law to the Chief Court. With these observations he supported Mr. Crerar's motion for consideration of the Bill.

Mr. Ramdas said he did not oppose consideration of the Bill, but he was opposed to its passage, so long as it contained the clause extending powers to chief courts. He also complained of the powers of punishment, and concluded by opposing the passage of the Bill as it stood. The Bill was then passed without a division.

## Medical Education Bill.

Dr. Rama Rao, in a short speech, moved for the circulation of the Medical Education Bill.

Sir Mahomed Habibullah said the Government reserved their opinions until they had fully considered the expressions of opinion on the Bill. But there were certain defects in the Bill to which he drew attention. Firstly, the Bill regulated the standard of qualification for the purpose of practising indigenous and Alopathic system of medicine and it also grouped both practitioners together which was impracticable. Moreover, the Medical Board proposed for all India was unwieldy and there was no provision for finances. Dr. Rama Rao pointed out that the Board, as proposed, would be smaller than the London Board.

The motion for circulating the Bill for eliciting opinion before the 1st July was passed.

## Adulteration of Ghee.

On the *3RD MARCH* the Council considered the resolution moved by Rai Bahadur Lala Ram Saran Das for the levy, as early as possible, of 100 per cent ad valorem duty on import of vegetable products, vegetable solidified oil, vegetable compound, vanaspathi ghee, and any other similar preparations imported into India for being marketted as artifical ghee or for adulteration with pure ghee.

Dr. Rama Rao said that without proper equipment and a laboratory the Provincial Acts could not be enforced in Madras. Sir Bijay Chand Mahtab, Maharaja of Burdwan, said that there was a genuine grievance among Indians that they could not have their food cooked in pure ghee. The Provincial Acts had no doubt been passed, but in spite of these acts adulteration of ghee was going on.

Sir Charles Innes described the resolution as unworkable, misconceived, and not calculated to achieve the object in view. The problem was one which Ministers in the Provinces should solve in consultation with Local Governments and Legislatures. He

promised to forward copies of the debate to Local Governments and draw their attention to the importance of the subject.

The mover, in view of the Government assurance that copies of the proceeedings would be forwarded to the Local Governments, withdrew the resolution, but mentioned that there had not been a single prosecution under Provincial Acts for adulteration. The argument regarding Cocogem was, he said, not sound because it was used in a few districts in the Madras Presidency.

## General Discussion of the Budget.

On the *6TH MARCH*, the Council re-assembled for the general discussion of the Budget. The discussion was started by Khan Bahadur Haroon JAFER, who while congratulating the Finance Member, pleaded for further reduction in expenses, so that provincial relief might be completed, and Bombay might get remission of her contribution and the general tax-payer might get relief from high taxation. He protested against the proposed transfer of the Military District Headquarters from Poona to Secunderabad.

Sir Sankaran NAIR confined his criticisms to the examination of the subject of provincial contributions. The Meston Committee had extorted over 17 crores. The Government of India had been asked to stop provincial contributions at the earliest moment. It meant that all avoidable expenditure such as giants to sectarian universities, should not have been incurred. The Finance Member was shirking his duty in offering the abolition of Cotton Excise Duty as an alternative to the remission of provincial contributions. That, he contented, was a wrong policy for the members of the Executive Council to pursue. He maintained that Madras was always started at the expense of Bengal and Bombay. Madras needed 64 lakhs this year for urgent works such as flood relief, opening of hospitals and schools. He suggested the diversion of 50 lakhs intended for the Archaeological Fund for the relief of Madras, for it would help the poor and depressed classes and giving to archaeological research only just what was wanted for this year.

Mr. HOTSON, on behalf of the Bombay Government, on the other hand urged that the revision of the Meston Settlement should precede and not follow the total abolition of Provincial Contributions. He warned that provinces like Madras, which were being fed by mechanical process of remission, would also soon find themselves in the quagmire of stagnation.

This was apparently directed against the point of view taken by Sir Sankaran Nair. Sir Charles Todhunter took up the challenge, and showed, though in moderate language, that Madras's claim was justified on merits.

Sir Basil BLACKETT, seeing this provincial rivalry, told the House plainly that with such a spirit existing, an agreement for a new financial settlement could never be found and that the proposed examination of the distribution of income tax revenue next summer would prove fruitless under such circumstances. He warned that, if the provinces did not adopt a policy of give and take, the whole policy of remission of provincial contributions might have to be reviewed from a new angle.

Sir Basil Blackett told Sir Arthur Froom, who pleaded for reduction in income-tax and super-tax, that the rich man had been shown to be lightly taxed and the poorer class heavily taxed, and therefore reduction under these heads could not be expected in the near future.

Mr. K. C. ROY said, if India has to be grateful to Sir Basil, it is not for the surplus budget, because the surplus is the result of the natural cycle of lean and fat years, but because the master-mind of Sir Basil has looked decades ahead by reducing the interest charges and the unproductive debt, in short, by putting the whole financial structure on a sound financial basis. From this point of view, Sir Dinshaw's description of the Budget as epoch-making was not off the mark. Indeed, if one can so put it, Sir Basil Blackett has abandoned the uneconomic tradition of the Finance Department.

The uneasiness caused by the announcement of the proposed reduction of the rates on postal certificates was voiced by Raja Nawab Ali and Mr. Roy. The small investor, if deprived of this attraction, would again go to the small bazaar merchant and deposit his money with him which would bring him more interest no doubt, but would mean lesser security, and would also ruin the bazaar merchant who, at a moment's notice, would have to pay back the sum.

Sir Basil gave a sympathetic consideration and promised that, in any case, the new rate would be above those for Government investments, which means that it would

be about five and half per cent. His anxiety was to bring the rate down to bear some relation to the rates offered by banks for savings deposits The debate then ended.

## Indianisation of Railways.

On the *8TH MARCH*, the Council re-assembling, the Swarajist members were invited to move the resolution standing in their names. This they declined to do, and they with the remainder of the party withdrew from the Council. A discussion then was opened on the resolution of Lala RAMSARANDAS who moved that the Government guarantee a certain fixed number of appointments every year in the mechanical and other departments of the State railways to qualified students of the MacLagan Engineering College, Lahore, and other similar colleges in other Provinces of India. He said it was the irony of fate that it should be necessary to move such a resolution that day. The system of apprenticing Indian born youths as firemen, engine-drivers. and mechanical workmen in locomotive shops had succeeded admirably on the Madras railways, and the aim of all should be gradually to allow natives to take the place of highly-paid European skilled labour.

Mr. Chadwick, Commerce Secretary, replying, said that the wording of the resolution did not convey any idea of racial discrimination. The railways had been asked to do away with all racial discriminations, but all that could not be achieved in a day. The railways had two types of appointments, one subordinate and the other the superior service. If the resolution was adopted the way to promotion of deserving men from the rank-and-file to superior grades might be blocked. The Government had a scheme evolved by an expert, and it was placed before the Central Advisory Committee for railways. This scheme had been submitted to the Secretary of State, whose orders the Government were awaiting.

Lala Ramsarandas said he was not convinced by the Government reply, for when the system of guarantee had proved such a success on the civil engineering side there was no reason why it should not be given a trial on the mechanical engineering side.

Mr. Chadwick, in closing the debate, said that the best way was to open the service to all in order to get the best material. The resolution was defeated.

## "Privileges and Status" Committee.

Mr. K. C. ROY then moved that a Committee under the chairmanship of the President and consisting of Sir Mahomed Habibulla, Mr. S. R. Das, Mr. Crerar, Sir Arthur Froom, Mr. Khaparde, Raja Rampal Singh, Sir Umar Hayat Khan, Mr. Ramdas Pantulu, Dr. U. Rama Rao, and himself be appointed to enquire into the privileges and status of members of the Council, and to make recommendations. Mr. Roy said that the Bi-cameral Constitution in India was the outcome of the Montford Reforms. He protested against the remarks on privileges and the position of the Senior Chamber in India. Whatever the finding of the Statutory Commission might be, the position of the Council of State would be the cardinal principle of their findings. He quoted the remarks and recommendations of the Muddiman Committee report on the subject and said he was one with these recommendations, and they should be given effect to without further delay. The terms of reference of the proposed Committee would be to enquire into (1) the prefix "Honourable." Mr. Ramdas thought the other day that the prefix should be abandoned. It was more largely used in the Legislative Assembly than anywhere else and the reform advocated by Mr. Ramdas might very appropriately be first enforced in the Chamber, which claimed to be democratic. (2) There was a question of travelling allowances, but the speaker believed in a consolidated allowance or a salary to give members some economic interest in parliamentary work. (3) There was the question of accommodation in Raisina.

In the Assembly several resolutions already had been tabled on the subject and unless the members of the House took timely precaution, they would not be able to get what they wanted when the House met next year in the new Parliament buildings. Lastly, there was the question of voting supplies. It would be for the proposed Committee to see whether some method should not be devised to prevent the unseemly yearly exhibition in the lower House. Some convention should be had to prevent this occasion being utilized for an attack against the privileges of the House.

Mr. S. R. Das accepted the resolution on behalf of the Government without prejudice to the action of the Government on the findings of the Committee.

Mr Khaparde said that the terms of reference should include equal representation of the Council on all Committees Accordingly, on the motion of Sir Arthur Froom, Sir Dinshaw Wacha's name was added to the Committee. The resolution was carried unanimously, Mr. Roy agreeing to Mr. Khaparde's amendment. The Council then adjourned.

## Indian Banking.

On the *10TH MARCH* Khan Bahadur Ibrahim Haroon JAFFER moved a resolution proposing an enquiry into the question of the desirability of legislating with a view to placing Indian banking on a sound footing. His main object, he said, was to secure the removal of obstacles and the creation of favourable conditions for the healthy progress of banking in India. It was recognised that modern banking in India was yet in its early stages. Expansion and improvement would be welcome, and it was the duty of the State to see that public thrift was encouraged and not hampered or frustrated by wrong organisation and wrong methods of banking. The Government themselves had recognised the importance of such an investigation when numerous banks failed immediately before the war. The shock which the public received on account of the failure of so many banks and the financial loss which thousands of persons of the middle class sustained resulted in a set-back to the growth of indigenous banking of the modern type.

Fortunately, public confidence was being steadily restored and the prospects were encouraging. It was, therefore, the proper time for an enquiry. The management of Banks should, of course, be subjected to strong but just criticism in the interest of the shareholding and depositing public, but there was a danger to which even the best managed bank might be exposed for no fault of its managers, and it seemed to be necessary to secure the banks against such deadly risks if that were possible. The danger was real and must be provided against.

Mr. McWATTERS, Finance Secretary, in the course of his reply gave an outline of the various aspects of the co-ordinated survey which the Government were shortly undertaking as a result of the External Capital Committee's recommendations. He said that the question had come up before them from time to time since 1913. The Bengal Chamber of Commerce in 1920 drew the attention of the Government to it and the view of the Government then was that the most fruitful line to take would be to give publicity to the affairs of Banks. There was a committee formed for the purpose, and its report went further than the question of publicity, because they suggested certain limitations on the amount of authorised capital which Banks should be allowed to advertise. They suggested a certain minimum of paid up capital, and also the strengthening of the auditing of banks. Those suggestions were circulated to the Local Governments and various Chambers of Commerce, and the replies received included further suggestions, but the Bengal Chamber of Commerce then advised the postponement of action, pending the result of similar investigation proceeding in the United Kingdom at that time. Hence the postponement.

Turning to the question of the protection of banks from the irresponsible action of shareholders, Mr. McWatters referred to the correspondence that had passed between the Managing Director, Central Bank, Bombay, and the Bombay Government, and with the Government of India. That correspondence was laid on the table at the request of the mover of the resolution. It would show that the Managing Director of the Central Bank cited the case of the Tata Industrial Bank as an example of the mischief done to public institutions on unfounded charges and suggested a penalty as a remedial measure. The letter also stated that it was within the powers of the Directors of a company to prevent an undesirable man from becoming a shareholder in the Company by refusing to transfer shares to his name. Even shareholders were now under the present law unable to remove the obnoxious shareholder from their fold. Legislation should therefore be made providing for the removal of such a shareholder.

The Government of India wanted the views of the Local Government on the letter. The Bombay Government remarked that the restrictions against persons instituting vexatious proceedings against banks should apply to Criminal and not to Civil proceedings, and as regards the suggestion for the amendment of the Companies Act so as to exclude undesirable persons, the Bombay Government pointed out that the power could now be taken by a Company under its articles. The views of the Government of India were contained in their letter of the 24th July last. Regarding the first proposal, concerning persons who spread a malicious report against institutions, the Government of India stated that they agreed with the Local Government's criticisms of the particular remedies proposed by the Managing Director. With regard to a more limited proposal made by the Local Government, which related to criminal proceedings directed against banking companies or their officers, the Government of India doubted whether the proposed legislation in itself would be of much assistance. The Government of India also felt that it was desirable to take any action that might conceivably have the effect of putting obstacles in the way of shareholders seeking the redress of grievances. In practice,

however, it had been found difficult to define what a bank was, and it was not unlikely that any protection given to Banks might be used by ordinary institutions which did something on banking as a side show, with the object of obtaining the protection intended only for banking institutions. The Government of India felt strongly that if India was to develop banking and joint stock undertakings successfully, she must develop the qualities essential for the creation and maintenance of credit, on which success depended, and that the Government could do little to secure that end.

Mr. McWatters pointed out that those were still the Governments views. There was a gratifying sense of public opinion in Bombay roused by the action taken there, and considerable support was now likely to be given to banks. The Institution over which Mr. Sethna presided need not have the slightest fear from any action of the kind. Mr. McWatters quoted the recommendations of the External Capital Committee for a co-ordinated survey of the whole of the banking in India. The Government of India were now endeavouring to carry it out, with the assistance of the local Governments and others.

It was difficult to say what subjects would come under that survey. First of all, there was the question of co-ordinating indigenous banking systems with the modern banking system; secondly, the question of the competition of the Imperial Bank with joint stock companies and the question of improving the law relating to negotiable instrument (at least one aspect of that law was now under consideration). Another important aspect was banking education, and the Government hoped that before very long an important advance would have been made by starting an Institute of Indian Bankers. The Finance Member and the governors of banks were taking every action in the matter. Then there was the question of improving clearing house facilities, and the stamp duty on cheques. Though the stamp duty on cheques was a provincial subject, the Government of India were communicating with the local Governments to ascertain their views. After the Currency Commission had reported, the question of the Imperial Bank Currency reserve and banking reserve would also be considered. The Royal Commission on Agriculture would discuss the question of co-operative banking as well as land mortage banking. Those were the various aspects of the enquiry which the Government of India had in view. He had no particular objection in accepting the resolution, provided it was clearly understood that the Government did not intend to start an enquiry other than that already in progress. Some time must elapse before more material could be available for a fruitful discussion of the subject. He, therefore, advised the mover to withdraw the resolution.

On the motion of Lala Ram Saran Das further discussion was postponed sine die.

## Judicial Committee of Privy Council.

The Council re-assembled on the *15TH MARCH* when only two non-official resolutions were discussed. The first was a motion by Mr. KHAPARDE to reverse the decision of the Assembly, which had rejected the official proposition for the enhancement of the salaries of the two members of the Privy Council with Indian experience to hear Indian appeals. Mr. Khaparde moved: That persons shall possess a recent knowledge of Indian law and practice, and shall be of Indian domicile, their salary be £4 000 per annum, each half to be paid from Indian revenue, and that during any period this salary is enjoyed any pension payable to either of them from Indian revenues shall lapse.

Sardar Charanjit Singh moved the deletion of the words "and shall be of Indian domicile."

Mr. CRERAR, Home Secretary, accepted the resolution, subject to the amendment of Sardar Charanjit Singh. The Judicial Committee was the highest court in England and no less than about 60 per cent. of the cases held there were from India. There was no dispute as to the high value attached to the decisions of the Judicial Committee. The Government of India, therefore, would await the considered verdict of the Council. But in view of the Assembly's action, it was not possible for the Government to take immediate action. They would communicate the decision of the Council to His Majesty's Government.

Sir Sankaran NAIR said that as long as Hindu and Mahomedan law remained uncodified, there must be Indian judges on the Privy Council to take part in the disposal of Indian cases. The Maharaja of Burdwan, the Maharaja of Dharbanga, Major Akbar Khan and Sir Umar Hayat Khan spoke in favour of the amended resolution. Syed Muhamed Padsha favoured the appointments going to Indians. Lala Ram Sarandas opposed both the resolution and the amendment. Mr. Desikachari agreed with Sir Sankaran Nair that the judges should be Indians. Sir Arthur Froom said: "Let us

have the best men with the best legal brains for these appointments." Raja Rampal Sing supported the resolution and opposed the amendment.

Mr. Crerar advised the Council to be unanimous regarding the amendment as it was very undesirable to restrict the field of selection by His Majesty.

The amendment of Mr. Charanjit Singh was carried, the dissentients not claiming a division. The resolution as amended was carried.

## Autonomy for Tamil Districts.

Sir C. SANKARAN NAIR then moved the second resolution recommending the Government of India to advise His Majesty's Government to take such steps as may be required to constitute the 10 districts inhabited by the Tamil-speaking race—Chingleput, North Arcot, Salem, Coimbatore, South Arcot, Tanjore, Trichinopoly, Madura, Ramnad, and Tinnevelly—into a province with complete self-government. Sir Sankaran pointed out that those districts contained a population of 20 millions, of whom over 810,000 were Mahomedans. In framing a constitution for those districts he desired to follow the self-governing Dominions of the British Empire. As far as possible the Government of the Province should consist of a King, a Senate, and a House of Commons. The Parliament should have power to make laws for the peace, order, and good government of the Province, in respect of all subjects including taxation, expenditure, loans, postal and telegraphic services, railways, aeroplanes, and naval, military and air forces. There was no danger in giving the Province control over the forces. Tamil land was in the extreme south, and need not fear any foreign invasion. It did not require an army, except for police purposes, but it might be desirable to create an army so that eventually, when British India got home rule, there might be armies created by the provinces which would be able to undertake the defence of the Empire. He thought that a province would surely be able to create an Indian force, efficient and loyal to the civil power long before the British Government. In time of peace the Government of the province would have entire control of their own military, naval and air forces, but during war, the Viceroy would have complete control of those forces.

Referring to communal difference among the different classes, Sir Sankaran pointed out that, in his opinion, they were not domestic problems, as they were not working for an independent India, but for dominion status. The House of Commons would consist of 800 members, chosen by single electoral districts by universal suffrage and secret ballot, voters to be more than 30 years of age. He preferred universal suffrage in the interests of the so-called lower classes. Those people had taken a keen interest in the elections to the Councils and other bodies, and there was no reason why they should not be responsible for their own future. Communal representation claimed by Mahomedans was due to strained relations between communities in northern India, but as Syed Murtuza Sahib himself admitted in the Assembly debate on the Reforms for the Frontier, the relations between Hindus and Mussalmans in Madras Presidency were the most cordial, and there was no communal hitch there. For other reasons also, communal representation was uncalled for and futile, but all the benefits of communal representation would be secured by allowing the voter to choose his own electoral district. The other minor communities were too small to be represented by separate nominees of their own, but he would provide against any undue deliberation on the part of the House of Commons by the safeguard of the periodical dissolution of one-third of the Assembly, a Second House and reconsideration of legislative measures.

Mr. CRERAR opposed the resolution. He said it raised a multiplicity of issues, each one of which was of extreme magnitude and complicity. The two main issues were the constitution of a province on a linguistic basis, and the grant to it of complete self-government. On the first issue the Joint Parliamentary Committee had pointed out that the proposal must emanate directly from the community concerned. There must be a strong indication of public opinion expressed through the local Legislature concerned. That proposal had not come to the Government of India in the proper form, or through the proper channel. He, therefore, demurred, and would not take the suggestion of the mover for granted, although it was not unsound in itself. What, he asked, would happen to Madras City itself, the present Capital of the Presidency ?

Sir Sankaran Nair : Madras is outside my resolution.

Mr. Crerar said the second issue was provincial autonomy. That was raised by the Assembly on the 18th September last, and rejected by the Council of State. He, therefore, protested against the same issue being raised within a year in a different form. Constitutional matters of that kind must come within the scope of the Statutory or Royal Commission, and if the Council attempted to say yes or no on the numerous groups of questions raised by Sir Sankaran Nair then they would be prejuding the enquiry.

Mr. Crerar proceeded to examine Sir Sankaran's scheme. He said that there would be no Executive Council. He acknowledged the compliment paid to the Civil Service by their being on the Senate, but the Senate would not be really representative unless the industrial and other interests were properly represented. If adult suffrage was resorted to, then a particular community would be not only shaping its own destiny, but the destiny of all those in that new province. The proposal to turn out 100 members after every year would militate against the growth of the party system in the House of Commons Sir Sankaran had said that the Tamil province need fear no hostile invasion. Was it because there was a British Navy and Army in India, and had Sir Sankaran forgotten the German ship *Emden* which bombarded the capital of Madras Presidency for a few hours, and did the mover think that his provincial Army would be able enough to meet foreign invasion, and did he believe that the economic, moral and social progress could be secured in the manner he proposed? Where among the most civilised States in the modern world will you find a state in which these forms of progress are promoted entirely by an executive Government? No Government, national or otherwise, is capable of discharging all these tasks single-handed. It has not been in the past, it will not be so in the future.

Further discussion on the resolution was adjourned until next day.

## Government's Opium Decision.

Next day, the *16TH MARCH*, the Finance Secretary presented the Madras Civil Courts Amendment Bill and the Tariff Act Amendment Bill as passed by the Assembly. The House then discussed the official resolution for the progressive reduction in the export of opium.

Mr. McWATTERS moved that immediate steps be taken to give effect to a policy of progressively reducing the exports of opium from India, except for strictly medicinal or scientific purposes, so as to extinguish them altogether within a definite period. He said the resolution marked a notable development of the opium policy. The Government were, by that resolution, dealing only with export. On the question of internal consumption, the opinions of the Local Governments were now under consideration. Mr. McWatters proceeded to refer to the three main stages marked in the opium policy. In 1918 the Government entirely prohibited the export of opium to China, and since then they also entered into agreements with other countries by which they exported opium direct to those Governments, with the object of preventing smuggling. The Government were just on the point of concluding an agreement with the French Indo-China, and when that agreement was arrived at, the auction sale of opium at Calcutta would be stopped. A new feature was that the countries in the Far East had definitely desired to terminate the smoking of opium as far as possible. Since the Second Convention of the League of Nations, the Government considered how far to carry out their obligations in the spirit. They had prohibited the export of opium to countries like Persia, where the measures taken to prevent smuggling were not satisfactory. The Government had now decided that in order to carry out their international obligations, they must prohibit export as soon as possible. That was not a mere gesture, but a practical method of solving a grave international problem. No doubt, financially the Government would lose Rs. 2 crores of central revenue, but they had decided to make up by either reducing expenditure in other directions, or by tapping other sources of revenue.

The second proposal was to restrict opium cultivation in the United Provinces. It was not possible to indicate within what period this policy could be carried out, but the Government hoped it would not be unduly prolonged.

The resolution was carried without discussion.

## Autonomy for Tamil Districts.

Discussion was then resumed on Sir Sankaran Nair's resolution for self-Government in the Tamil Districts.

Mr. Khaparde supported the motion. He said the Tamil Districts had admittedly worked the Reforms well. Mr. K. C Roy opposed the resolution, as he viewed it as a demand for the partition of the Tamil Districts. Mr. P. C. Desika Chari hoped the Government would not reject the hand of fellowship extended by the resolution Mr. Rattansey Morarjee said the scheme suffered from a great many defects. The Tamil speaking Districts were no more advanced than other parts of India. Sir Umar Hayat Khan also considered the scheme unpractical, because the problem of defence would be a difficult one. The Raja of Bobbili characterised the scheme as bewildering and doubted whether it was wise to accept it in view of the ignorance of the masses.

Sir Sankaran Nair, in replying to the debate, addressed himself mainly to the arguments advanced by Mr. Crerar on behalf of the Government. His motion contained the general principle of self-Governmet. It was for the Government to alter or modify the scheme, as would be considered best in the circumstance before making a final recommendation to His Majesty's Government.

Mr. Crerar said it was dangerous to grant self-Government when the electorates were not politically developed.

The resolution was lost without a division. The Council then adjourned.

Indian Succession Amendment Act.

On the *17TH MARCH* Sir Arthur FROOM introduced the Bill to amend the Succession Act, 1925, so as to adopt the more liberal rule of English Law in respect of intestacy. He explained the history of the Bill and said that he withdrew a similar Bill of his last year, because at that time the parent Bill was under discussion. Section 33 of the Act of 1925 did not apply to Buddhists, Hindus, Mahomedans or Parsees, but that section covered the property of intestate Indian Christians. The present motion related to Europeans and Anglo-Indians in this country in respect of small estates.

Tribute to the Viceroy.

Sardar Charanjit SINGH then moved the Council to convey to their Excellencies Lord and Lady Reading, on the eve of their departure from India, the humble expression of the Council's grateful appreciation of, and heart-felt gratitude for, all that their Excellencies have done for India. The resolution was put and adopted unanimously, all standing.

## The Finance Bill.

On the *22ND MARCH* nine official Bills including the Finance Bill came up for consideration in the Council of State. The Finance Bill first came up for consideration. Lala Ramsarandas and Sardar Shivdeva Singh Uberoi proposed to move amendments to Sub-clause 3 of Clause 6 of the Finance Bill relating to income-tax and super-tax. They urged that from the total income to be assessed, the amount paid in aid of registered public charitable institutions etc., should be deducted; also that, in the assessment of income, any loss sustained in any one year should be set off against profits of the subsequent year.

The President ruled the amendment out of order, pointing out that the change in the definition of "total income" as proposed would have the effect of removing the statutory basis for collection of income-tax.

Lala Ramsarandas then moved for a reduction in the postal rates, so that single post cards would be sold at quarter of an anna, and a reply card at half anna.

Mr. Ley, while sympathising with the demand for a reduction in postal rates, said that the reduction would mean a loss in revenue to the extent of Rs. 87 lakhs. In addition there would be further loss as people, instead of using letters would use post cards, and the total loss would then be about a crore. Replying to Sir Arthur Froom, Mr. Ley said that fall in traffic when rates were doubled was about 20 per cent., but since then there had been a gradual increase in traffic. Eventually the motion was defeated.

Sardar Shivdeva Singh next moved that there should be no income-tax on amounts less than Rs. 3,000 per annum and that this figure should be substituted for the present figure of Rs. 2,000. He also proposed that the rate of tax on incomes ranging from Rs. 3,000 to Rs. 5,000 should be five pie in the rupee. He urged that the Government revenue would not be seriously affected. The difference would be only 10 per cent. of the total income-tax revenue.

On Mr. McWatters opposing the motion on the ground that the loss to central revenue would be Rs. 59 lakhs, the amendment was lost.

There were no other amendments moved and the **Finance Bill was passed without alteration.**

Official Bills.

On the motion of Mr. Chadwick the Bill providing for regular submission of returns of quantities of cotton goods manufactured and cotton yarn spun in British India was passed.

A Bill defining the rights of legal practitioners to sue for their fees and their liabilities in respect of negligence in discharge of their duties, was passed on the motion of Mr. S. R. Das.

The Council also passed without discussion the Bill amending the law relating to the appointment of legal practitioners in civil suits.

The Delhi Joint Water Board Bill was passed on the motion of Mr. Ley.

## Income-tax Bill.

Mr. McWATTERS, in moving the Income-Tax Bill, said that under the Bill, the principal officer of every company would be required to supply information regarding the dividends of shareholders. Where the income-tax officer had reason to believe that any shareholder was resident out of British India and that the total income of such person exceeded the maximum amount which was not chargeable to super-tax, he might, by order in writing, require the principal officer of the company to deduct at the time of the next payment of any dividend from the company to the shareholder super-tax at such rate as the income-tax officer might determine. But in the case of a shareholder who was resident in British India, if the income exceeded the limit not chargeable for super-tax, then the principal officer should deduct super-tax. Those were the principal changes in the law. No substantial objection had been taken to those changes. In fact the Bengal Chamber of Commerce was in favour of those changes.

The PRESIDENT then referred to the motion of Sir Arthur Froom proposing that the Bill be circulated for eliciting public opinion by the 1st July. He said that when a Bill had been passed in one Chamber after the select committee stage, there was no provision whatever for a motion in the other Chamber for circulation of the Bill. He, therefore, ruled Sir Arthur Froom's proposed amendment out of order.

Sir Arthur FROOM said that he was embarrassed by the ruling of the President. The effect of the ruling was that when a Chamber had passed a Bill after sifting it in select committee, there was no course for the other Chamber except either to throw it out or vote for it. He did not propose to destroy the Bill, so he moved that consideration of the Bill be deferred.

Mr. Ramsarandas and Mr. Desika Chari supported the motion. Mr. Bell, in supporting the motion for postponement, said the people who would suffer under the Bill included many who were not liable to supertax.

Mr. McWatters, replying, said that 20 commercial bodies were consulted when the Bill was in contemplation. Eight of them did not take the trouble to reply at all. The intention of the Bill was to make deductions at the source for the super-tax of non-residents. One of the Chambers said that was a step in the right direction.

Sir Arthur Froom : Only in principle and not in detail.

Mr. McWatters admitted there was an objection regarding the disclosure of secrecy. Not doubt disclosure was not good, but there were often cases when the tax could be collected only when disclosures were permitted. That existed in America, Sweeden and in India as well.

Eventually the amendment was lost by one vote. Sir Arthur Froom and his supporters then opposed the consideration of the Bill which was also carried by one vote. The Bill was considered and carried without alteration.

## The Indian Divorce Act Amend. Bill.

On the motion of Mr. Crerar, the Indian Divorce Act Amendment Bill was passed. The Bill was introduced in the *Legislative Assembly* on the 17th March by Mr. Tonkinson who, in presenting it to the House, pointed out that the limitation of powers would be but temporary, as the Secretary of State had authorised him to announce that legislation would shortly be introduced into the House of Lords which would, he hoped, enable Indian Courts to grant decrees to those of English and Scottish domicile. This announcement was received by the European members of the Assembly with considerable applause. Sir Hari Singh Gour who had tabled an amendment favouring the reference of the Bill to a select committee, informed the Assembly that as Parliamentary action was contemplated he had no desire to press his point This, however, did not prevent him from a series of erudite wonderings into the general subject of divorce law in which he was latter joined by Sir Henry Stanyon. He made out a strong case for an International Divorce Compact, for equal divorce laws throughout the British Empire.

The Assembly, however, took the Bill into consideration and allowed Mr. Tonkinson to move his amendment which was to the following effect :

" That for the second, third and fourth paragraphs of Section 2 of the Indian Divorce Act the following shall be substituted :—Nothing hereinafter contained shall authorise any Court to grant any relief under this Act, except where the petitioner professes the Christian religion or to make decrees of nullity of marriage except where a marriage has been solemnised in India and the petitioner is resident in India at the time of presenting

the petition or to grant any relief under this Act other than a decree of dissolution of marriage or of nulity of marriage except where the petitioner resides in India at the time of presenting the petition. Both the amendment and the Bill were passed by the Assembly. Subsequently on the 22nd March, on the motion of Mr. Crerar the Council of State gave their final sanction to it.

On the motion of Mr. Ley the Factories Act Amend. Bill was passed.

The Council also passed the Bill explaining certain provisions in the Transfer of Property Act 1882, and adjourned until next day.

### British Guiana Emigration.

On the *23RD MARCH* Sir Mahomed Habibullah, Education Member, moved the approval of the Council of the draft notification specifying the terms and conditions on which emigration for the purpose of unskilled work should be lawful in British Guiana. Sir Mahomed said the Government had secured, on behalf of future emigrants, honourable means of livelihood, unfettered by any social or other considerations. They had also created a link between British Guiana and India, which it was hoped would be to their mutual advantage. The conditions in British Guiana was more satisfactory than in some parts of India. By that resolution they shall extend India across the seas in every British possession and colony, and thereby convince the world that they were really a part of the Common-wealth of the British Empire. The resolution was carried.

### Indian Succession Amend. Act.

On the motion of Sir Arthur Froom, a Bill to amend Section 33 of the Succession Act, 1925, was taken into consideration. Sir Arthur said that the Bill applied only to the property of Europeans and Anglo-Indians. A drafting amendment moved by Mr. Crerar was accepted by Sir Arthur Froom and the Bill, as amended, was carried.

Business of the House for the session concluded and the Council adjourned till Thursday the *25TH MARCH* when the Viceroy delivered his address to both the Houses of the Legislature in the Assembly Chamber. Touching on the Reforms His Excellency said :—

### The Viceroy's Address.

" I have striven, throughout, to place my views clearly before you, in order to remove possible misconceptions regarding the objects I had in mind, and to acquaint you with the course along which I desired to steer the ship of State. To-day, I shall refer only to a few aspects of the political problems. Although much attention is constantly devoted in India to political and constitutional change, I am often inclined to think that the great importance attributed to the Reforms in England, at the time of their inauguration and subsequently, is not sufficiently realised in India. The Reforms initiated, in the first place, a new departure in the relation between England and India. They put India on the road to the realisation of more complete unity and higher national self-expression. In the language of His Majesty the King-Emperor, the new Constitution took its place among the great historic measures passed by the Parliament for the better government of India and the greater contentment of her people. His Royal Highness the Duke of Connaught arrived in India with a special message of sympathy and encouragement from His Majesty, to inaugurate the new legislatures. And in His Majesty's charge to me as Viceroy and Governor-General, a month later, the following special instructions, regarding the working of the Reformed Constitution, were embodied. " 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." The execution of these instructions has been a solemn obligation upon me during these five years. With a full cognisance of the importance and implication of this policy, I have omitted no step which was likely in my view, to conduce to its successful realisation. In my efforts I have had the support and encouragement of His Majesty's Government, and, though I have been associated with five Prime Ministers and four Secretaries of State for India during my term of office, there has, at no time, during that period, been any change in the main stream of this policy. There has been no desire to divert it from its channel, or to alter its course. The goal of British policy remains to day, subject to the fulfilment of the essential conditions by India, what it was when I assumed my office, namely, the progressive realisation of Responsible Government in India as an integral part of the British Empire."

## Viceroy Certifies Rejected Budget Grants.

The following Resolution was issued by the Government of India :—

" The statements relating to the revised estimates for 1925-26 and the Budget estimates for 1926-27 which were presented to the Legislative Assembly and the Council of State on the 18th February and 1st March, 1926, have now been reconsidered with reference to the reductions made by the Legislative Assembly in the demands for grants and the action taken by the Governor-General-in Council in respect to certain demands refused by the Assembly. Certain alterations in the ways and means portion of the estimates have also been made in the light of more recent information. The revised statements are now published for general information.

" The following reductions were made by the Legislative Assembly in the demands presented to them :—

1925-26 Archaeology Rs. 50,00,000. 1926 27 Railway Board Rs 9,68,000. Working Expenses Administration—Rs. 20,01,200.

" Of the demands for the year 1926-27 the Governor-General in Council has, under Section 67-A (7) of the Government on India Act, decided that the whole amount reduced under Demand No. 1 and Rs. 20 lakhs out of the amount reduced under Demand No. 4 are essential to the discharge of his responsibilities. Estimates of revenue and expenditure now stand as follows :—

The Revised Budget.

| | (1925-26) Rs. | 1926-27) Rs. |
|---|---|---|
| Revenue ... ... | 1,31,35,25,000 | 1,30,42,97,200 |
| Expenditure charged to Revenue | 1,30,04,87,000 | 1,30,37,66,200 |
| Surplus ... ... | 1,30,38,000 | 5,31,000 |

Ways and Means Position.

" As regards the ways and means position apart from the increased surplus in 1925-26 due to the abandonment of the proposed endowment for the Archaeological Fund, the balance at the close of the year in India will be increased owing to the demand for trade remittances to England having been less than anticipated. The amount of remittance from India in the current year to the Home Treasury was estimated at £50 millions including £9 millions on account of the Paper Currency Reserve. The present estimate is about £3 3-4 millions lower.

" One of the results of this is that in order to enable the Secretary of State to have an adequate closing balance for 1926-27, it will be necessary to remit Home next year a larger amount than previously anticipated. The total remittances required in 1926-27 are now estimated at £29,500,000 net. The receipts from cash certificates in February 1926, have been unusually high and the total for the year is now expected to be about Rs. 7 crores. The latest information available also indicates the possibility of further reductions in the requirements of provincial Government. As a result of these and other changes the closing balance of the year is now estimated at Rs. 22-88 crores in India and £14-49 millions in England.

" Taking the two years 1925-26 and 1926-27 together the present estimates show an improvement of about Rs. 23-4 crores over the early estimates presented to the legislature. The closing balance on 31st March, 1927 is taken as Rs. 15-02 crores in India and £5-54 millions in England "

# A Review of the work of the Indian Legislature During the Session January—March 1926.

**Viceroy's Speech.**

'The Delhi session of the second Assembly that Lord Reading by his speech to the Central Legislature prorogued on the 25th March, will remain memorable in the annals of this infant body Judged by the standard of output it will be noteworthy, not for what it has done, but for what it has undone. Also, perhaps, in no Delhi session has the out-turn been smaller than in the one just closing.

'It is to happenings outside the normal pale of legislative work that we must return to justify the description of the session as memorable. To begin with, it is without precedent that the Viceroy had to address the Legislature thrice during one session. His opening address to the Assembly was a sound piece of advice, and announced the appointment of the Royal Commission on Agriculture. But he could not sandwich other important announcements not ready for disclosure on that day. The initiation of the newly-constituted Council of State to its labours provided within 20 days the occasion for another speech, when important decisions regarding the formation of an Indian Navy and a new opium policy were made public. He also utilised the opportunity to ask political India to produce "unambiguous evidence of good-will", an expression that has become the watchword of the Government.

**Official Bills.**

'The Assembly held 40 sittings and the Council of State about half that number during the present session. Turning first to the legislative output, the most important Bill that passed this session was the **Trade Union Bill.** This records another great stride in labour legislation, and it was the sympathetic attitude of Sir Bhupendra Nath Mitra that enabled Mr. Joshi and Mr. Chamanlal to carry the war successfully more than once into the enemy's camp. Not only can a political fund be started by these unions, but one-fourth of the entire union's resources can be used to finance labour movements—even strikes—and the grant of immunity from criminal proceedings is substantial. Mr. Joshi thought it was only half a loaf he was accepting, but, as Mr. Clow put it, the Government had been swayed to proceed too far.

'The **Tariff Bill** was also passed this session. It is the first step towards a revision of the tariff as far as possible without material effect on revenue. Its clauses were controversial, and it had to be sent to Select Committee before its adoption. The **Insurance Bill** and the **Bar Councils Bill,** very important measures, did not come for detailed consideration; both are now in the hands of Select Committees that will sit leisurely in August for close examination of their provisions. In respect, however, of the Insurance Bill the Assembly took up a new line and insisted by a majority in urging that no such Bill should ordinarily be sent to a joint committee, thereby reversing a useful practice observed hitherto. This was claimed as the right of the Assembly to have undivided control over legislation and to let the Upper House perform only the function of a "Revising" Chamber.

'The **Income-Tax Amendment Bill** proved most contentious. Sir Basil Blackett was in a hurry to push it through early in the session, but Mr. Willson's strenuous efforts succeeded in sending it to a Select Committee. The Committee's amendments did not meet Mr. Willson's point of view on behalf of the Associated Chambers of Commerce. The Bill passed through the Assembly without a hitch, but as the Council of State has been made representative directly of commercial and vested interests, the real test was to come here, and the Government found that it just escaped by one vote and succeeded in defeating Sir Arthur Froom's motion for its republication. Commercial interests view this measure with some concern, particularly because of the undue publicity to which it will expose them.

'The **Divorce Act** deserves special mention, not for what it does, but for the accompanied promise of parliamentary legislation to grant rights to certain courts in India to dissolve marriages for people domiciled in the United Kingdom and Scotland, which right, according to the present Divorce Bill, the courts in India under the existing law do not possess.

'Two measures on which the Swarajists sustained their worst defeats were those regarding the **contempt of courts** and amending Section 109 of the **Criminal Procedure Code** for restoring to the courts the power to award rigorous or simple imprisonment. In the first case the Government was accepting only a half loaf, while in the latter case, as

the Home Member put it, their case was amazingly strong; and yet, befogged by motions of "popular protests," the Swarajists in both cases walked into the opposite lobby.

**Swarajist Defeats.**

'Non-official Bills fared worse. Only two minor Bills, one of Sir Hari Singh Gour amending the Transfer of Property Act, and the other of Mr. Rangachariar, amending the Registration Act, were passed, while Sir Hari Singh Gour's Bill for controlling Hindu religious trusts was badly defeated. The Swarajists had a signal defeat on Mr. Amarnath Dutt's Bill for repealing the Bengal Regulation. The debate was prolonged and most animated. Sir Alexander Muddiman showed that if the Government did not undertake modernising the provisions of this Bill, it was because of the absence of a majority to back the Government. However, the rejection of this Bill was the first of a series of defeats which made the position of the Swarajists so uncomfortable that they planned an exit in the end A large number of resolutions were discussed, both official and non-official. Of these, two loomed large in lobby discussions. The Frontier resolution proved disastrous for Swarajist solidarity, and their timely exit saved the party from further desertions. Nevertheless, the Frontier debate which began in February and occupied the best part of three days, ended in a moslem victory. If only the Swarajists and other Hindus had been willing to consider the issue on its merits, the resolution could have been without difficulty boiled down to a practicable demand, rather than one for full-fledged reforms which the Province cannot have under present conditions. Moslem solidarity and determination won in the end, helped by Government neutrality.

**South African Indians.**

'The South African situation caused many anxious deliberations during the earlier part of the session, but better counsels always prevailed in doing nothing to jeopardise the Government's negotiations. Sir Alexander Muddiman promised to allow a day for discussion of a resolution. This pledge he fulfilled on the 24th March, but the circumstances which led to the postponement earlier in the session still held good. Mr. Jinnah, therefore, wisely agreed on that day not to embarrass the Government, and more than that, not to injure the Indian cause, by holding out the threat of an appeal to the King for disallowance of a Bill that had not yet been passed. Mr. Jinnah's appeal for a special session, if need be, will no doubt be considered by Lord Irwin when time arrives for an examination of the results of the present negotiations.

'Many lively debates took place on other resolutions. Sir Alexander Muddiman's proposal for the reorganisation of the Privy Council was rejected by the Assembly, regardless of the years of painful labour involved in its formulation, and the great concession that the British taxpayer was making in agreeing to pay £4,000 a year in place of £400 hitherto. The Council of State, realising this failure on the part of the Lower House, passed the resolution on the motion of Mr. Khaparde, but, as the Government in matters involving money takes the Assembly's vote as particularly significant, it may not revise its opinion. The Assembly members have also realised that their vote logically places on them the obligation of offering the alternative of a Supreme Court in India, and thus 21 of them have given notice of a resolution to that effect for discussion in the Simla session. Middle class unemployment and the vagrant question were two other subjects usefully discussed, though obviously neither of them calls for any particular action. The hardy annual debate on political prisoners was repeated, and the Home Member told them that the Government could not indulge in the luxury of a general amnesty, but would gladly consider individual cases.

'The Burma Expulsion of Offenders' Act roused a most lively discussion, resulting in the adoption of a resolution against this measure as a result of a combination of Indian and European non-official votes, by the largest majority on any motion during the session.

'Only one motion of adjournment was discussed during the session. This was carried against the Government under the sway of emotion, for, if facts that have hitherto come to light had been known to the Assembly regarding the treatment of Regulation prisoners in Mandalay, the House would have hesitated before voting for Mr. Goswami's proposition.

**The Election Spectre**

'It remains to say a word regarding the Budgets, Railway and General. Here popular representatives betrayed the interests of their electorates ignominiously. It is true that the Railway Budget was discussed on its merits, and with the exception of the Lee concessions grant which was voted down, the House dealt with it reasonably and only three censure motions on nominal reductions were carried These related to the lack of rapid Indianisation, reduction in railway rates and the grievances of postal employees. All these votes were influenced by a sort of religious duty which members feel that they owe to their constituents in recording their votes regardless of the extent to which the

Government has already gone to meet them. Similarly on the Finance Bill, votes for reduction in the Salt Duty and postal rates were made the occasion for these demonstrations in the interest of the poor man, but really, as Mr. Rangachariar frankly confessed, to win votes at the forthcoming election. Indeed, this spectre haunted all non-officials. When the demands for grants under the General Budget were discussed, there was such a lack of co-ordination and foresight that Sir Basil Blackett had to give members a sermon on their duty in using this opportunity for selecting heads and examining Government policies in the various departments.

**Swarajist Withdrawal.**

'The Swarajists, fearing stormy weather, had fastened their boat to the Congress ship. They had for two years been working in a spirit of co-operation not distinguishable from other non-official parties. The next election prospects made them plan some spectacular demonstration, and a "walk out" was fixed upon at Cawnpore. When the Delhi session began the Swarajists for a month pursued their old course, but soon Mrs. Naidu arrived on the scene and the spectre of Cawnpore began to haunt them. They had taken the precaution for the first time of getting a block to themselves, so that when they walked out the empty benches might keep up the spectacular effect.

'Interpellations in the Assembly on the 21st January followed by the Viceroy's speech to the Council of State on the 9th February and, lastly, Sir Alexander Muddiman's statement in the Upper House on the 18th February left no doubt in the Swarajist mind that the Government wanted definite evidence of good-will, which clearly meant acceptance by them of the present constitution and the working of it for what it was worth in a spirit of co-operation. Even though they had come to believe that this was the right course, they thought they were unable to follow it and at the same time retain their seats. With the help, therefore, of the All-India Congress Committee, they coined a new expression—"discriminating obstruction," which is an improvement upon the "consistent, continuous and uniform obstruction" of 1923. However, as an electioneering move, and to fulfil their Cawnpore pledge, they arranged for a demonstration on the 8th March.

**President's Action.**

'This was cleverly stage-managed, but if it was an unprecedented move, the action of Mr. Patel on that day over-shadowed the withdrawal. It was in feverish heat that the non-officials at Raisina discussed Mr. Patel's challenge, and his recantation the next morning was still more noteworthy. It saved a constitutional crisis, but it also proved that emotions had the better part of Mr. Patel's judgment, while the Swarajists were thus putting back the hand of the clock, the Independents too lost themselves on occasions. Their conspiracy of silence during the General Budget discussion, and their motion for omission of the Executive Council vote are the direct outcome of a desire not to be left behind in the race for catching the vote of the electors. It is this wavering mentality of the Independents that is their greatest weakness; it is responsible for the loss to the party of some prominent members like Mr. Rangachariar and Pundit Malaviya.

**State of Political Parties**

'The session that concluded on the 25th March has proved that political parties are again in a state of flux, that no organised body of opinion with any substantial chance of retaining its hold on the people with a solid programme of constructive work is yet in the field. Party dissensions and discussions for floating new groups are proofs themselves of the work that the reformed constitution is doing in making the people realise the value of the vote. That a fresh enquiry under such circumstances will not be fruitful is apparent. For the moment the Swarajist withdrawal and Independent vacillation dominate the political situation. They may have to reconsider their attitude next session on motions regarding the Taxation Enquiry Committee's Report, the Mercantile Marine Committee's Report and proposals for amending the Devolution Rules regarding the redistribution of income-tax receipts. If they do not, their betrayal of the popular cause will be writ large". (From the *Pioneer Mail*, Allahabad.)

# Swarajists in the Assembly.

**The following Congress Bulletin was issued reviewing the work of the Swaraj Party in the Assembly during the years 1924-26 :—**

It was in the year 1923 that a party of Congressmen headed by the late lamented Deshbandhu Das first seriously realised the necessity of nationalising the Indian Legislatures by filling them up with strong Congressmen pledged to a radical programme of consistent resistance to the Bureaucracy and thereby hastening the early advent of Swaraj. A programme was chalked out by the leaders of the New Party i.e. Swaraj Party which included amongst other things a consistent policy of continued obstruction in the Legislatures by creating constitutional deadlocks and by bringing pressure upon the Bureaucracy with a view to enforce the National Demand and press for a satisfactory and adequate response.

In the General Elections of 1924 the Swarajists successfully competed against their Liberal, Moderate and Co-operationist rivals and when the results of the Elections were announced they were found to be the strongest popular party in the Central Legislature having secured a majority of the elected seats of the Assembly.

Next to them, in point of strength was the Government Party with their official and nominated members with whom it was an unwritten rule to vote with Government in season and out of season.

## Undependable Allies.

Between these two parties came the Independents headed by Mr. Jinnah. They were a varying quantity of between twenty-five and thirty in their ranks, but without their combination neither the Swarajists nor the Government could defeat each other.

Independents as they were, undependable was their support whether for the Government or for the Swarajists. Yet it must be said to their credit, that throughout the whole of the first year they ranged themselves with the Swarajists and helped them in defeating the Government on many a popular question and in carrying out to a certain extent the Swarajist policy of obstruction, better defined as a policy of "Refusal of supply before redress of grievances."

The National Demand was passed by a huge majority and the Finance Bill was rejected in toto. These are no doubt events of historic importance in the annals of the Indian Legislature. For a time, it seemed as though, crisis had come when the Bureaucracy cannot but yield. But alas! as the misfortune of our country would have it the Independents broke their alliance with the Swarajists and changed their policy to one of reasonable' opposition which is the other name for what is now popularly known as Responsive Co-operation.'

The Independents having changed their attitude, it became impossible for the Swarajists to defeat the Government on questions in which an opposition was necessary. Their position became rather irksome. They were pledged by their programme to a radical policy. But they had not the full strength for carrying it out to its logical conclusions. On the other hand, the Bureaucracy was found able enough to thwart the representations made on behalf of the country. There was no response for the National Demand made on the floor of the House. Still the attitude of the Independents continued to be conciliatory as before. There was no other course open to the Swarajists except to vacate their seats and walk out of the Assembly and prepare the country for the next General Elections with a view to enter the same with an absolute majority. And this they did on the immediate advice and authority of the Congress.

Now that the General Elections are coming near we must take into account what all the Swarajists did in the Assembly in pursuance of the programme of work which they presented to the Electorate on the eve of the last Elections. True they were the dominant party but unfortunately they had not the full strength of an absolute majority to carry out all that they desired. And yet it can proudly be said without any fear of contradiction that they had done meritorious service by giving the best and the strongest representation to the popular grievance and by carrying many resolutions of paramount importance to the people. A casual survey of the noble work done by them during a short period of 2 and half years certainly reveals how amply they have justified the confidence reposed in them by their countrymen.

## A Record of Noble Work

They have :—

(1) Successfully opposed all proposals for additional taxation and unpopular legislation.

(2) Offered an effective opposition to the Bureaucracy in all their attempts to strengthen their hold on India.

(3) Successfully fought for reduction of taxation and have reduced the Tax on salt, and abolished the Cotton Excise duty and the import duty on Sulphur.

(4) Passed satisfactory resolutions on questions of National importance :—Improvement to the condition of Labour ; Protection to Native Industries ; Removal of racial distinction : Railway grievances of Indians abroad ; Economic conditions and Subordinate Services.

(5) Successfully fought for the repeal of Repressive laws *i. e.*, (1) Bengal Regulation 111 of 1818 ; Criminal Law Amendment Act of 1908 ; (3) Bengal Ordinance I of 1924 ; (4) Bengal, Madras State Prisoners Act of 1850 ; (5) Prevention of Seditious Meetings Act of 1921 ;

(6) Passed various resolutions for the release of political prisoners ;

(7) Effectively carried out retrenchments, have always voted against all undue rise of expenditure ; have thrown out the Lee Commission recommendation ; and many other items of expenditure which Government wanted to load on the heads of the Indian Tax payer ;

(8) Reiterated the National Demand on the floor of the House ; have thrown out the Budget on a policy of refusal of supply before redress of grievances.

(9) Last but not the least they have instilled the legislature with a Nationalistic life by their courageous utterances and patriotic resolutions. But for them the Council would have been the old dumb society recording the sweet wishes of the Bureaucracy just like our 'moderate' friends who in the first three years of the Reformed Assembly (1921-23) helped the Bureaucracy in its relentless repressive policy and were responsible for an additional taxation to the extent of some 60 crores on the already overtaxed poor country.

(10) The Swarajists by their incessant patriotic activities and by the courageous stand they took on all the National questions, effectively prevented the Indian Legislature from being used as a weapon by the Bureaucracy against Indian interests.

[Here is a short but detailed summary of the important resolutions passed in the Assembly (1924-26) which is by itself a record of great public service and patriotic activities of the Swarajist Party.]

Activities within the Central Legislature

(1) The passing of a motion calling for a Round Table Conference to recommend a scheme for establishing Responsible Government in India. (Government opposed but was defeated)

(2) The rejection of the Finance Bill as a protest (political) against the attitude of the Government in relation to constitutional advance.

(3) The passing of a resolution asking for an enquiry into the grievances of the Sikh Community.

(4) The passing of the resolution for the repeal of the Bengal Regulation III of 1818.

(5) The passing of a resolution for the repeal of the Criminal Law Amendment Act of 1908.

(6) Resolution for imposing a countervailing duty upon the South African Coal.

(7) The passing of a bill for the effective protection of the Steel industry in India.

(8) Rejection of the Lee proposals providing enhanced position and pay to the vested services.

(9 The rejection of the proposals of the Government for the appointment of a Taxation Enquiry Committee, and passing a resolution for the appointment of a Committee to enquire into the Economic recources of the country.

(10) The passing of a resolution for the abolition of the Cotton Excise Duty in the teeth of Government opposition.

(11) The separation of Railway from General Finance.

(12) Passing of a resolution for the suppression of the Bengal Ordinance I of 1924.

(13) Passing of a bill for the final repeal of the Bengal, Madras, Bombay State Prisoners Act of 1850 ; the prevention of Seditious Meetings Act of 1921.

(14) Passing of a bill for the amending of the Railway Act against the reservation of railway compartments for any particular community.

(15) A measure for the deprivation of the privileges of the colonials in respect of criminal trials brought by Mr. Patel was adjourned "sine die" at the last moment by the desertion of the Independents.

(16) Swarajists successfully opposed the constitution of a Supreme Court in India which meant an additional burden to the Indian Tax payer.

(17) Passing a resolution for the establishment of a Military College in India; and calling for a Committee to report on the steps to be taken in that direction; and for the rapid indianisation of the army.

(18) A motion for the rejection of the Railway Board was defeated owing to the desertion of the Independents.

(19) Refusal of the Travelling Allowance of the Viceroy's Council as a vote of censure on the entire administration for their irresponsive attitude towards the national demand.

(20) Passing a resolution to regulate the entry and residence in India of persons belonging to various other parts of the British Empire as a protest against the British White Paper on Kenya question.

(21) The adoption of resolution that Government do answer all important non-official questions that are put with regard to subjects over which the Governor-General in Council has control.

(22) Passing a resolution for the removal of all restrictions in the way of Mr. Horniman's return to India.

(23) Motion for adjournment of the House to discuss the massacre at Jaito was disallowed on technical reasons. Thereupon the Swarajists and Independents walked out of the Hall in protest of the high-handed action.

(24) Passing a resolution urging the release of Sirdar Kharak Singh.

(25) Passing a resolution urging the unconditional release of Moulana Hasarat Mohani.

(26) Refusal of demands to the extent of Rs. 4-half crores during discussion of Budget grants with a view to effect retrenchments.

(27) Passing a censure motion of adjournment against the refusal of pass-ports to Ali Brothers' delegation proceeding to Angora.

(28) Passing of the Steel Industry (protection) Act providing for the levy of a protective duty upon imported steel and also for the grant of bounties on some Native-made steel goods.

(29) As a protest to the Viceroy's address (inauguration of the Second Assembly) the Swarajists effectively boycotted the garden party organised by A. C. Chatterjee to meet the Viceroy and Countess of Reading.

(30) The Workmen's Compensation Act was brought into effect from July 1924. The Act gives facilities to workmen in factories getting compensation on accidental circumstances.

(31) Greetings to the Labour Party on its coming to power in British Administration.

(32) Swarajists opposed the introduction of a bill for Registration of adoption and finally the motion for the introduction of the bill was negatived.

(33) Swarajists opposed the introduction of a bill to (1) fix the duty on salt; (2) to raise the postage to the maximum limit (3) to fix rates of income tax, etc. and the bill was negatived by 60 to 57.

(34) An adjournment motion to discuss the situation created by the introduction of the Class Areas Bill in South Africa was disallowed on the reason of the subject being not a matter of urgent public importance.

(35) The abolition of the import duty on Sulphur.

(36) Motion of adjournment expressing indignation at the judgment of Justice MacCardie in O Dwyer vs Sankaran Nair case in which the judge exonerated the conduct of O'Dwyer and General Dyer. The motion was declared out of order and hence disallowed.

(37) Resolution to institute an enquiry regarding the grievances of the subordinate employees of Indian Railways was adopted.

(38) Introduction of a bill for the prohibition of import, manufacture and sale of liquor in India.

(39) Swarajists opposed the Resolution regarding enhancement of salaries of the two members of the Judical Committee of the Privy Council and the same was negatived.

(40) A Resolution for disallowing the Burma Expulsion of Offenders' Act 1925, (an anti-Indian legislation) was passed.

(41) A Resolution asking for the early redress of the grievances of Indians in Tanganyika was passed.

(42) Resolutions (1) for imposing a protection duty on imported paper and (2) to provide for the fostering and development of the Bamboo-paper Industry in India were passed.

(43) Resolution for the removal of disqualifications for political offenders was passed.

(44) Resolution for the provision of conveniences for Railway passengers was passed.

(45) Resolution for appointing a Committee to enquire into the Indian Currency question was passed.

(46) Resolution for the appointment of a non-official committee to enquire into and suggest remedies for the existing evils of unemployment was passed.

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## 1.—General.

**The following is a short resume of the Swarajya Party's workin the Second Reformed Assembly, 1924-26, and was issued by Mr. A. Rangaswami Iyengar, General Secretary of the A. I. C. C., in connection with the Election Manifesto on October 1926.**

**The Firsr Session—Joint Nationalist Party.**

The Swarajya Party of the Indian National Congress in the Assembly started their work in the first session of the last Assembly in 1924 with a party strength of 43 Swarajists and three Burmese associates who had come with a clear mandate to vote with the Swarajists. The other elected members were, as Pandit Motilal Nehru once described them, "either independent of one another or very much dependent on Government and its friends." It was clear from the outset that Swarajists could not do any effective work in accordance with their programme unless they were able to form a coalition with the Independents. In the negotiations that eventually led to the formation of the coalition that went by the name of the Nationalist Party which carried on joint work in the Assembly for over three sessions, it was made quite clear that no coalition was possible for the Swarajists unless the non-Swarajists agreed to join in presenting the National Demand to the Government and to pursue a policy of obstruction and refusal of supplies in the event of the Government not making a satisfactory response thereto. "Put your demand as low as you like," said Pandit Motilal Nehru, "but once you adopt and put it forward there will be no going back on the policy of obstruction and refusal of supplies in the event of the Government failing to make a response to our satisfaction." This was in substance accepted by the Independents, and the Joint Party programme was based on this fundamental ground described in the following words :—

"If the Government do not make a satisfactory response to the resolution demanding reforms within a reasonable time, the Party (Joint Party) will then be bound to a policy of obstruction and will put the policy into operation at the earliest period when the demands for grants are made by the Government, by refusing supplies, provided the party decide by a majority of three-fourths at a meeting specially to be convened for the purpose that the response if any, made by Government is not satisfactory."

**The National Demand and the Rejection of the Budget.**

The Joint Party that subscribed to this policy was 70 strong and indeed it had further accession to its ranks so far as supporting the National Demand was concerned. The well-known Resolution on the National Demand for Self-Government was carried by a majority of 76 to 48 against the Government on the 18th February 1924.

The response of the Government was not merely unsatisfactory, but decidedly unfavourable. When the Nationalists, therefore, decided by the requisite majority early in March that the response made by Government

was unsatisfactory, the policy of obstruction by refusal of supplies was promptly put into operation on the first day (March 10, 1924) Budget grants were asked for. The demand under Customs, Salt, Income-tax and Opium were successively rejected *en bloc*: and the Government was confronted with a situation for which they had no parallel.

But in the very hour of success, the leading Independents changed their mind and refused to continue further the policy to which they had pledged themselves at the inception of the Nationalist Party. In order to save the Joint Party from premature death, it was decided to take the first day's obstruction as sufficient to establish the principle of 'grievances before supplies' and to let the rest of the Demands on other grants take their usual course. The Swarajya Party, however, did not participate in the proceedings, except to join in defeating Government. The joint Party, however, again mustered strength on the 17th of March and under the lead of Pandit Madan Mohan Malaviya, who had re-changed his mind under some divine inspiration, they carried by the joint votes of both the parties, his motion for the total rejection of the Finance Bill. It is unnecessary to describe what the Government did over these rejected grants and Finance Bill. They resorted to their full powers of certification and restored them; but it is necessary to record here that the steadiness and firmness with which the Swarajists maintained their ground obliged the Viceroy not to carry out the threat of the Finance Member, of not reducing the Salt tax in preference to giving relief in Provincial contributions. The reduction of the Salt tax was the definite tangible relief to the poor accomplished by the Swaraj Party, even while pursuing the policy of obstruction to achieve the larger end.

In the first session, therefore, of the last Assembly, the whole of the Swarajist policy was fully carried out and stood vindicated out of the mouth of the most eminent Independent in the Assembly, namely Pandit Malaviya, and the session thus closed with this manly stand of the Nationalist Party for popular rights. The session was also noteworthy for some important resolutions carried by large majorities which were moved by the Swaraj party, for the release of Political prisoners, for the repeal of Repressive Laws and for the removal of the ban on Mr. Horniman. But perhaps, the most significant event in the history of the first session of the Assembly was the unconditional release of Mahatma Gandhi on the eve of the day when the Assembly was to have moved its demand for Mahatmaji's release with a force and strength that the Government well knew would have been overwhelming. It was, indeed, the first definite acknowledgment and recognition on the part of the Government of the fact that the Swarajists had come into the Assembly as a power of the people to be reckoned with.

**The Second Session—Steel Protection.**

The second session of the Assembly was a short one and was mainly concerned with the proposals of the Government for the protection of one of the great key industries of India, namely, the production of Iron and Steel. The leaders of the Swaraj Party had in the meantime conferred with Mahatma Gandhi at Juhu and in view of the varying attitude of the bureaucratic Government and of the recent developments in the political situation in India and in the light of the experience gained in the Assembly and in the various Councils, they restated the policy and programme of the party in the words which are referred to in the manifesto. It included as the

public are well aware, action to promote the constructive programme of the National Congress and the pursuit of a definite economic policy against exploitation and in furtherance of national industrial development. It also laid down the taking of steps for the protection of the rights of Labour. In pursuance of this programme the Swaraj Party succeeded in improving the Steel Protection Bill so as to give effect to the policy of the party. In particular, it obtained on this occasion from the Government an undertaking for the appointment of a Committee to examine the question of the importation of foreign capital into the country. In the meanwhile, as a result of the programme so far carried out in the Assembly in connection with the National Demand, the Government proceeded to appoint the Reforms Enquiry Committee of which the Leader of the Swaraj Party, Pandit Motilal Nehru was also invited to become a member. But neither its terms of Reference nor the manner of its composition could in any sense be deemed to be any response to the National Demand, and the Swarajist Leader promptly declined the invitation. The Government enquiry, however, proceeded and the evidence that was given before the Committee by those who co-operated and worked the Reforms sincerely and for all they were worth, proved to be a startling confirmation of the position taken by the Swarajists all along, *viz.*, that Dyarchy is a thing of evil and has been an utter failure even as an experiment in the introduction of Self-Government by stages.

**Third Session—The Lee Commission.**

The third session of the Indian Legislative Assembly was dominated by the Lee Commission recommendations which involved an addition to the emoluments of the alien bureaucracy of over 1½ crores annually, payable from out of the tax-payers' money. Pandit Motilal Nehru moved the rejection of the recommendations in a great speech that impressed many waverers outside the party and the motion was carried by the over-whelming majority of 68 to 46. The session, however, did not terminate without one more triumph for the Swarajists. That was the motion by which the House carried Mr. Patel's Bill for the repeal of the Indian Criminal Law Amendment Act, otherwise known as the Samiti Act, by which associations including Congress Committees had been declared unlawful by the Government, and great leaders like Desabandhu C. R. Das and Pandit Motilal Nehru and patriots in their thousands had been sent to jail by the Government during the dark days of repression in 1921-22. There was also another victory for the Nationalists recorded during this session in the resolution which was carried in the House without division for the repeal of Excise Duty on Cotton goods.

**Formation of Separate Independent Party.**

The mentality of the Independents in respect of any strong joint action continued to be unsatisfactory and it eventually led them to organize themselves as a separate party. When the fourth session of the last Assembly opened in Delhi, the Swarajists found themselves unable to put their policy into operation jointly with the Independents, unless they agreed to accept a revised rule regarding refusal of grants propounded to them by the Independent party in the following terms:—

"Every members of the Party—

(*a*) shall ordinarily vote on all matters which have been made party questions in accordance with the decision of the Party arrived at by not less than

a two-thirds majority of members present at a meeting of which previous notice has been given;

(b) is expected to be guided on all questions which the Party has not considered, by the instructions of the Executive Committee or the Emergency Committee.

Provided that, in the event of the Party desiring to resort to a policy of obstruction including refusal of supplies or rejection of Finance Bills, no such decision shall be taken in the Nationalist Party unless both the Swaraj and Independent Parties have separately met in the first instance and decided at their respective meetings to make it a party question. If their group does not desire to resort to a policy of obstruction or of refusing supplies, the Nationalist party shall not make it a party question. In that event either group will be free to act as it may determine."

**The Fourth Session—Breakaway of Independents.**

It was clear from the outset that the Independents had definitely resolved not to follow the policy they had agreed to pursue in the previous year and were making it practically impossible to put into force, by the alteration of the rule as above stated. Accordingly, when the stage for the consideration of the Budgets, Railway and General, came, the joint agreement on which alone a policy of obstruction and refusal of supplies could be resorted to, was not only not forthcoming, but the Independent party definitely resolved to oppose the motions of the Swarajists based on the principle of refusal of supplies. The Swarajists, however, adhered to the principles which they had all along adopted and they again put them into operation by moving the rejection of grants both in respect of Railway and General Budgets. The Independents did not even remain neutral. They actually chose to oppose the motions and thereafter the joint Nationalist Party virtually broke up and the Swarajists were left to carry out their programme as best they might. But the controversies and the differences that arose soon revealed the real hold of the Swarajists on the country as compared with the Independents. After the conclusion of the Delhi session of 1925 as many as eight Independents who were not in the Swaraj Party previously openly joined the Swaraj Party so that in the Autumn session in September, the strength of the Swaraj Party in the Assembly stood at 56.

In spite of this pronounced cleavage between the Independents and the Swaraj Party that developed during this session of 1925, the Swaraj Party were able to carry important resolutions and motions on legislative proposals against Government and on these, on most occasions, the Independents had necessarily to support them and vote with them.

The most important of these were the resolutions demanding the release of the Bengal detenues and the Repeal of the Bengal Criminal Law Amendment Ordinance by which the Bengal Government had once more started a severe repressive campaign, in pursuance of which they had interned, without enquiry or trial, some of the most beloved patriots of the land whose innocence was to the mind of the public, transparent. Indeed, Pandit Motilal Nehru's exposition of the real inwardness of the Government's repressive policy as against the so-called anarchist organisations was masterly and was practically left unanswered by the Government spokesmen. As a consequence of this, the House also rejected the supplemental legislation proposed by the Government in aid of this repression.

The Assembly, moreover, followed up its resolution on the repeal of the Cotton Excise Duty by refusing the grant for the maintenance of the establishment employed for the levy of the Cotton Excise Duty. The Swarajists,

during this session also took active part in the debates on the Budget and on Bills as well as on resolutions with due regard to the revised programme that had been adopted by the Swaraj Party at Belgaum.

**Fifth Session—Reiteration of National Demand**

When the Assembly met for the fifth session in Simla last year, it elected as its President Mr. Patel, the Deputy Leader till then of the Swaraj Party. The principal business that was transacted was a repetition of the National Demand once again with reference to the most unsatisfactory recommendations of the majority of the Reforms Enquiry Committee as well as the important findings of the minority report of the said Committee. The National Demand was once again formulated in conjunction and after full discussion with the Independent Party who practically accepted the draft resolution of the Swaraj Party and supported the same with all their strength in the Assembly. The reiteration of the National Demand was thus carried once again by the overwhelming majority of 72 to 45. There were various other minor measures brought up in connection with which the Swarajists fought for the interests of the people and which it is not necessary to detail here.

**Sixth Session—the Cawnpore Mandate.**

When the sixth session of the Assembly began in January this year, the Swarajists had received their mandate from the Cawnpore Congress, which had endorsed and taken as its own the political programme of the Swarajya Party. Lala Lajpat Rai who had himself supported the Cawnpore resolution on this subject had been elected to the Assembly for the seat vacated for him by one of the Swarajists, and though, as he said, he was not expressly elected on the Swarajist ticket he accepted the policy and programme of the party, which, according to him, were not inconsistent with his own views, and joined the party.

There were various legislative and administrative questions dealt with in the Assembly during this session including important legislation dealing with Trade Unions, but the whole session was dominated by the decision of the All India Congress Committee on what is known as the "Walk-Out" which in accordance with the Cawnpore resolution, had to be carried out in consequence of the definite refusal of the Government to give any response to the reiterated National Demand made by the Swarajists, Independents, Nationalists and others on behalf of the country in September 1925. It is not necessary to deal here with the programme of the "Walk-Out" or to say any thing in defence of it. It has been fully dealt with in the manifesto.* It is only necessary to add that in strict accordance with the Cawnpore decision, the Swarajists attended the Assembly again to prevent the hasty enactment of the objectionable provisions of the Currency Bill. Their mere presence was sufficient to compel the Government to consent to a motion for adjournment of this matter to the next Assembly.

**Conclusion.**

From the foregoing short *resume* it will be clear that the Swarajist's record in the last Assembly has been one of conspicuous success, its main features being :—

(a) that the party presented the National Demand with the united support and strength of practically all the Indian elected representatives in the Legislature ;

* The text of the Election Manifesto will be given in the next issue of the Register.

(*b*) that the party strove to put the policy of obstruction and refusal of supplies in force when there was no satisfactory response to that Demand.

(*c*) that it throughout maintained and carried out the basic principle on which the General Council of the Swarajya Party and later the Congress has directed the party to pursue its work in the Legislative Councils, namely, "the guiding principle in carrying on all political work shall be self-reliance in all activities which make for the healthy growth of the nation and resistance to every activity, governmental or other, that may impede the Nation's progress towards Swaraj.

(*d*) that it has also achieved tangible results, beneficial to the masses of the people by

1. The reduction of the Salt Tax,
2. The reduction of the Railway fares,
3. The remission of Provincial Contributions.
4. Repeal of the Cotton Excise Duty and the imposition of the duties for the protection of the National Industries like steel and paper manufacture,
5. The enactment of laws for the protection and growth of Trade Unions,
6. The passing of resolutions for the restoring of the civil and political liberties of the people in various ways, for the release of patriots and political prisoners, and the repeal of repressive laws.

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## II.—Economic and Industrial.

Since the beginning of British Rule, India has continued to suffer from the evils of over taxation. Indian patriots like Dadabhoy Nowroji and Gopal Krishna Gokhale made repeated efforts—without much avail—to relieve the country from the disastrous effects of this grievous burden of taxation that is sapping the vitality of the vast masses of the people of this country. These evils were accentuated during the War and by 1923 the country had become saddled with additional taxation to the tune of 40 crores a year since 1914. The Swarajists in the last Assembly have fought hard for remission of taxation and during their three years' tenure, taxation to the extent of 9 crores of rupees a year has been reduced. It will continue to be the policy of the Swarajists to press their demand for substantial remissions of taxation. The Party is convinced that so far as central finance is concerned, the further reduction of the salt tax and of railway rates and fares and the restoration of the pice postcard and half an anna envelope are absolutely necessary as the first steps in the policy of bringing taxation to some extent at least in consonance with the capacity of the people to bear it. The high scale at which taxation is maintained in this country is due to the extravagance involved in a top-heavy administration, particularly owing to the appalling military expenditure

imposed on India at the dictation of the Imperial Government. The Party will therefore strenuously press for drastic reduction in all expenditure and particularly in military expenditure.

2. The Swarajya Party was instrumental in getting an enquiry into the currency of the Government. The report of the Royal Commission on Currency has failed to win the approval of the country as a whole on any material point and the attempt to fix the ratio between the rupee and the sovereign at one shilling six pence gold to the rupee, has created widespread alarm amongst the agricultural and industrial classes. There is no doubt whatever that this artificial raising of the value of the rupee will result in serious economic distress and will bring countless suffering on the already indebted agricultural population, by reducing the prices of agricultural produce and thereby cutting down the wages of the tillers of the soil. Nor will its repurcussion on our industries be less baneful. The Party will offer a most determined resistence to the passage of the proposed Currency Bill so far as its main provisions are concerned. The Party will also advocate every measure which will make the currency and exchange mechanism of the country as free from manipulation as possible. An honest gold standard, with a free market for gold and with gold in active circulation, is the ideal which the party is steadily keeping in view.

3. The industrial development of the country has always had very high place in the programme and policy of the party and all proposals for granting discriminating protection to vital national industries will continue to receive the sympathetic support of the party. Unemployment is, as is well-known, very rife in our urban population and agriculture alone does not any longer suffice to provide our growing population with their daily bread. The only sound solution is to so develop the various industries in the country that they may provide wider and wider avenues of employment to our rising generation. India with its 315 millions provides within its own borders an immense market for the products of various manufacturing industries. There is no reason why such industries should not rapidly develop if a well-thought-out industrial policy is steadily followed. The Party has consequently made this one of the most important planks in its programme.

4. It is impossible to divorce railway administration from the consideration of the economic well-being of our country. It will be obvious on the slightest consideration that heavy rates and fares are a serious impediment in the way of trade and travel. Both agriculture and industries have to suffer a heavy handicap owing to the existing railway policy and the Party is resolved to pursue the line of action which will remove the said handicap at the earliest possible time.

In general, reduction of taxation, economy in administration and resistance of extravagance will always receive the support of the Swaraj Party in the Assembly and the various Councils.

JAMNADAS M. MEHTA.

# PROVINCIAL COUNCILS

~~PROVINCIAL CONFERENCES~~

January-June 1926.

# The Bengal Legislative Council

*CALCUTTA—16TH FEBRUARY 1926.*

The second meeting of the cold weather session of the Bengal Legislative Council commenced on the 16TH FEBRUARY. Ten new members took the oath of allegiance, after which the President expressed the condolences of the Council at the death of Moulvi Nazim-ud-din Ahmed, the Maharaja of Natore, and Lord Carmichael.

At question time there was a lively altercation between Mr. A. C. Banerjee and the President, which resulted in the former being asked to resume his seat.

Bengal Village Self-Government Bill.

A number of amendments demanding greater powers to the people were moved mainly by the Swarajist members when Rai Harendra Nath Chowdhury's Bill for amending the Bengal Village Self-Government Act came up for consideration.

Mr. B. N. Sasmal moved an amendment doing away with the power of the District Magistrates to appoint chowkidars and duffadars, and to vest that power in the Union Boards.

The Maharaja of Nadia, in opposing the amendment, said that they had not advanced sufficiently in the administration of the Union Boards to be able to dispense with the control of the District Magistrates over the appointment of chowkidars. Moreover, the existence of party factions in the Union Boards necessitated the existence of outside control. Inspite of the Government opposition the amendment was carried.

Mr. Sasmal moved another amendment to the effect that the appointment and dismissal of chowkidars and duffardars should not be subject to the approval of District Magistrates. The amendment was lost.

The next amendment of Mr. Sasmal urged that the salary and cost of equipment of chowkidars should be determined by the Union Boards and not by Magistrates. In opposing the amendment, one official member said that its object was the introduction of khaddar in the Union Boards.

The amendment was carried, in spite of the official members' opposition and the Council adjourned.

Next day, the 17TH FEBRUARY, three different Bills introduced by members to amend the Bengal Village Self-Government Act with a view to taking away the powers vested in the Magistrates were rejected by the Council. The amendments were introduced with the object of securing the power of appointment, dismissal, pay and equipment of chowkidars for Union Boards. These powers were in the hands of the Executive.

In opposing the Bills Mr. L. Birley, on behalf of the Government, asked the members to consider what the results of the Bills as a whole were likely to be, and whether a very important Act should be subject to the attacks of small private Bills. If the Bills were passed the Union Boards

would appoint chowkidars without reference to District Magistrates, but the latter had the power to dismiss them. In the case of disagreement between a District Magistrate and a Union Board, there would be a most undesirable state of affairs. Eventually the motion was lost.

The Bengal Village Self-Government Act Amendment Bill was also rejected. The Bengal Fishery Preservation Bill, though adversely criticised both by official and elected members, was referred to a select committee. The Council then adjourned.

## President's Conduct Resented.

On the 18TH FEBRUARY there was an unfortunate incident which disturbed for some time the proceedings of the Council and which resulted in the walking out from the hall of all the Swarajist and Nationalist members.

The incident originated thus: A resolution was being discussed demanding representation in the Council according to the numerical strength of the different communities of the Provinces.

Sir Abdur Rahim moved an amendment asking the addition of the following words "just and proper representation of minor communities and commercial interests." The President said that though timely notice of the amendment had not been given, he would suspend the rules and allow the amendment. The Swarajists took objection to that procedure and one member described the conduct of the President as arbitrary and when asked by the President to withdraw his remark, he refused to do so. Whereupon the President asked him to leave the hall for the day. Other members, including Mr. J. M. Sen Gupta, the Swaraj Party leader, described the conduct of the President as "childish and insane." They too were asked to leave the hall. Then followed an uproarious scene, and the Swarajists and Nationalists in a body left the hall.

The resolution concerning communal representation in the Council, as amended by Sir Abdur Rahim, was then carried without much discussion.

After the motion was carried Sir Hugh Stephenson, referring to the incident, assured the President that he had the full support of the House, and suggested that, in view of the incident, and as they were discussing private business, and as the Opposition benches were empty, the debate should be adjourned. The President accepted the suggestion and adjourned the Council for the day.

### Aftermath of the Incident.

After leaving the hall, the Swarajist and Nationalist members held a joint meeting in the members' library adjoining the Council Chamber. After condemning the conduct of the President, they sent a notice of a motion urging the removal of Kumar Shibsekhareswar Roy from the office of the President of the Council.

Day after next, i.e. on the 20th February, it was announced that Lord Lytton had allowed the Swarajist motion "that Kumar Shibsekhareswar Ray, President of the Bengal Council, be removed from office" under Section 72 C(4) of the Government of India Act and fixed the 24th February for its discussion.

Following the announcement of Lord Lytton's decision the Swarajist members of the Council, at a party meeting held on the very day, decided to attend the Council from Monday the 22nd, and on Wednesday 24th to move

the resolution, and press it to a division. A number of prominent Nationalists were also present at the meeting.

## The Budget for 1926-27.

On the 19TH FEBRUARY none of the Swarajist and Nationalist Members attended the meeting of the Council. At an informal party meeting held on this day they decided not to attend the Council meetings unless their motion for removal of the present President was allowed.

The attendance was very thin. In an almost empty House the Hon'ble Mr. Donald read his lengthy Budget speech and took about an hour to finish it. In presenting the Budget Mr. Donald said :—

We start the year 1926-27 with a sum of Rs. 23,63,200 in our balances. Of this, Rs. 10,70,000 appertains to the Famine Insurance Fund. To this Fund we are required to contribute annually until the accumulated total reaches six times the amount of the annual assignment, when we may suspend temporarily the provision for annual contribution. That limit will be reached next year provided no unforeseen calamity occurs necessitating expenditure from the fund, and further contributions will then be unnecessary. Revenue in the year 1926-27, excluding loan operations, I anticipate at Rs. 10,76,78,000, an increase of about Rs. 17 lakhs over the revised estimate for the current year. Rs. 11 lakhs of this arises from the change in the 'kist' date in certain estates in Burdwan. This is not really an increase in revenue. The remainder comes principally from stamps. Excluding loan operations our ordinary receipts for 1926-27 are : Estimates at Rs. 10,76,78,000, against Rs 10,59,84,000, the revised figure of 1925-26.

The expenditure which we contemplate in 1926-27, exclusive of expenditure outside the revenue account, amounts to Rs. 10,97,29,000. This is Rs. 29 and three-fourth lakhs over the expenditure in 1925-26 as passed by the Council last March over Rs. 52 lakhs in excess of the revised estimate of the current year, and Rs. 20 and half lakhs over and above our anticipated revenue. We are drawing on our balances to the extent of Rs. 20 and half lakhs. If we were to allow merely for the development of the existing activities, our expenditure would be Rs. 10,45,47,000 and should be budgeting for a surplus of Rs. 31,31,000.

### Expenditure on New Schemes.

We propose utilising this surplus and drawing on our balances for the execution of new schemes involving an ultimate expenditure of Rs. 11,58,000 recurring and Rs. 66,36,000 non-recurring, of which Rs. 9,35,000 recurring and Rs. 43,17,000 non-recurring will be required in 1926-27.

In addition to the expenditure I have already mentioned, the Budget for 1926-27 provides for expenditure of Rs. 28 and three-fourth lakhs outside the revenue account, Rs. 5 and one-fourth lakhs for the repayment of loan to the Government of India, Rs. 6 lakhs for loans to local bodies, co-operative credit societies and cultivators, about Rs. 9 and three-fourth lakhs for the Calcutta Police buildings, Rs. 4 and half lakhs for the Damodar Canal Project, and Rs. 3 and one-fourth lakhs for expenditure on the commutation of the pension of retired officers.

I shall now proceed briefly to describe the proposals for expenditure in 1926-27.

The provision under the head of Land Revenue is about Rs. 6 and half lakhs in excess of the revised estimate for the current year. Excise expenditure is about Rs. 1 lakh less than that of the current year.

In the Forest Department we contemplate new expenditure amounting to about Rs. 3 and half lakhs. This is required for the proper development of our forests. We cannot get full benefit of our forest resources unless we open them out and obtain greater accessibility. We should in due course reap a considerable harvest as the result of this expenditure.

### Irrigation Demands.

Taking irrigation as a whole irrespective of the manner in which the accounts are maintained—I do not propose to trouble the Council with complications of this kind—it is our intention to spend a considerable amount in the next few years. The General Administration Budget is up by Rs. 2 lakhs. This is mainly due to the provision of Rs. 2 and half lakhs for expenses in connection with elections to the Indian and Provincial Legislatures which will take place during the coming year.

There is an increase of about Rs. 1 and half lakhs in the Administration of Justice Budget, and an increase of about Rs 1 lakh in the Jail Budget. In the Police Budget there is an increase of about Rs. 4 lakhs over that of the current year. The small difference in the Presidency Police charges is mainly due to ordinary fluctuations. The main increase is in the District Executive Force in Bengal Police. We have made a special grant of Rs 1 lakh for the improvement of equipment there. A sum of Rs. 64,000 has been provided for the payment of house rent to sub-inspectors of police; a sum of an almost similar amount has also been provided to improve the pay of these officers.

In the Medical Department we propose to spend Rs. 2 and half lakhs more than in the current year. There is a sum of Rs. 1,20,000 for grant to hospitals to enable them to be improved to meet the requirements of the Medical School, and we have provided a further sum of Rs. 1,55,000 for the construction of Medical Schools themselves.

Public Health.

I now come to Public Health. We have not been unmindful of the necessities of this Department in its various activities, and the provision that we have made for this Department in 1926-27 exceeds the expenditure of the current year by Rs. 12 and half lakhs, a great advance as compared with recent years. Water supply both in municipalities and rural areas, sewage cholera, kala-azar, and malaria have each and all shared the better fortune. In the Budget of the current year the sum of Rs. 2 and half lakhs was provided for rural water-supply. Not less important at the present moment than the supply of good drinking water is kala-azar. We propose to increase the existing provision to Rs. 2 lakhs each year in the next three years, and while providing this sum in the Budget for 1926-27 we have earmarked the sum of Rs. 3 lakhs in our balances to meet the additional provision in the succeeding two years.

Agriculture also shows an increased expenditure. This Department is by no means at a standstill, and several farms are under construction, and should by the end of the coming year be in working operation. In certain matters, and in particular those relating to agricultural education, there have been some changes in policy which have necessitated recasting schemes, and they have not sufficiently matured for incorporation in the next year's Budget. We have provided, however, for the appointment of a cattle breeding expert and for the organisation of jute and paddy sale societies. The Budget provides for a total expenditure on execution of Rs. 1,39,600, inclusive of expenditure in England, which is Rs. 7 lakhs over the revised estimate of the current year. Of new expenditure, we have committed ourselves to a total of Rs. 7,68,817 non-recurring expenditure and of Rs. 4,96,862 recurring expenditure. Of this Rs. 7,66,817 non-recurring and Rs. 3,78,397 recurring find a place in the Budget for 1926-27.

Our local loan operations in the coming year are of small amount. We advance Rs. 38,000 for improving Ichakali and Maliash khals and we lend Rs. 30,000 for the organisation of paddy and jute sale societies, and Rs. 50,000 for co-operative housing societies in Calcutta. Municipalities and District Boards propose to borrow from us in 1926-27 to the extent of Rs. 1,32,000 only.

After the Budget speech was over the House adjourned to meet again

On the 22ND FEBRUARY, when the Swarajists attended the Council and took part in its proceedings. No settlement of the Thursday's incident (24th) could yet be arrived at. The Swarajist and Nationalist leaders expressed the opinion that there would already have been an end of the matter had not some "busy bodies" interfered. For a greater portion of the first period of the Council on this day the Chair was occupied by the Deputy President, while the President and several members were discussing a settlement of the incident.

The business of the Council was confined to only two non-official resolutions, both of which were carried and accepted by the Government.

The first resolution urged that a survey be made of the waterways in Bengal and definite schemes be formulated for the improvement and maintenance of such of those waterways as may be found to have deteriorated or to be deteriorating.

The second resolution recommended that immediate steps be taken to

make physical culture compulsory for students between 12 and 18 years of age in all schools affiliated to the Calcutta and Dacca Universities.

On the 23RD FEBRUARY, the Council re-assembling, further negotiations for an amicable settlement of the Council affair proceeded the whole day. The proceedings of the House went on in a thin house presided over by the Dy. President.

Though no definite settlement had yet been arrived at, it was stated that Mr. J. M. Sen Gupta, Swarajist leader, is agreeable to withdraw the resolution urging the removal of the President, provided the latter expressed regret for what had happened in the Council on Thursday last.

Seamen's Un-employment.

The whole of this day was devoted to the discussion of non-official resolutions.

Mr. M. Daud urged for a Committee, to enquire into the causes of unemployment among seamen and to advise what remedial measure should be adopted. The resolution was seconded by representatives of the Bengal Chamber of Commerce and other European members, who highly spoke of the fine services rendered by lascars during the War. The resolution was carried.

The Beggar Nuisance.

Mr. J. Campbell Forrester then moved that a committee be appointed to enquire into and report upon the desirability of taking legislative action to abate, or end, the beggar nuisance in Bengal and particularly in Calcutta.

The Hon. the Maharaja of Nadia said the Government had every sympathy with Mr. Campbell Forrester's desire to have measures taken to deal with the beggar problem in Calcutta. After referring to the various steps taken by the Government since 1918, the Maharaja stated that the Calcutta Corporation had appointed a committee to go into the beggar question. The Government was prepared to pay the most careful attention to any proposals that the Calcutta Corporation might take.

At this assurance, Mr. Forrester withdrew the resolution and the Council adjourned.

*CALCUTTA—24TH FEBRUARY 1926.*

## Motion for Removal of the President.

All attempts to arrive at an amicable settlement having been frustrated by the influence of some "invisible hand," as some members described it in the course of the debate, the motion for the removal of the Hon'ble Kumar Shibsekhareswar Roy from his office of the Presidentship came up for discussion in the Council when it re-assembled on the 24th February. Before the proceedings commenced the President repudiated the suggestion made in the Swarajist press that presure was put on him by "outside authority to take a certain line of action or to refrain from taking it," and concluded by saying that he recognised no master except the Bengal Council.

Mr. B. N. SASMAL, in moving the resolution, said that the leaders of the Swaraj Party rightly protested against the President's action last Thursday in suspending the leader of the most popular party in the House. No leader of any part had ever before been suspended anywhere in the world.

Dr. Bidhan Chunder ROY, in supporting the motion for the removal of the President, said that they had been told that the prestige of the chair must be maintained. He used the word "prestige" advisedly, and not the word "dignity," because in India when prestige entered by the front door, dignity escaped by the back door. When Dr. Roy was assured last night that the chances of settlement had been frustrated by an invisible hand, he determined that the motion must be discussed before the House, so that he might exclaim "hands off." If the motion was lost, the result would be due to Government being able to command a subservient and slavish majority. In that case, the speaker would be able to throw open the doors of the House and show to the people the figure of an elected President as a henchman tied to the Treasury Benches and clothed in a robe of prestige by a benign Government.

Mr. J. M. SEN GUPTA, Leader of the Swaraj Party, said :—"In conclusion I will tell you what we want. I want the convention of the House of Commons to be honoured in this House, namely, that the President or the speaker, once elected, should in reality be a non-party man, that he will sit in his chair with the good-will and the unanimous consent of the representatives of the people, and that he should be guided by the vote of the House in taking the extreme step of the expulsion of a man. I will also tell you what we do not want. I do not want a President to remain a party man, popped up with the continuous support of the Government Party, after election. I do not want a man to be the Speaker of this House, who depends for his future on the smiles of the Government. I cannot help believing the information I received some time ago, that the President had threatened to teach the Swarajists a lesson. I cannot help attaching importance to the information that he received warm commendations from a high personage for having pulled up Maulvi Nural Huq Choudhury on two previous occasions. Again, only recently in connection with the affairs concerning the House, he gave his word as a gentleman that he would take a certain course.

"Ordinary courtesy among gentlemen precludes me from disclosing details, but such is the strength of the red-tape supplied from high quarters, that he has had to bow to imperious pressure. I hope I have not overstated the circumstances which have made him a partisan President, unworthy to fill the chair of the speaker. I am sorry to say these circumstances have made him petty.

"Members must have noticed that, of late, how, time after time the President has with, deliberate hurry, suppressed the asking of supplementary questions by members of this House on my side and deliberately and intentionally called out the next item on the agenda. I will not multiply instances. The truth is that we have been saddled with a Constitution, the backbone of which is Dyarchy—Dyarchy not merely in administration, but even in the conduct of the President. He knows that, so long as he can bask in the official sunshine, he is perfectly safe. That is why he considers himself responsible not to the House, as is the case with every Assembly in the civilised world, but to the Governor who can protect him even from the unanimous vote of the elected members of this House. That is why he can be defiant, that is why he can ride rough-shod over the rights of the House, and that is why we desire, by this motion, to express our disapprobation and condemnation of his conduct."

Sir Hugh STEPHENSON, in opposing the motion, said the President was

the custodian of the dignity of the House, and therefore, he was unable to do anything or to allow anything that took away from that dignity. It had been said that the President went too far when he suspended the leader of the Swaraj Party. The leader of the Swaraj Party accused the Chair of childishness, and the speaker could conceive of no greater insult to the dignity of the whole House, and to say that the President should not suspend him because he was the leader of a party was to his mind an argument not easily understood. Surely the right argument was that a man who was the leader of a party should not be immune, but should be expected to show better example. In all institutions the ruling of the Chair must be obeyed. The course that had been taken would not advance the progress of the liberty in India one jot, but it would give to those who were opposed to a further advance a handle, and the motion, whether it was carried or not, would have the effect of transferring to Bengal the stigma that should fall only on one portion of the House.

After three and a half hour's discussion the motion was negatived by 15 votes, 57 voting for and 72 against it.

The Council then granted money for the Ministers' salaries for the period they had actually worked and then adjourned.

### Official Bills.

On the 25TH FEBRUARY the Council sat for about an hour and a half. Only Government business was transacted consisting of two small Bills and a resolution.

Mr. Donald introduced the Calcutta Port Act Amendment Bill, which required the Port Trust to erect shelters for deck passengers at ports where there was a regular passenger trade. The Bill was passed.

The Maharaja of Nadia introduced the Calcutta Municipal Act Amendment Bill, which gave power to the Calcutta Corporation to initiate proceedings in respect of breaches of building regulations. The Bill was referred to a Select Committee.

On the motion of Mr. J. Donald, the Council urged the Government to authorise the railway authorities to make provision in the structure of the Bally Railway Bridge to allow for the construction of roadways at a cost not exceeding Rs. 10 lakhs.

The Swarajists opposed the motion, but were defeated by fourteen votes.

## General Discussion of the Budget.

The Council re-assembled on the 1ST MARCH for the general discussion of the Budget. Thirteen non-official members expressed dissatisfaction at insufficient provision for the Transferred subjects. They complained that the greater portion of the money had been devoted to the Reserved departments, while almost nothing had been devoted to Education, Agriculture, Sanitation and Public Health. After a three hours' discussion the Council adjourned for want of a qorum.

Next day, the 2ND MARCH, the Council met in a very thin House when the Finance Member, replying to criticisms, said that it was not a deficit Budget. They were spending from their balances which they were utilising as much as possible. The question of primary education was still under the

consideration of the Government, and no definite scheme had yet been formulated.

Referring to the amusement tax, the Finance Member reminded the House that last year the Council passed a resolution urging the Government to exempt cinemas and theatres from this tax. They could not give immediate effect to it because they had still got the liability of the Provincial Contribution. In his opinion, no case for relief had been made in respect of cinemas, but so far as theatres were concerned, he announced that from the 1st April theatres would be exempted from this tax for two years, when the period of remission of the Provincial Contribution would expire.

As regards the Meston "sword," he said their position was much better to-day than before. The subject would come up before the Government of India when the latter would consider the report of the Taxation Enquiry Committee. The Government of Bengal would utilise that opportunity of bringing their case again before the Government of India for its reconsideration.

The Budget discussion then ended and the Council adjourned till the 15th March.

## Voting on Budget Grants

*CALCUTTA—15TH MARCH 1926.*

### The Swarajists' Walk-Out.

After an adjournment of nearly a fortnight, the Council re-assembled on the 15th March for voting on Budget grants. Before the business of the House commenced Mr. J. M. Sen Gupta asked the permission of the Chair (Kumar Shibsekhareshwar Roy) to make a statement in the nature of a personal explanation on behalf of his party and was promptly questioned by the President, "under what section of the law or rules of the Standing Order do you want to make a statement?" Sj. Sen Gupta asked the Chair to make this case a special one, as he wanted to make a general statement on behalf of his party with regard to the attitude of the Government towards the people during the life-time of this Council. The President agreed to this, adding that he must be short and should not introduce controversial matters. Mr. Sen Gupta then made the following statement:—

Mr. President,—Might I have your leave to make a statement in the nature of a personal explanation on behalf of the party which I have the honour to lead in this House?

You are perhaps aware, Sir, that in pursuance of the policy laid down by the Indian National Congress at Cawnpore and reconsidered and reiterated by the All-India Congress Committee at Delhi, all members of this Council belonging to the Swarajya Party will withdraw from the House to-day.

Two years ago, we came into this Council with the intention of either putting an end to the pretence of Government that they carry on the administration with the consent of the people, or so mending the system of Government as to be in accordance with the declared wishes of the people of India as expressed by the Indian National Congress. Although we have not succeeded in accomplishing the latter object, we have certainly succeeded in destroying Dyarchy. To-day no one can doubt that the Government is carried on by the agents of the Indian Civil Service without even a semblance of the consent of the people.

Let no one think for a moment that we regret the step that we have taken. On the contrary, we rejoice that our policy is justified, and is the only one that we could follow in the circumstances that the people of this country were placed in. Our policy is based

on the principle that tyranny, open and frank, is sooner destroyed than tyranny clothed with hypocrisy which makes people forget that there is tyranny at all.

But apart from tearing off the mask from the face of the Bureaucracy and showing the vicious character of this system of Government in its nakedness, we have tried to voice the demands of the country and bring into prominence the legitimate but unrealised political rights of the people. But what has been the attitude of the Government towards these demands? We asked for the release of Political prisoners—The reply was again arrests and detention of two members of this Council and nearly two hundred young men of Bengal without charge and without trial!

Even a moderate resolution brought forward by the Independent members of this House, supporting transfer of more subjects from the Reserved to the Transferred Department, although carried with overwhelming majority, was totally ignored by the Government.

Two months before his death, that far-sighted statesman, Deshbandhu Chittaranjan Das, than whom India never had a greater or a more stubborn fighter, made that noble gesture of peace at Faridpur only to be spurned by the powers that be. But perhaps it is just as well that the Government refuses to listen to our reasonable demands. Perhaps it is necessary for the speedy attainment of the freedom of our country that the Government should proceed in its mad career of imprisonment and detention of public men and workers without charge and without trial, and attempt to tighten its grip on the nation more relentlessly and ruthlessly, so that the nation may feel evermore the absolute necessity of immediately putting an end to the system of government under which such things are possible.

We go out to the country to seek her approval of the policy that we have so far followed in this Council. We go out to the country to seek her mandate on our future policy. We go out to the country to gather strength and inspiration. We go out to the country with the full faith that our countrymen will not only approve of the policy that we have so far followed in this Council, but will also strengthen our hands that the great disadvantage of being in a minority will be a thing of the past.

I do not want to peep into the future or to anticipate coming events. But even if on our coming back in larger numbers and with added strength in 1927, we find the Bureaucracy still unrelenting, still obdurate, still unresponsive to national desires, then, Sir, I have no doubt that the nation will not hesitate to employ other and more effective though quite legitimate weapons, as the last resort of a disarmed, down-trodden and oppressed people.

I beg leave of you now, Sir, on behalf of myself and the members of the party, to withdraw from the House.

Concluding his statement with these words, Mr. J. M. Sen Gupta walked out of the Chamber followed by the Swarajist members filing out in a body. A silent House listened to his statement and a still more silent House witnessed the "walk out" which created a profound impression.

Nine Independent members who had issued a manifesto intimating their desire not to participate in the business of the House from this day, were also absent. Messrs. Surendra Nath Roy, Satyakishore Banerji and B. Chakravarti (who entered the hall shortly after the "walk out") were the only Independent members who stuck to their seats after the Swarajists had vacated their seats and left the Chamber.

Notwithstanding the empty Swarajist benches and the sparsely filled House, the Government members went on merrily with their business and had all their demands under the heads, Land Revenue, Excise, Stamps and Forests passed with slight or no modification whatsoever, the amendments either for reduction or total refusal standing in the names of the Swarajist and Independent members having automatically fallen through.

### Grant for the Executive Council.

On the 16TH MARCH Moulvi Ekramul HUQ, in moving his motion refusing grant for the Executive Council, raised a constitutional question, and asked for the immediate appointment of a Royal Commission to enquire into the working of the Reforms.

Sir Abdur Rahim, supporting the motion, said that, though he did not support the immediate appointment of a Royal Commission before the Muddiman Committee, since then he had modified his views just as the Government had modified its own.

Sir Hugh Stephenson, replying, said that the Bengal Government was not directly concerned with the question. But speaking on his own account, he said if a Commission was appointed it would examine whether India was fit and ready for Parliamentary Government, and whether the foundation was strong on which a Parliamentary system could be based. From the speeches, he had not found any reason why this examination should be made now. As regards Provincial Autonomy, they were all at one with the ideal that Parliament had set before them. His conception of the position of Government was that they were here to carry on the work until India was fit and ready to take over the work from them. On this assurance the resolution was withdrawn and the Council then adjourned.

Demand for Justice.

On the 17TH MARCH, when Sir Hugh Stephenson moved for the grant for expenditure under Administration of Justice, an amendment was moved for reduction of the grant by Re. 1 to point out that there were only a few Mahomedan Officers in the Subordinate Judicial Service.

Sir Abdur Rahim said that these appointments were made by the High Court Judges, and suggested that the power of making appointments in the Judicial Service should be taken by the Government so that appointments could be made on the basis of the proportion of Hindus and Muslims in the province.

Sir Hugh Stephenson said that the High Court appointed the best men, and it was not to be blamed for there not being a sufficient number of Mahomedans in the Judicial Service. Constitutionally, he disliked Communalism in matters of appointments. But for the good of the Province, consisting as it did of Hindus and Mahomedans, it was essential that there should be a sufficient number of each community in the public services. In this particular case, he would dislike the idea of appointments being made on a communal basis. The motion was withdrawn and the Council adjourned.

Demand for Education.

On the 18TH MARCH, when the Education Demand was made, Sir Abdur Rahim moved that the grant of Rs. 3,74,128 to the Calcutta University be reduced by one rupee. He attacked the Calcutta University, which, he said, had not preserved its reputation. The Post Graduate Department was not wisely run. One thing that was essential was that they should have a sound system of secondary education. He opposed the proposal to introduce Bengali as the medium of instruction up to the Matriculation standard. If it was accepted, the knowledge of English of the students would be considerably weakened Mahomedan education would also suffer to a great extent. They wanted English to remain, at least, until a proper system of secondary education was established. Bengali literature did not contain proper educative juvenile literature, and it was foreign to Islamic culture, to which Mahomedans attache the greatest importance. It would be disastrous to Mahomedan culture if Bengali was introduced as the medium of instruction.

The amendment was under discussion when the Council adjourned to meet on

The 19TH MARCH when the discussion on the censure motion moved by Sir Abdur Rahim, proposing a cut on the Calcutta University grant was resumed. Hindu members severely critised Sir Abdur Rahim's speech as narrow in outlook, extra-parochial and ultra-communal and after an hour's discussion the motion was withdrawn. The grant was then voted.

### The Medical Grant.

The next demand was for the Medical grant, in regard to which Mr. Campbell Forrester said that although the Council had sanctioned Rs. 50,000 for a leper colony, nothing had been done by the Government.

The Maharaja of Nadia said that a European merchant who did not want to disclose his name donated Rs. 50,000, a Marwari merchant Rs. 25,000 and the Calcutta Turf Club Rs. 1,000. The site had been selected at Chandrakona, in Midnapore, for a leper colony, and as soon as the problem of water supply was solved, the work would be taken in hand. This grant, too, was voted.

### The Excise Demand.

The next and last meeting of the Council was on the 22ND MARCH, when there were only three cuts in the Excise demand, two of which were moved by the Finance Member. The real cut was a reduction in Excise demand by one rupee moved by Mr. Villiers, the European non-official representative.

### Howrah Bridge Bill.

After the Budget demands were granted, Mr. Donald, the Finance Member, presented the report of the Select Committee on the Howrah Bridge Bill which had come to the conclusion that a bridge of the cheapest possible type should be constructed, and, to that end, had amended the Taxation clauses.

There was a considerable difference of opinion on this particular clause. The Select Committee decided that the bridge should be entrusted to the Calcutta Port Commissioner, who, at present, look after the existing Howrah bridge. Ultimately, on the motion of Mr. Donald, the Council agreed to defer the Howrah Bridge Bill till the July Session.

### Calcutta Improvement Trust Bill.

The Maharaja of Nadia then introduced a Bill to amend the Calcutta Improvement Act of 1911. The object of the Bill was to amend the old Act in certain clauses to bring them in line with the Calcutta Municipal Act of 1923. The Bill was passed.

This finished the business of the session and on the authority of H. E. the Governor, **the Council was prorogued.**

# The U. P. Legislative Council

(*For Proceedings of the January Session See page 293*)

*LUCKNOW—23RD FEBRUARY 1926.*

The February Session of the United Provinces Legislative Council opened on the *23RD FEBRUARY.* After Mr. K. P. Kichlu, Assistant Director of Public Instruction, had taken the Oath of Allegiance, the President announced that the Agra Civil Courts Amendment Act of 1925 had received the assent of the Governor-General.

Primary Education Bill.

Rai Rajeswar BALI, Minister of Education, then presented the report of the Select Committee on the District Boards Primary Education Bill. In moving that the Bill be taken into consideration, the Minister drew attention to the fact that the Select Committee had not made any material changes in the Bill as originally presented. The Select Committee had slightly altered two or three clauses. In clause 4 of the Bill it was originally proposed that before compulsory primary education was introduced by a Board, it must pass by a vote two-thirds of the total number of members constituting the Board, a special resolution to that effect. The Select Committee had, however, altered the words "two-thirds" to "one-half."

Another important alteration had been made in regard to clause 8. The Select Committee's amendment provided that children of indigent parents should be supplied with text books and other educational requisites free of charge. That would no doubt entail a little extra expenditure, but in view of the fact that the Government were introducing the element of compulsion it was necessary specially to safeguard the interests of indigent children. The Select Committee had suggested some other minor alterations as well in the Bill.

Next day, the *24TH FEBRUARY*, the House re-assembling, consideration of the Primary Education Bill was resumed. The Bill, as amended by the Select Committee, consisted of 19 clauses with a number of sub-clauses. Over 70 amendments were on the table for discussion on this day and after over seven hours' sitting the Council disposed of a large majority of them. A number of amendments were moved with the intention of altering the provisions of clause three of the Bill which relates to the issue of a notification making primary education compulsory in a particular area. As the debate could not be finished on this day, the House adjourned to meet again on

The *25TH FEBRUARY* when Mr. Hafiz Hidayet Hussain moved an amendment urging the inclusion of religious instruction in primary education as defined in the Bill. He said that nothing was dearer to the heart of a Moslem than religion and Moslem education could not be separated from Moslem theology.

Pandit Brijnandan Prasad opposed the amendment. There were a number of other speeches on the amendment, which was eventually negatived.

Khan Bahadur Fazlur Rahman Khan then moved an amendment to add a new sub-clause to Clause 17 of the Bill, which related to the powers of the Local Government to make certain rules.

Kunwar Jagadish Prasad, Education Secretary, said he was constrained to draw the attention of the House to the fact that for the first time in the Council the communal question had come vividly to the fore, and that too on such an innocent measure. He would appeal to the Swarajists, whose ideal was Hindu-Moslem unity, to rise to the occasion and to lull the spirit of communal distrust that had sprung up during the debate.

Several Hindu members opposed the amendment, but it was ultimately carried by 43 votes against 28.

The Education Minister moved that the Bill be passed. He said he regretted that the Bill had aroused communal controversy.

At this stage Mr. Hafiz Hidayat Hussain rose up and said that as a protest against the attitude of the Hindu Members who, by their numerical strength, had outvoted most

of the demands of the Musalmans including some demands which were very dear to them, he and other members of his community would take no part in the passage of the Bill. With these words all the Moslem members present left the Council.

The Bill was passed without a division and the Council adjourned till the 4th March.

## Budget Statement for 1926-27.

After a week's adjournment, the Council met on the *4TH MARCH* when Sir Samuel O'Donnell, the Finance Member, presented the Budget for the financial year 1926-27. The following are extracts from the Finance Member's statement :—(The figures should be read *in thousands*).

I will first refer to the figures of 1924-25, and their effect on the present financial situation. As the Council are aware there is generally some difference between the revised estimates and the actual expenditure as finally reported by the Accountant-General. On this occasion, though there were as usual considerable variations in detail, the total difference which is shown in the closing balance amounted only to an increase of 2,38. The opening balance of 1925-26 thus became 75,13, instead of 72,75,—the figures originally anticipated.

The budget for 1925-26 as originally presented to the Council provided for revenue amounting to 12,89,42 ; receipts under Debt heads amounting to 2,89,24, making with the opening balance as then estimated, total receipts amounting to 16,15,41. On the expenditure side provision was made for 12,94 98, under Civil heads, and for 3,29 44, under the Debt heads, and the closing balance was estimated at 26,99. The budget as passed, however, differed substantially from the budget as presented. The Government of India made a reduction in the contribution of 56, 17, : the Council refused to vote expenditure amounting to 6, 01, and by its rejection of the United Provinces Stamp Act Amendment Bill reduced the revenue estimates by 7, 00, : and finally, as a result of the remission of part of our contribution, it became unnecessary to borrow, as originally proposed, a sum of 43 00, which was designed to cover an anticipated deficit.

The net result of these various changes was a reduction on the receipt side of 50 00, and on the expenditure side of 62 18,—giving a net increase in the closing balance of 12 18, which then became 39,17. Of this a sum of 41 92, belonged to the Famine Insurance Fund, and 27 25, was available for general purposes.

I now come to a comparison of the budget and revised figures of 1925-26. The revised figure shows a decrease of revenue of 15,37 partly counter-balanced by a small decrease in receipts of 31 which after allowing for the increase in the opening balance already mentioned, means that the receipts are more than were anticipated by 17,44. Disbursements under Civil heads are higher by 3,52, but under Debt heads are less by 26,11.

### Principal Increases in Revenue.

The net result is that the closing balance has risen by 40 lakhs : that is from 39,17 to 79,20. The results of the year, therefore, are satisfactory. The principal increases in revenue are :—(*a*) Land Revenue, 3,36, (*b*) Stamps, 11,00, (*c*) Irrigation, 6,60.

There are also numerous minor but welcome increases to which Forest, Registration, Subsidised companies, Interest, Administration of justice, Education, Medical, Public health, Agriculture, Receipts in aid of superannuation, have all contributed. On the other hand, there is one large decrease of 10 lakhs under Excise. Under this head the receipts were again overestimated.

As regards expenditure there have been increases under (1) Irrigation expenditure (1,32,) . (2) Administration of justice (1,15) ; (3) English expenditure (7,49) ; (4) Medical (99) ; Public health (2,38) ; Agriculture (1,85) , and Industries (62).

On the other hand, there have been, for various reasons which I need not describe in detail, savings under Land revenue (1,75), Interest (1,95), Irrigation capital works (20,73), Famine insurance Fund (3,30), and under Miscellaneous a decrease, already mentioned, of 7,98.

The revised figure for 1925-26 is 12,36,32 ; the budget figure for 1926-27 is 19,63,01. To these figures, however, must be added the irrigation expenditure which is shown as a deduction from revenue : when the figures become 12,89,45, and 13,42,43, respectively.

### Revenue Estimates.

I now turn to the estimates of revenue of the budget year. The total figure is 12,89.68, or 8,11, below the revised revenue estimate of 1925-26. The decrease, however, is unreal, for under the head, "Transfers from the famine Insurance Fund,"

merely represents the draft on the fund above the annual assignment of 39,60, there is a decrease of 10,71, so that the true revenue is estimated to yield 2,60, more in the budget year. Increases are expected under Excise (2,25), as the result of the new sealed bottle system; under Stamps of 3,00 the figure by which the revenue under this head normally expands, and under Irrigation of 7,73,. The only important decreases anticipated are 6,42, under Land revenue; the arrears repayable in the budget year are smaller than they were in the current year; and 5,75, under Forest, which is largely unreal, being due to a new method of accounting for a particular item.

Under "Receipts," that is under the Debt head, the estimate is 2,05,69, and includes (1) Government Press depreciation fund, 25.—This corresponds to a new item under the head "Stationery and Printing," which is explained in the memorandum. (2) Famine Insurance Fund, 23,38,—This represents repayments of takavi with its interest, and also interest on the balance of the fund, (3) Repayments of loans and advances 15,75,; (4) Appropriation for sinking fund, 3,85, and (5) Borrowings of 1,62,46, from the new Provincial loans fund (which now replaces former borrowings from the Government of India).

On this basis, revenue and receipts inclusive of the opening balance amount to 15,74,57,; whilst disbursements amount to 15,43,71,; leaving a balance of 30,86. Of this 13,83, belongs to the Famine Insurance Fund, and 25, to the Government Press depreciation fund; so that 16,78, is the amount available for general purposes.

We thus found ourselves able when preparing this budget, to provide for all sanctioned expenditure, for some new expenditure, and for a small closing balance. I cannot indeed regard the figure at which the closing balance stands in the budget as at all satisfactory.

Transfered Departments.

It has, of course, always been our policy to give the larger, much the larger share of new expenditure to the transferred departments. In each of the financial statements which I have been concerned, I have given figures which amply justify that statement The cumulative effect of this policy will be apparent from a comparison of the budget for 1921-22 and 1926-27. Between 1921-22 and 1926-27, the expenditure on Education has risen from 155 lakhs, to 179 lakhs, an increase of nearly 16 per cent.; on Medical from 21 to 32 lakhs, an increase of 52 per cent.; on Agriculture from 28 to 30 lakhs, an increase of 7 per cent.; on Industries from 7 to 12 lakhs, an increase of 71 per cent. The expenditure shown under Public health and Civil works has decreased, but the decrease is entirely nominal and is due merely to a change in our financial methods. We now provide for much more expenditure on those subjects from capital. Allowing for changes in methods of accounting, the total disbursement on transferred subjects has gone up by 50 lakhs from 356 to 406, an increase of just over 14 per cent; whilst the expenditure on the reserved subjects has increased by only 20 lakhs from 1,117 to 1,137 lakhs, or about 18 per cent. Further, the latter increase, such as it is, is far more than accounted for by the expenditure on the Sarda canal. That expenditure was in 1921-22 only 20 lakhs; it is now 105 lakhs. If we exclude that expenditure, which is of course of an exceptional character, there has been a decrease on the reserved side of 65 lakhs, or 6 per cent.

I have now explained to the Council the more important of the proposals which have found a place in the budget. Those proposals were framed on the basis of the latest figures available at the time. Since then, however, in fact during the last few days, we have received the welcome news that the Government of India intend to remit another 33 lakhs of our contribution. That remission, for which we are grateful to the Government of India, makes the financial position decidedly more satisfactory than we had anticipated when the estimates were prepared. It has of course been impossible, in the time available, to alter the estimates. But we intend to bring forward, as we did last year, supplementary estimates on the 1st April, and those estimates will provide for a very substantial addition to the expenditure budgetted for in the transferred departments.

Supplementary Estimates.

The Finance Member next presented the Supplementary Estimates for the current financial year.

The following demands were noted :—

Excise.—Rs. 1,15,162, to meet the cost of opium supplied to the Excise Department by the Government of India.

Irrigation Works.—Rs. 13,671 for the grant-in-aid to the Jumna Training and Improvement Association of Brindaban.

Interest Charges.—Rs. 10 net (gross Rs. 8,400).

Oudh Chief Court.

A demand of Rs. 1,81,274 net (gross Rs. 2,14,539,) was voted after a long discussion. The amount was made up of several items, including expenditure in connection with the High Court of Allahabad, Judicial Commissioners Court at Lucknow, Civil and Sessions Courts and fees for Special Counsel. The Council then adjourned till the 11th March.

## General Discussion of the Budget

The Swarajists' Walk-Out.

After a week's adjournment the Council re-assembled on the *11TH MARCH* for the general discussion of the Budget. Immediately after question-time Pandit Govind Ballav PANT, leader of the Swaraj party in the Council, said that, in accordance with the resolution adopted by the All-India Congress Committee, the Swarajist members of the Council would cease to function as members of the Council, except on very special occasions. He said the events of the last five years had clearly demonstrated the mentality of the Government. "Co-operation has only added to the intoxication and infatuation of the bureaucracy, and the more it fed on it the greater grew its carving for it." The Government was growing more and more unresponsive to public opinion.

The Swarajist members then withdrew and the Budget discussion proceeded.

Khan Bahadur Moulvi Fasiuddin complimented the Finance Department on the lucidity of the Budget. He was of opinion that more money should be provided for the Industries and Co-operative Departments.

Hafiz Hidayet Hussian said he regretted to notice that Rs, 11 crores had been budgetted for expenditure on Reserved subjects and only Rs. 4 crores for the Transferred departments. He urged the Government to revise the system of taxation in the light of the Todhunter Committee's report. The education policy had proved a failure. He advocated the appointment of a committee to frame new curricula for schools and colleges.

Dr. Shafaat Ahmed Khan said that borrowings by the Government were increasing every year. The time was approaching when interest on debts and the provision for sinking funds would eat up a considerable portion of the provincial revenue.

Dr. Ziauddin criticised the educational policy and urged for more expenditure. The Government had transferred its responsibility for the spread of education to the district boards and municipal boards, which was unsound.

After some more speeches the House adjourned to meet on the next day, the 12th March, when after further criticisms on the Budget heads the Budget discussion terminated.

## Voting on Budget Grants.

Voting on demands commenced on the *13TH MARCH* and continued up to the 27th March. Only one demand was put before the House and discussed on this day.

Demand under Justice.

The Hon'ble the Nawab of Chattari, Home Member, moved for the grant of Rs. 60 lakhs under the head "Administration of Justice."

Though over 70 motions for reduction of the demand by different sums had been tabled, only two cuts, totalling Rs 10,000 which were accepted by the Government, were adopted by the Council. All other reduction motions were either withdrawn or rejected and the House adjourned.

Medical Demand.

The next sitting of the Council was on the *15TH MARCH* when the Hon'ble Rai Rajeswar Bali, Minister of Education and Public Health, moved for the grant of a demand of Rs. 26,17,005 under the head "Medical" and of Rs 21,53,67 under the head "public Health." For want of time the latter demand was voted in its entirety almost without any discussion.

In presenting the medical demand, the Minister narrated in detail the results of the schemes for medical relief introduced last year. One lakh was spent in 1925-26 on two schemes, namely, a grant-in-aid for the establishment of new dispensaries and a subsidy to medical practitioners to settle in rural areas Under the grant-in-aid scheme only 9 new dispensaries were established in the whole province, and under the scheme of subsidy only twenty medical practitioners settled down to rural practice. That, the Minister said, was good for a start, and so Government had provided another lakh in the Budget for further expansion of those two schemes. Under the grant in aid

Government were agreeable to give half the recurring and half the non-recurring cost of new dispensaries in rural areas, provided the other half was raised locally. In the budget provision had been made for the establishment of five tuberculosis centres, where medical assistance and instructions for the treatment of tuberculosis would be available to the public. Government had further provided nearly one lakh for distribution to District Boards for general medical purposes.

Several motions for reduction of the demand were discussed by the Council, but the motions were generally withdrawn. Three motions effecting a total cut of the medical demand by Rs. 1,002 were adopted, and the rest of the demand voted. The House then adjurned until

Education Demand.

The *17TH MARCH*, when the Hon'ble Rai Rajeshwar Bali, Education Minister, moved a grant of Rs. 1,75,68,000 for Education. He stated that new expenditure in the Budget (as compared with the figure for 1925-26) amounted to Rs. 13,85,470 of which Rs. 5,42,878 was recurring and Rs. 8,42,592 non-recurring. The Compulsory Primary Education Bill had been passed, and the Government had lost no time in making provision for the operation of the Act. One officer was being placed on special duty to help district boards to work out details for the application of the Act in some areas. A sum of Rs. 3 lakhs (recurring) and Rs. 3 lakhs (non-recurring) had been budgetted on that account. Agricultural instruction in Middle Vernacular Schools was already in operation, and an attempt had been made to introduce manual training in selected Middle Schools. To work out the last scheme successfully, 15 teachers had been specially deputed, and were at present undergoing training in a special course at Lucknow Training College. The scheme of teaching English in vernacular schools had been very successful, and English classes had been provided in 48 district board schools. As in the previous year, the Government intended to award two scholarships to enable two students to proceed to Europe and obtain training in Western methods of teaching.

There were nearly 120 motions for reduction, but only about a third of these had been discussed when the President adjourned the meeting.

Next day, the *18TH MARCH*, the Council concluded its discussion of the Education demand and voted it. The only reduction made in it amounted to Rs. 10 only. By adopting this token reduction the Council expressed the view that the Local Government should render financial help to the Benares Hindu University and Aligrah Muslim University notwithstanding the fact that those two Universities were not provincial institutions. Although Sir Sam O'Donnell, Finance Member, pointed out that under the Devolution Rules those two Universities were concerns of the Government of India and not of the Local Government, the entire education demand, less Rs. 10, was voted.

Public Works Demand.

The Council also voted on this day demands under two other heads, namely, Civil Works (total demand Rs 4,602,545) and Public Works and other outlay not met from, revenue (total demand Rs. 5,281,807). These two demands were voted in their entirety, the reduction motions being either withdrawn or negatived.

Demand under Agriculture.

On the *19TH MARCH* Kunwar Rajendra Singh, Minister for Agriculture and Industries, moved for a grant of Rs. 28,14,350 under the head "Agriculture." In presenting the demand the Minister gave an account of the activities of the department in 1925-26 and proposed an expansion in the budget year. The Agricultural Dept. had remodelled its methods of demonstration and propaganda. Demonstration work had been organised for groups of villages. In 1925-26 eleven trained demonstrators carried out this work in 54 villages in one circle. The results were encouraging and such activities would be extended in the budget year. Attempts to enhance the produce by the distribution of improved varieties of seeds to the agriculturists were successful to a great extent.

During the past two years thirteen seed stores had been established and it was proposed to increase that number by six in the budget year. In 1925-26 the dept. distributed 71,000 mds. of seeds, as compared with 56,000 mds. of the year before. Considerable attention had been given to the cultivation of improved varieties of crops. There were in the United Provinces over eight lakhs of acre. of field under Pusa wheat, and according to departmental estimates the increased return to agriculturists from that cultivation would be Rs. 10 per acre. In other words the net additional value of wheat out-turn would be about eighty lakhs. By means of intensive cultivation of a better type of sugarcane it was estimated that the increased value of the out-turn from sugarcane fields in the three divisons of the province would be about forty lakhs. It was a

hopeful sign that the landed magnates in the province were taking a keener and more active interest in improved methods of agriculture than they had hitherto done. There were in the province over five thousand private farms which were being worked with the advice and assistance of the Agricultural Department.

After discussion the demand under the head "Agriculture" was voted in its entirety.

### Demand under Jails.

On the *20TH MARCH*, in moving for the grant for Rs. 3,26,350 under the head Jails and Convict Settlements, the Hon'ble Nawab Chattari, Home Member, referred to the reforms introduced in the current year in regard to the treatment of prisoners. The health of the prison population during the year, the Home Member maintained, was satisfactory. The death rate among convicts had declined steadily. It the year 1925 the death rate per mille was 9·9 against 21·4 in 1921. Expenditure on prison population was Rs. 86 and a quarter per head compared to Rs. 123 per head in the Punjab, Rs. 155 in Bengal, Rs 150 in Bombay, and Rs. 109 and a half in Madras. Sunday was observed as a regular holiday for all prisoners throughout the province, and children up to six years of age were now allowed to stay with convict mothers.

Only a few motions for reduction of the demand were moved, and only those that were accepted by the Government were adopted by the Council. The total cuts effected amounted to only Rs. 12,000. The demand, less this amount, was voted.

### Demand under Excise.

In presenting the next demand of Rs. 13,67,500 under the head Excise, the Hon'ble Kunwar Rajendra Singh, Minister in charge, remarked that since 1921 the Government were doing its best to promote temperance in the province. The number of licensed shops had decreased by 43 per cent. and there was considerable reduction in the consumption of country liquor. Excise revenue had fallen from Rs 180·84 lakhs to 124·83 lakhs. Illicit distillation, however, was feared to be on the increase and the Government were making every attempt to bring the offenders to book and punish them severely.

On the motion of non-official members, the Hon'ble Minister accepted reduction motions in respect of several items. The total cut effected amounted to Rs. 52,040, and the Excise demand, less this amount, was voted.

On the *22ND MARCH* the Council discussed Budget demands under eight heads of account, including Irrigation works and Registration.

### The Irrigation Demand.

When the irrigation demand was being discussed Moulvi Obidur Rahman Khan, a landholder, moved a reduction of the demand, and urged that Irrigation rates should be reduced. He expressed the view that the existing rates were excessive and burdensome to agriculturists.

Sir Sam. O'Donnell, Finance Member, drew the attention of members to the report of the Taxation Enquiry Committee, and said in that report was stated that irrigation rates in India were the lowest in the world. The Committee had made it clear that the State had been foregoing its due share of its income from this source. If the Council were anxious to reduce just taxation it must be prepared to effect a corresponding reduction in new items of expenditure.

The reduction motion was pressed to a division and inspite of thin attendance was carried by 28 votes to 22.

### The Police Demand.

On the *24TH MARCH*, the House re-assembling, the demand of Rs. 1,51,60,406 under head "Police" was discussed. Notice had been given of over seventy motions for reduction, and of them only about fifty motions were disposed of on this day.

In moving for the grant of the demand Nawab Chattari, Home Member, pointed out that expenditure per head of the population on police in the United Provinces was the least in comparison with similar expenditure in other major provinces of India. The Home Member stated that there had been an all round improvement in the work and morals of the United Provinces Police Force. Serious crimes had decreased and the percentage of convictions had steadily increased. Dacoities had come down to 789 in 1925 from 1436. In conclusion, the Home Member said that the present atmosphere of public distrust and misgiving was uncongenial to the growth of a true spirit of public service in the police force.

Not a single motion for reduction was carried on this day, but there was an interesting discussion on the question whether or not sub-inspectors should be mostly recruited from among university graduates. The House then adjourned.

Next day, the *25TH MARCH* after further discussion the entire "Police" demand less Rs. 100, was vot ed by the Council. The reduction motion of Rs. 100 was adopted as a protest against the reduction in the number and pay of village chowkidars.

The Industries Demand.

In presenting the demand of eleven and half lakhs under the head Industries, the Hon. Mr. Kunwar Rajendra Singh, Minister in charge, said that more than a year ago the department maintained only 12 large educational instiutions and 22 small institutions which received recurring grants. The number of such institutions was now nearly ninety, and so far as the number of state and aided industrial institutions was concerned, the United Provinces was now ahead of all other provinces in India, while some big institutions here were the only ones of their kind in India. It was proposed to open three new schools in the budget year and to give aid to 18 schools teaching various handicrafts. It was also proposed to place the provincial stores purchase department, which was hitherto temporary, on a permanent footing.

The entire Industries demand, less Rs. 3,900 was voted. Three other Budget demands were also voted and the Council adjourned.

The General Administration Demand.

On the *26TH MARCH* the Finance Member moved for a grant of Rs. 1,08,75,197 under the head "General Aministration." The attendance of non-official members was better than those on previous days. Rumour had it that the Swarajists would muster strong on the "Ministers' Salary" debate. Hence the Officials, Ministerialists and the non-Swarajists gathered in a large body. But the rumour had no foundation,however, as the Swarajists were believed to have decided sometimes ago that they would have nothing to do with the Budget proceedings.

In spite of the smooth passing of the Ministers' Salaries, other motions of reduction in respect of other items were adopted in the teeth of official opposition. Discussion of the demand under "General Administration" had not been concluded when the Council adjourned to meet again on the next day

The *27TH MARCH* when Pandit NANAKCHAND moved for a token reduction in respect of the provision for the total salaries of district officers. The Pandit raised discussion on the conduct of Mr. T. J. C. Acton, District Magistrate, Bulandshahr, in his dealings with the public. In the Pandit's opinion Government was either incompetent or unwilling to keep its officers within proper limits

According to the Pandit, Mr. Acton was a sound piece of Lloyd Georgian Steelframe, and as such the Council was helpless in dealing with him. The Pandit said he would not dwell on the incident in which he himself was the party and which had already been brought to the notice of the Council (This refers to the censure motion adopted by the Council in December 1925 as a protest against Mr. Acton's alleged rude behaviours to Panit Nanakchand) He would invite the attention of members to the fact that the Council debate had little or no effet on Mr. Acton. Even after that censure motion against Government, said the Pandit, Mr. Acton had behaved very rudely to another member of the Council.

Apart from his dealings with the members of the Council and local gentry, Mr. Acton, the Pandit continued, must attract the attention of the Council for his presumptuous remarks about the harmless people of the whole district. In course of a judgment delivered on 13th February 1926 that gentleman in his capacity as Collector, had recorded a Curzonian (?) judgment on people who were not in a position to protest directly Mr. Acton's remarks: "The case is distinguished even in this dishonest district by the network of perjury, forgery, and corruption which it discloses." The Pandit asserted that no judicial or executive officer had any business to pass such uncalled for sweeping remarks. The Pandit wanted to know if it was the judicial finding of the Collector in a case in which the district as whole was no party.

At this stage a breeze set in in consequence of a point of order raised by the Finance Member, Sir Sam O'Donnell who wanted the president's ruling if a judicial judgment could be discussed in the Council and if it would not amount to a reflection on the conduct of the court.

President :—I take it that the member refers to 'obiter dictum' in the judgment of a judicial officer.

Sir Sam : Is he not reflecting on the conduct of the Court ?

President : The member is referring to "obiter dictum," and not to the judgment or the merits of the case.

Sir Sam :—Is it not a reflection even if 'obiter dictum' occurs in the judgment

President :—I do not think so.

Pandit Brijnandan addressed the Chair and wanted to know if Sir Sam. O'Donnell was in order to question the ruling of the Chair.

The President said he did not think Sir Sam meant to question his ruling.

Pandit Nanakchand was allowed to proceed, and in concluding his speech remarked that if and when Government found such mental aberration in any officer, they should send him to the Ranchi mental hospital.

Sir Sam O'DONNEL assured the Council that he would have enquiries made in regard to the complaint that members of the Council had been treated with discourtesy. Regarding allegations he would only say he had not seen the judgment in question, and he could hardly believe that any officer intended to stigmatise the whole district as dishonest. He would send for the judgment and take such action as was appropriate in the matter.

The Hon'ble Rai Bahadur Lala Sitaram, President, at this stage intervened and said :—If the Chair has any right to make any suggestion in matters of this kind, I think I may say that members should proceed with a certain amount of dignity and restraint."

Pandit Nanakchand took the hint and withdrew his motion. In course of two days' discussion the Council effected cuts aggregating Rs. 224 in the demand under "General Administration" One of these cuts being adopted with a view to urge Government to reduce the number of Divisional Commissioners from ten to five. The demand less Rs. 224 was voted.

## Land Revenue Demand.

Another demand of Rs. 87,68,717 under the head. "Land Revenue" was also discussed on this day. By 23 votes against 18 the Council adopted the motion for reduction of the demand by Rs. 8,29,150 in respect of the item concerning survey and settlement. This big reduction was effected as an expression of the earnest desire of the Council, that the existing term of settlement of 80 years in the United Provinces should be extended. For want of time the remaining number of demands were voted without discussion, and the voting on Budget demands came to a close.

## The Agra Tenancy Bill

On the *29TH MARCH* the Council discussed the Agra Tenancy Bill. The attendance of non-officials was good and there were a few Swarajists. The Hon'ble Finance Member moved that the Tenancy Bill be referred to a Select Committee of fourteen, three of whom were Swarajists. Sir Sam O'Donnell pointed out that the existing act was quite unsatisfactory from the viewpoint of both landlord and tenant. It made the legal process of ejectment expensive no doubt, but this did not account for the growth in the occupancy area so much as fraud and accident. The non-occupancy tenant was still a tenant at will, and had therefore little or no protection from excessive rents. That was the tenants grievance. On the other hand the revision of occupancy rents could be only made either by comparison of rates between similar lands in the neighbourhood, or by reason of a rise in prices. This arrangement practically allowed rent to remain stationery and rendered the position of landlords economically intolerable.

New ideas, new aspirations had arisen even amongst the conservative agrarian population of the United Provinces. There was a keen realisation of grievances amongst cultivators. The draft bill proposed three radical changes. In the first place occupancy rights would no longer be acquired by the mere lapse of 12 years time. In the second place it was proposed that statutory life tenure be conferred on every tenant in chief, and on his death the right of the heir to remain on for another five years. Thirdly, the bill proposed the introduction of the system of a rester year for revision of rates the interval between two rester yeare being one-third of the normal period of settlement sanctioned for temporarily settled areas. The bill further proposed to limit each enhancement of rent to a figure one-third the previous rent. The bill proposed that occupancy tenants and ex-proprietory tenants should be allowed to sublet a holding, or part of holding, for a period of five years. A statutory tenant should be allowed to sublet for 3 years. Landholders might with certain restrictions acquire occupied land for their own cultivation for agricultural development, for roads, or erection of houses and factories. Certain clauses had been included in the bill to promote consolidation of holdings.

Sir Sam in conclusion said that in matters of tenancy legislation, there could be no greater mistake than to suppose that there was a fundamental divergence between the interests of landlords and those of tenants. They were partners in a common enterprise. It was no part of the policy of the Government to weaken the position of landlords, or take away from them anything which was their due. Government believed that landlords if they willed, would play a great beneficient part in the development of the country.

The landlords however, must move with the changing times. They must recognise and they must respond to the new ideas and new aspirations of the democratic age.

There was a prolonged debate on Sir Sam's motion and the debate had not concluded when the Council adjourned for the day to meet on the next day

The *30TH MARCH* when, after the House had re-assembled, the debate was resumed. The motion was, after a prolonged discussion, adopted by 69 votes to 1.

Land Revenue Amend. Bill

The Hon. Sir Sam O'Donnell next moved that the United Provinces Land Revenue Amendment Bill be referred to a select committee consisting of fourteen members. The bill mainly codifies the present rules and procedure, but also embodies important changes as regards the term of settlement, the percentage of revenue to assets, and the limitation of enhancements. Under the existing act the term of settlement is limited to 30 years. The bill proposes that all future settlements should be extended to forty years. The percentage of revenue to assets, according to the bill, is to vary between 35 and 45. Under the existing Act it varies between 45 and 55.

The Finance Member's motion was adopted and the Council adjourned for the day.

Hindu Religious and Charitable Endowments.

On the *31ST MARCH* a non-official resolution recommending the appointment of a committee to advise what effective steps should be taken to provide for better administration and supervision of Hindu religious and charitable endowments, was accepted by Rai Rajeswar Bali, Minister in Charge of the department, and adopted by the Council.

When another non-official resolution was being discussed the Council adjourned for the day for lack of a quorum.

Supplementary Grants.

On the *1ST APRIL* the Finance Member presented demands for supplementary grants for the financial year 1926-27. As many as 17 demands for grants, aggregating to Rs. twenty-five and half lakhs, were discussed. There was a large number of reduction motions. Most of them were withdrawn or rejected, and the demands were all voted in their entirety.

The presentation of supplementary estimates, involving such large expenditure, so soon after the voting of the budget, was possible only because of the remission of Rs. 25 and half lakhs in the Provincial Contribution. As much as Rs. 20,17,604 was for appropriation under the Transferred Heads and only Rs. 5,13,844 for the Reserved Heads.

The Municipalities Act Amend. Bill.

After a recess of four days the Council re-assembled on the *6TH APRIL* when a most important Bill to amend the existing Municipalities Act was passed after minor discussion. The amending Bill was introduced by a non-official member some months previously, to provide for the contingency when a vote of non-confidence is passed by the Board against the Chairman.

The existing Act makes no provision for such an emergency, and the board and the Chairman not agreeing with each other there is a deadlock in the municipal administration, and there is also bad blood and business suffers. Government cannot, under the law as it stands, intervene with effect in such circumstances.

The Bill as passed on this day will provide for this contingency which had actually occured in some places, and is likely to occur in the future. The Bill as passed by the Council adds, among other clauses, the following new clause to the existing Municipalities Act :—"If a board has passed, by a majority consisting of not less than one-half of the members of the board for the time being, a vote of non-confidence in its Chairman (not being an ex-officio Chairman) and at any subsequent meeting held not less than 3 weeks nor more than 3 months subsequent thereto, has by a majority consisting of as aforesaid adopted a resolution calling upon him to resign, such Chairman shall within 3 days of receipt of notice that such resolution has been adopted, submit his resignation in the manner prescribed".

After the passage of the Bill, the Council discussed some non-official resolutions, but before the day's scheduled business had been gone through the Council adjourned for want of a quorum.

Land Alienation Legislation.

On the *7TH APRIL*, after question-time, Maulvi Fasih Uddin moved a resolution recommending to the Government to bring before the Council a Bill on the lines of the Punjab Land Alienation Act during the next meeting of the Council. He declared

that such an Act, though only an artificial device with many disadvantages, was intended to protect the poor landowning classes from the strong grip of money-lenders. The principal disadvantages were that legislation of this kind placed an embargo on private property, reduced the value of land and prevented the free flow of capital. Land in the United Provinces was steadily passing from the hands of agriculturists to moneylenders.

After prolonged discussion, the resolution was withdrawn.

University Degrees and Appointments.

Rai Sahib Chowdhury Sheoraj Singh moved that immediate steps should be taken to instruct heads of all Departments that in cases of candidates who were bonafide residents of the United Provinces no distinction should be made, in the matter of all kinds of appointments, between holders of degrees and certificates of Universities of this Province and those of Universities outside it.

Thakur Hanuman Singh moved three amendments with a view to making the wording of the resolution more explicit. One of them was adopted, another withdrawn, and the third rejected The House then adjourned.

### The Council Prorogued.

On the *8TH APRIL* Rai Bahadur Lala Sitaram, the President, communicated to the Council a message from His Excellency the Governor proroguing the current session of the Council. In his message the Governor thanked the members for the public work which they had performed and in particular for having provided funds for carrying on the administration of the province during the current financial year.

Grants for Poor Houses.

A non-official resolution was then adopted recommending to Government to invite the attention of the local bodies to the desirability of instituting poor houses at convenient centres for the incapacitated poor and of providing free education, technical or otherwise for their children. Government was further asked to pay reasonable grants-in-aid to the local bodies for this purpose.

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## The January Session

The January Session of U. P. Council commenced on the *19TH JANUARY.* The business was limited to consideration of supplementary estimates and discussion of one unimportant non-official resolution. The supplementary demand of Rs. 10,000 under the head police for additional provision of travelling allowance for C.I.D., met with strong opposition from Swarajist benches led by Mr. Mohan Lal Saxena. In the course of the debate several references were made to arrests of some prominent Congress-men in connection with the Kakori conspiracy case. The demand was however voted by a majority of 31 votes.

Grants to European Institutions

On the *20TH JANUARY* the Council discussed three non-official resolutions. The first resolution on the agenda was moved by Babu SANGAMLAL and ran as follows:—

"This Council recommends to the Government not to give any monetary grant or any kind of aid and concession to institutions which exclude Indians from admission to governing bodies or managing committees, or from sharing in benefits for which such institutions have been started."

Babu Sangamlal in moving the resolution, remarked that Indians, whatever their position beyond or within the British Empire might be, should not be subjected to any restriction in regard to admission into medical or educational institutions which received aid from the public revenues.

Sir Samuel O'Donnell wanted to know if there were any specific cases to which the resolution applied.

Mr. MUKANDILAL said instances were not lacking which clearly showed that the doors of certain institutions were closed against Indians. There was an instance of the Cottage Hospital at Mussoorie which refused admission to a patient who was in urgent need of Medical attention, because the patient was not a pucca European. Then there was the example of the Ranchi Lunatic Asylum, for the upkeep of which the United Provinces

Government made a handsome contribution. Indians had no voice in the administration of that Asylum. Then there were the Cawnpore Memorial Gardens, which were maintained only to perpetuate the memory of certain unpleasant incidents, and into which Indians had no free access.

Thakur Manjit Singh Rathore, in supporting the resolution, pointed out that Indians were not admitted into the Coronation Hospital at Dehra Dun.

Rai Rajeswar BALI Minister of Public Health, said that after the Budget debate in which references were made to the Mussoorie Cottage Hospital, he made certain suggestions to the Managing Committee of that Hospital and the hospital rules were modified accordingly. There were now no restrictions against the admission of Indians to that hospital. In regard to the Ranchi Asylum the United Provinces Government had to make contribution for its upkeep under the provisions of the fundamental rules. That contribution was a non-votable item. Further there were no restrictions whatsoever against the entry of Indians into that hospital. The Government were not aware of any restrictions against Indians in the Coronation Hospital at Dehra Dun, but enquiries would be made, and if it would prove necessary things would be remedied in accordance with the wishes of the Council.

Mr. Mukandilal moved an amendment to omit the word "Governing Bodies" in the resolution.

The amendment was accepted by the House. The resolution, as amended, was, after further discussion, put before the House and carried without a division.

Moslem Marriages.

Dr. Safaat Ahmad KHAN then moved: "That this Council recommends to the Government to make effective provision for the compulsory registration of marriages among the Moslems of these provinces."

The Raja Sahib of Salempore moved an amendment recommending to the Government to appoint a committee of Moslem members of this Council and of the leading Ulema and Mujtahidin in order that the said committee might recommend suitable measures for making compulsory registration of marriages among Moslems of the United Provinces.

After some further discussion the resolution as amended by the Raja of Salempore, was put to the vote and carried.

Amendment to Standing Orders

On the *21ST JANUARY* Pandit Brijnandan Prasad MISRA presented the report of the Select Committee on the proposed amendments to the Standing Orders, and moved that the Select Committee's report be taken into consideration. Mr. Mukandilal moved that the consideration of the report be postponed, but the amendment was rejected, and the Council proceeded to discuss the proposed amendments.

Sir Samuel O'Donnel moved three minor amendments which were adopted by the Council. He next moved that sub-clause 4 of Clause 2 of Standing Order No. 16 be amended. The existing sub-clause ran as follows:—

"A member when speaking must not reflect upon the conduct of His Majesty the King or the Governor-General or any Governor or any Court of Justice." The Select Committee recommended the addition of the following proviso to the sub-clause, "but this does not preclude criticism of their official conduct."

Sir Samuel O'Donnell said that he did not favour this proviso, but moved an amendment substituting the following for the existing sub-clause: "Reflect upon His Majesty the King-Emperor," "Reflect upon the Governor-General or any Governor (as distinct from his Government)," "Reflect upon the conduct of any Court of Justice in the exercise of its Judicial functions.." The Finance Member, in support of his amendment said that such provision were to be found in the standing orders of the Punjab and Bombay Councils.

The Swarajists opposed the Finance Member's amendment, and defended the Select Committee's amendment.

Sir Samuel O'Donnell replying to the debate, admitted that his amendment, if adopted, would make no substantial difference to the existing Standing Order. His intention was to divest the Sanding Order of its vagueness. With the exception of perhaps some extreme Swarajists no one in the Council ever harboured any intention of reflecting upon the conduct of His Majesty In regard to reflections upon the Governor, he would point out that under the Constitution the Governor was not a member of the Council, and as such there should be no direct attack upon his actions. The Governor was not in a position to reply on a Council debate, nor was there any one in the Council

who could represent His Excellency in such debates. It would be unfair and unjustifiable to have the Governor's actions criticised in a Chamber where he was totally unrepresented. There were certainly representatives of the Government as a whole in the Council, and as such the actions of the Government, as distinct from the Governor, could be criticised in the speeches in the Council.

The House divided on Sir Samuel O'Donnell's amendment, and 36 members voted for it and 37 against it. The House again divided on the motion to amend the sub-clause in accordance with the recommendation of the Select Committee. Thirty-six voted in favour of the addition of the proviso :- "This does not preclude the criticism of their official conduct," and 38 against it. Consequently the recommendation of the Select Committee was also rejected by the Council and the sub-clause was left unaltered.

### Confidential Papers and Returns.

After several minor amendments had been adopted Sir Samuel O'Donnell moved the omission of clause (2) of the following new Standing Order recommended by the Select Committee :

(1) Any member may at any stage after the introduction of a Bill, and before it is passed, ask for any papers or returns connected with the Bill.

(2) The President shall determine whether the papers or returns asked for shall be given.

This amendment also was carried by 31 votes to 28. After further discussion the Council passed the amendments to the Standing Orders. The assent of the Governor to the amendments was conveyed by the President to the Council on the 23rd February.

### Allahabad University Amend. Bill.

Pandit NANAKCHAND then moved that his Bill to amend the Allahabad University Act be taken into consideration.

Dr. Ganesh Prasad moved that the Bill be circulated for the purpose of eliciting opinion thereon before the 15th March. This motion was being discussed when the Council adjourned to meet again on the next day

The *22ND JANUARY* when further discussion was resumed. Pandit Nanakchand's Bill aimed at giving the Allahabad University free scope to determine whether they should have a whole-time paid Vice-Chancellor or a part-time honorary officer. Dr. Ganesh Prasad's amendment pointed out that the Council would not be any the loser by taking into confidence the Allahabad University authorities previous to the acceptance of Pandit Nanakchand's Bill.

Dr. Ganesh Prasad's amendment was adopted by the Council and consideration of the Bill was postponed until opinion had been obtained on it.

### Government Servants and Elections.

Pandit Govinballav PANT next moved a resolution recommending to the Government to issue clear instructions prohibiting Government servants from participation in or using their influence, directly or indirectly, in the elections to legislative or local bodies, or of the chairmen of the latter, and to take disciplinary action against such of them as have acted otherwise during the recent elections to local bodies. Pandit Govindballav Pant said that if official interference in the matter of elections were tolerated the result would be disastrous so far as the working of the Reforms Act was concerned. If Government servants interfered with elections there could not possibly be any free voting. The Government themselves admitted the cogency of this argument, because it had been laid down in the Government Servants' Conduct Rules that every Government servant should keep aloof from controversial politics. In violation of this provision in the Government Servants Conduct Rules some officials had taken an active part in the last elections to the Legistive Council. There had also been considerable official interference in the recent District Board elections.

Babu Bhagwati Sahai Bhargava moved an amendment urging the appointment of a committee of the Council with a substantial majority of elected members empowered to enquire into the conduct of such officers, and to suggest disciplinary action against those found to have interfered with the recent Local Board elections,

The amendment was put to vote and rejected by 37 votes to 32, and the original resolution was passed without a division.

# The C. P. Legislative Council

*NAGPUR—4TH MARCH 1926*

**The Governor's opening Address**

H. E. Sir M. Butler, opened the Budget session of the Central Provinces Legislative Council on the 4th March 1926. In course of his speech, which was very conciliatory, His Excellency said that during the last 12 months he visited the Headquarters of 17 of the 22 districts, saw most of the more important public and private institutions, and gave over a thousand interviews, and knew something of the people of the Central Provinces and Berar, and their virtues. Everywhere he found, subsisting between the officials and the non-officials, a spirit of mutual help.

His Excellency acknowledged the large measure of support the Council had given to his Government, particularly in the matter of supplies in March and August last. His Government had done its best to meet the wishes of the Council in every way possible, and so far as provincial politics were concerned there was really little differences between them. He continued: "By this I do not mean that there are not some big questions still outstanding for settlement. There are but nearly all seem to me after investigation to be such as will permit of settlement".

"I might discuss the Constitutional issue, but I have done so before and have nothing fresh to add. By now you yourselves can judge, by your experience, how far the refusal to have Ministers has impeped the Government, and how far it has tended to retard the Constitutional development, not only of the Province, but of India generally. I have been doing something on your behalf in the Transferred Departments during the last year. I shall do this more readily, as I think we all believe in work and the value of work. I once asked a wise Indian what was the secret of a certain European officer's popularity with the people of this country, and of the confidence they bestowed so freely on him. He said shrewdly: 'Mr. so and so does not make the mistake of supposing that he understands us or our ways of thinking or of expecting us to understand his deeper feelings. He knows enough to avoid offending our susceptibilities, and is not touchy about his own; and, for the rest, is content to like us and to work with us at the things which affect our daily life'. No one who has lived and worked in India and for India can fail to have felt the truth underlying this reflection. Put Indians and Englishmen together to do a definite bit of work. It may be in the Army or the Police or during a famine or an epidemic or in the Laboratory or work in a District. Ordinarily they get on together excellently."

His Excellency then referred to the sectional feeling prevailing in the Province impeding the work and marring combination of effort. His Excellency dwelt on the amount of money available for expenditure and its allocation between Berar and the Central Provinces under the Sim settlement of 1923.

His Excellency paid a tribute to Sir Bertram Standen and Sir Moropant Joshi for the careful husbanding of their resources and for all they did for the Province during their term of office. His Excellency then made references to the liberal provisions for various improvements in Berar. He believed it would not be grudged by the members from the Central Provinces who, whilst putting forward their own special needs, had never questioned the needs of Berar. There were 9 lakhs available. 60 per cent. of the 9 lakhs would go to the Central Provinces and 40 per cent. to the Berar.

Concluding his address, His Excellency said that in the nature of things the reconstitution of the services working on the transferred side of the Government could not much longer be delayed.

## The Financial Statement for 1926-27

Mr. J. T. MARTEN, the Finance Member, then introduced the Budget for 1926-27. In doing so he showed that the revised estimates for 1925-26 indicated a decrease of Rs. 1'01 lakhs in budgetted revenue, and of Rs. 6'78 lakhs in receipts. Under Debt heads, on the expenditure side, the revised estimates showed a decrease of Rs. 14'19 lakhs in total expenditure chargeable to revenue, and of Rs. 6'39 lakhs in disbursement under Capital Debt heads. In regard to the Budget, he said that they were in an exceptionally good position. The balance amounted to Rs. 251'08 lakhs of which just over Rs. 1 crore was free. Budgetted revenue was Rs. 57,494 lakhs which was greater by nearly Rs. 19½ lakhs than the revised estimate of the present year. The total Provincial expenditure was just over Rs. 6 crores, leaving free a balance of Rs. 60'99 lakhs leaving the Government in a safe position. The excess of receipts over ordinary expenditure in the Provincial account amounted to Rs. 18'17 lakhs.

Mr. Marten said that the Government had definitely pledged itself to abide by the recommendations of the Sim Committee which regulated expenditure between the Central Provinces and Berar with the result that the proportion of divisible expenditure became 62 per cent. for the Central Provinces and 38 per cent. for Berar, while in 1925-1926 it would be 71 per cent. for the Central Provinces and 29 per cent. for Berar.

Under Education extra grants for construction of primary schools amounting to Rs. 6 lakhs in Berar and Rs. 3 lakhs in the Central Provinces were given and in the medical departments suitable grants had been provided for. There would be an improvement of existing hospitals and dispensaries in both provinces, and a grant of Rs. 1 lakh had been allocated to the main hospital at Amraoti.

Under Civil Works Rs. 2'00 lakhs had been provided for additional expenditure on road repair in the Central Provinces, and Rs. 1 lakh for repairs to Districts Council roads. Additional grants were proposed to enable the construction of bridges over the Wainganga river (Bhandara), the Purna river (Akola) and the Maniari river (Bilaspur).

In the Agricultural Department Rs. 80,000 had been earmarked for the purchase of steam ploughing tackle for experimental work firstly in the north of the Province and later in other parts.

Referring to expenditure on Irrigation Mr. Marten said that this year's new programme involved a total expenditure of Rs. 26'50 lakhs, and

resources were being increased by a loan of Rs. 25 lakhs to help to finance the irrigation programme.

With the deposit of Rs. 35·90 lakhs in the Budget year, the credit balance of the Famine Insurance Fund would be brought up to Rs. 189·24 lakhs at the end of next year, while in addition to this Rs. 9·31 lakhs would be outstanding against cultivators. In view of the recent experience of famine expenditure, on an average of the last 20 years, the Government considered that the annual assignment might be reduced to Rs. 32 lakhs.

Concluding, Mr. Marten pointed out that for a lasting settlement of distribution of expenditure they had to depend upon the expansion of their permanent resources. As they were drawing heavily on their balances for new expenditure, the position reached had not in itself the elements of permanency. With the Famine Insurance Fund completed, however, and the revisions of settlement, there should come a time when their permanent resources should be considerably enlarged. Expanding revenue could not proceed indefinitely with diminishing consumption, and there would come a time when Excise income would be, gradually or suddenly, substantially reduced.

## General Discussion of the Budget

*NAGPUR—5-6TH MARCH 1926*

On the next day, the 5TH FEBRUARY the Council resumed its sitting for the general discussion of the Budget with Rao Bahadur Naidu, the Deputy President, presiding. There were supplementary questions by Dr. Khare, Messrs. Raghavendra Rao G. V. Deshmukh and Ghaneshyam Gupta. Mr. Wilson replied that the Government was not prepared to give any information.

The debate was started by Mr. Paisley who observed that, under the Sim Formula, the lion's share of the provincial finances had to be spent in Berar, to which he objected as being a surrender by the Local Government. He urged that provisions for minor works in the Jubbulpore Division be raised. Mr Ganesh Gupta said that he could not congratulate the Finance Member, because he found no provision for any scheme to give relief to the villagers and rural areas. The primary needs of the villagers were pure water, and in that respect the Government had utterly failed.

At this stage, Mr. K. P. Pande moved for adjournment of the House, as the Members seemed indisposed and unwilling to take part in the discussion. Accordingly the House adjourned.

On the 6TH MARCH, the House re-assembling, it was announced that H. E. the Governor has approved the election of Mr. Y. M. Kale, Swarajist, who had been elected President of the Council by a majority of elven votes, whereas Sir S. M. Chitnavis got only 29 votes.

After this announcement Mr. Mitchel conducted Mr. Kale to the Presidential chair. Mr. Kale, after taking the Presidential chair, thanked the House for having elected him as their President, and assured the House that he would maintain the dignity and good traditions of the House impartially.

Resuming the Debate Mr. CHHEDILAL characterised the present budget as most unsatisfactory, because no attempts were made for economy and

very little money had been allotted for the welfare of the poor and for the improvement of the rural areas. Referring to the Public Works Department, he suggested that 50 per cent of the works of the department should be done through private agencies, as they were economical. Any increase of expenditure in the department would be resented. He suggested that an industrial survey should be made to ascertain the real condition of the country, with a view to start new industries. He urged the Government officers to abandon unnecessary touring, on which much amount was spent.

Mr. JOSHI followed and pleaded for industrial education to the sons of the soil, and said that liberal provision should be made for the improvement of agriculture for which not even 2 per cent. provision was made. Seth Shriram Shurajmal made suggestions for the improvement of cotton cultivation.

Mr. Nilkanthrao UDHOJI made certain observations on the general policy of the Government. But the Hon'ble Mr. Kale, the President, asked him to mainly restrict his remarks concerning the budget, upon which Mr. Udhoji took his seat, under protest.

Mr. MATHIAS, the Financial Secretary, reviewed all the budget provisions under different heads, and observed that the Government had done as much as it could do for the reduction of expenditure. It would be interesting for the House to know that the suggestions made by the House last year had been translated into action. Concluding, he said : I hope I have convinced this House that this is not a prodigal, but a prudent budget, not a budget designed to express the supreme contempt of the Government for public opinion, as one speaker has said but a budget which, subject to financial requirement, meets, as far as possible, the expressed wishes of this Council.

Dr. KHARE followed, and said that, in spite of the assurance to the contrary from the Government benches, he still maintained that the one feature of the budget was its supreme contempt for the voice of the people. In support, he mentioned two instances, namely, that of the Assistant Medical Officers and Tahsil clerks. Resolutions passed in the last Council for increasing their pay had not been given effect to in the budget.

Rao Bahadur JAYWANT after congratulating the Finance Member on the satisfactory budget, showed, by analysing the figures, that the Province was not capable of undertaking any large schemes of public utility. That fact and the question of the allocation of revenue for Berar, rendered imperative retrenchment in the Reserved Departments. Expansion of the permanent resources was supposed, by the Government, to be the solution of the problem but the speaker showed that not expansion, but retrenchment was the remedy. Expansion might aggravate the trouble. He advocated better methods of propaganda in Agriculture and Public Health, and pleaded that the Government should help, financially and otherwise, welfare work in, at least, some centres in the Province. He also pressed for special encouragement to the Gonds, who were the aborigines of the Province, regarding education and general betterment of their condition.

Mr. G. V. DESHMUKH followed, and expressed his hesitation to congratulate the Finance Member on the preparation of the Budget, as it did not contain any items concerning public welfare or utility. The speaker was for abolition of the Universities which produced literary men only.

After a few more speeches the Hon'ble Mr. Marten closed the general discussion of the budget at a late hour in the evening and the House adjourned.

On the 8TH MARCH, the House re-assembling, member after member put a volley ef supplementary questions, and much laughter was caused by the humorous remarks made by members. One member questioned whether the Government was a public body, and another member asked whether the official members will be allowed to be coached up by their secretaries inside the Council Chamber.

No business was transacted on this day and on the motion of Mr. E. Raghavendra Rao, leader of the opposition, the Council adjourned till next day. The Finance Member on behalf of the Government, stated that they had no objection provided the business was finished during the current week. Mr. Rao, replying, said that they wanted adjournment to suit their convenience.

[Subsequently, in a statement to the press, Mr. Rao, leader of the Swaraj Party, said that they had received a telegram from Delhi to walk out of the Council but as they formed the majority in the Council they would not walk out. They would stay on to throw out the budget and the Ministers' salaries and afterwards decide what action was necessary].

## Voting on Budget Grants

### Ministers' Salaries Refused.

On the 9TH MARCH the Council re-assembled to vote on budget grants. After a large number of supplementary questions were finished, Mr. Raghavendra Rao, the leader of the Swaraj Party, said that the demand for the Ministers' salary should be taken up first, though it appeared eighth in the list.

Mr. Marten, Finance Member, said that he had no previous notice of the motion, In the absence of any clear explanation from the Leader of the Opposition as to the reason for his proposal, he asked why the order should be changed. At the same time, if it appeared that the proposal would be convenient to the majority of the House, he had no objection.

Accordingly the President adjourned the House for half an hour for an informal meeting among the members to come to a unanimous decision. After adjournment, the President announced that as there was no unanimity on the question, the desire of the House should be declared carried. Voting was taken in which the Liberals and non-Brahmins and nominated members voted with the Swarajists. A division being claimed the motion was declared carried by 41 against 16 votes.

The Hon'ble Mr. Marten then formally moved the demand forRs. 89,000 for salary of the Ministers. He made a very short speech, and said that they would follow the declared policy of the Government, and take a constitutional position, and quoted in this connection the policy as adumbrated in the Reforms Report.

Mr. G. S. Gupta thereupon moved for reduction of the demand to Rs. 2.

Mr. B. G. Khaparde opposed the motion, on the ground that they were in favour of the Ministerial form of Goverr nent, though he was against Dyarchy and knew the evils of it. But he emphasised that they wanted to make the Ministerial form of Government responsible and full-fledged.

Sir S. M. Chitnavis, Liberal Ex-Minister, advised the Government to postpone formation of a Ministry till the general election, as a Ministry, if appointed now, would be only for a period of seven months.

Mr. Dube said that he was in favour of working the Reforms in the fullest measure, but the life of the Council was very short. It was useless to try to form a Ministry at the fag end of the Council.

Rao Bahadur Jayawant, Liberal, said a single group should not dominate over the other groups. If the Government was anxious to form a Ministry, they should consult every group. Though he was in favour of a Ministry, circumstances compelled him to vote against it.

The reduction motion was put to vote and declared carried. A division was demanded, 38 voted for and 15 against, the Liberals and nominated members voting with the Swarajists.

## Demand for Land Revenue.

The Finance Member then moved a demand (Land Revenue-Reserved) for 27,13,500.

Mr. Khaparde opposed, protesting against the motion. Mr. T. Chedilal said that the demand should be considered on its merits, Mr. G. V. Deshmukh supported Mr. Khaparde. Ultimately the demand for the grant was rejected.

Mr. Raghavendra Rao then rose from his seat and said that in deference to the decision of the All India Congress Committee, they had carried out the policy as far as they could, and, therefore, they had decided to withdraw. All Swarajist members then withdrew from the Council.

After the Swarajists had left, the business of the Council became dull and galleries were empty. Only three Responsive Co-operators and a few Independents and some Liberals remained and discussed the rest of the budget, which was disposed of quickly item by item. All the demands except those rejected by the Swarajists were passed without discussion or any division being demanded. The demand on "Stamps" was lost by the casting vote of the President. The Council then adjourned.

Next day, the 10TH MARCH, the Swarajist members who walked out the day before were absent except the four Swarajist members from Berar, who attended the Council. The Responsivists and Liberals were also present.

About 19 demands for supplementary grants were put and carried without a single dissentient vote and the whole business was over within half an hour. Mr. Marten, Finance Member, then stated that, as there were many members absent the election of the Public Accounts Committee was postponed. The House then adjourned.

## The President's Statement.

On the 16TH MARCH the Swarajist and Independent parties were found absent in their seats. Before the proceedings began the President, the Hon'ble Mr. Y. M. Kale, made a statement giving his reasons for recording his casting vote in favour of the opposition at the time of voting of the grant under Stamps. His silence at that time, he said, was likely to be misunderstood and so he took this opportunity of re-assuring the house that his ruling was not prompted by any party interests.

Th Hon'ble Mr. J. T. Marten, Finance Member, replying on behalf of the Government, expressed satisfaction at the statement made and thought that

the President was perfectly within his right in recording his casting vote on March 9. The Government felt amazement and dismay subsequently at the remarks made by Mr. Raghavendra Rao which implied that that casting vote of the President was given in a partial way. They were now satisfied at the reasons given.

[Subsequenly Mr, Raghvendra Rao informed the Associated Press that the question of the casting vote of the President had been discussed in the general aspect before Mr. Kale was adopted by the Swaraj Party in Mr. Kale's immediate presence. Mr. Kale agreed to give his casting vote in certain circumstances in favour of the party whenever such contingency arose. He was officially adopted as the candidate of the party after he had solemnly promissed to do so ].

## The Council Prorogued.

In a press communique the Publicity officer stated that after the meeting of the Legislative Council on the 16th, the members of the Government saw certain representative members of the Council present in the House, and communicated to His Excellency the Governor the views expressed by them as to the inadvisability of continuing the session for the remaining four days, for which business had been allotted.

In view of all the circumstances of the moment, His Excellency the Governor was pleased to prorogue the Council with effect from the 16th March.

## Cuts Restored

The demand under the head " Land Revenue " (Reserved), the demand under the head, " Excise " (Transfered) and the demand under the head, " Stamps " (Reserved), which were rejected by the C. P. Legislative Council, were subsequently certified by His Excellency the Governor, on the ground that the expenditure is essential for the discharge of administration.

# The Punjab Legislative Council

*LAHORE—11—13TH JANUARY 1926*

Amendment to Standing Orders.

The January Session of the Punjab Legislative Council opened on the *11TH JANUARY.* After interpellations the Council devoted two hours to the consideration of a proposed amendment to the Standing Orders by Dr. Gokal Chand, who sought to give the right of final reply to the mover of a resolution after closure had been applied to a debate, and not to the official members or member of the Government, as had hitherto been the custom in the Council in most cases.

Dr. Gokal Chand emphasised that of late non-official members had been put to great disadvantage by not having the last reply, and urged that no member of the Government should speak after the mover had replied to the debate.

Several non-official members supported the motion, while both Sir John Maynard and Sir Fazl-i-Hussain on behalf of the Government opposed the proposed amendment.

The motion of Dr. Gokal Chand, that the draft amendments be referred to a select committee, was rejected by 24 votes to 31.

Sikh Gurdwaras Amendment Bill.

Sardar Jodh Singh next introduced the Sikh Gurdwaras (Amendment) Bill, which was referred to a select committee. The Bill intends to correct some mistake in the details of Schedule I of the Sikh Gurdwara Act of 1925, and to amend Schedule 4 of the Act so as to substitute single-member constituencies for the election of the members of the board for plural-member constituencies provided for in the existing Schedule.

The Council then proceeded to discuss Government business and voted without division a demand for supplementary grant of Rs 5,000 for miscellaneous charges connected with patients undergoing anti-rabic treatment at Lahore.

The Punjab Primary Education (Enforcement) Bill and the Punjab Court Fees (Amendment) Bill were introduced, taken into consideration, and passed.

Sir Fazl-i-Hussain introduced the Punjab Land Revenue Amendment Bill and the Council then adjourned to meet again on the next two days during which non-official resolutions, which dealt more or less with matters of local interest, and the majority of which were either rejected or withdrawn were discussed. On the 3rd day, the 13th January, the House concluded its January session and adjourned *sine die.*

## The Budget Session

*LAHORE—25TH FEBRUARY 1926.*

After a recess of more than a month the Council re-assembled for the Budget Session on the 25th February when Sir John Maynard presented the Budget for 1926-27. In course of his speech the Finance Member said: The revised estimate of 1925-26 showed receipts as 1,116 lakhs and expenditure as 1,041 lakhs, giving a surplus of 76 lakhs. The total revenue receipts budgetted for the year 1926-27 are expected to be 1,150 lakhs, being an increase of 34 lakhs over last year. The chief contributing heads to this increase are excise 6 lakhs and stamps 8 lakhs. The total expenditure charged to revenue, as proposed in the budget, is 1,136 lakhs, against 1,040 lakhs of 1925-26, an increase of 96 lakhs. Taking the revenue, the receipts and the expenditure as a whole this year is expected to close with a revenue surplus of 14 lakhs and the closing balance, which added to the opening balance of the year, amounts to 63 lakhs.

Turning to the extraordinary account, the Finance Member said that they were not borrowing from the Government of India or any other source. Therefore, all capital expenditure has to be financed from extraordinary revenue, except so far as loans and advances finance themselves.

The extraordinary account opens with 111 lakhs receipts and are expected to be 131 lakhs in 1926-27, and taking 27 lakhs from the revenue account, this will balance an expenditure of 269 lakhs. The budget estimate of capital receipts and expenditure for 1926-27 had a new feature, said the Finance member, because it exhibited the province in the role of a lender (though only a temporary lender), instead of in the role of a borrower, which the experiences of late years has accustomed them.

In concluding his speech, Sir John Maynard said that last year he had pronounced his own funeral oration, but it was his good fortune that he was privileged to handle yet another Punjab Budget and he therefore made no fresh farewells. He pointed to the great asset which the Punjab possessed in her yet unalienated crown lands and those perennial waters and he drew the picture of a possible future in which electric power supplied by the rivers of the province would set her waste spaces running with industry when they did not blossom with harvest.

### Demands for Supplementary Grants.

After the presentation of the budget for 1926-27, the House voted without discussion a number of Government demands for supplementary grants. The Punjab Land Revenue (Amendment) Bill and Land Preservation Amendment Bill were referred to a Select Committee. The Montogomery District Board Bill was introduced, taken into consideration and passed and the Council adjourned till the 1st March.

### Motion Prohibiting Cow Slaughter

On the *1ST MARCH* non-Official resolutions were discussed and proceedings were more or less dull and uninteresting. The first resolution moved by Lala Gangaram recommending the framing of rules and their enforcement in all local areas, to make punishable with fine extending to Rs. 200 slaughter of all pregnant and milch cattle, and all cows, bulls, bullocks, buffaloes, draught and plough cattle, under age of twelve years, except those cattle required by Mahomedans in connection with Id celebrations, was strongly opposed by the Mahomedan members of the Council who characterised it as an absurd and impracticable resolution likely to increase Hindu-Muslim tension, and asked the mover to drop the motion, which was highly controversial. Ultimately the resolution was withdrawn.

### Vernacular and Classical Languages.

Raja Narendra Nath then moved his second resolution recommending Government to set apart four lakhs of rupees from the provincial revenue for the encouragement of vernacular and classical languages by the Punjab University. The house was almost empty and Raja Narendra Nath resumed his seat after saying a few words expressing his disappointment that the benches should be empty when he was moving an important resolution which would promote cultural unity between communities in a province whose communal tension was so manifest in these days

On the Minister of Education expressing his inability to accept the resolution, the resolution was lost.

### Government's Excise Policy Criticised.

The Council then devoted about an hour and a half to the discussion of the resolution recommending Government to abandon its present excise policy for a policy of total prohibition, and to take early steps to appoint a Committee to go into the whole matter and to suggest means to make the new policy a success.

Mr. King, Financial Commissioner, replying on behalf of Government, said that the people were not at all eager to adopt the policy of prohibition. If they were serious they could take full advantage of the Local Opium Act passed by this Council about three years ago Since that Act was passed only 19 local bodies out of 200 have asked Government to be empowered under that Act, and out of these 19 local bodies only 6 have taken further steps and have asked for the complete closure of shops in their areas, and very few electors in these 6 local areas were ready to support the policy of members of local bodies. He therefore asked the House to think many times before giving their votes in support of the resolution.

The Council was still discussing the resolution when the President adjourned the House till next day

The *2ND MARCH*, when after four hours' lively discussion the resolution, as well as the amendment moved by Dr. Gokulchand for the appointment of a Committee of officials and non-officials to consider the question of total prohibition and suggest ways and means to make up the deficit caused by the loss of excise revenue in case the total prohibition policy was adopted, were rejected by the House by an over-whelming majority. The amend-

ment of Dr. Gokal Chand was lost by 13 against 35 votes, while the original resolution was rejected by 9 against 46 votes amidst loud applause of the oppositionists headed by Sardar Jogendra Singh, Minister of Agriculture, who thanked the House for expressing its confidence in him.

The members who supported the resolution repeated the argument of the previous speakers and said that drink was an evil and it must be suppressed and Government should even take the risk of losing revenue from excise for the better well-being of the people. Those who opposed the motion pointed out ,that there was great scope yet before the reformers for educative work against alcohol and it would be unwise to forego a revenue of one crore of rupees by taking hasty steps. Mr. Dobson, opposing on behalf of Government, said that the Council could not determine by legislation what a man should eat or drink. India was the soberest country in the world compared to other drinking countries and it least required the policy of prohibition. The Minister for Agriculture said that the policy of prohibition in America had been a a complete failure.

The whole of the day being devoted to the discussion of the resolution only no other resolution could be moved and the Council adjourned till Thursday, March 4.

## General Discussion of the Budget

On the *4TH MARCH* the Council devoted fully four hours to the general discussion of the Budget for the year 1926-27. Members from all parts of the House congratulated the Finance Member on the surplus Budget, but criticised several items in the estimates. Chaudhari Dulichand criticised the "step-motherly treatment" meted out to Ambala Division, and urged the Government to give more attention to rural necessities. He condemned the indifferent attitude of the Government in regard to wiping out corruption from the public services in the province, and in this connection recalled the services rendered to the Punjab by Sir Michael O'Dwyer who made earnest efforts to stop corruption and prosecuted several high officials. Curruption had temporarily ceased in those days, but since then the Government had released its efforts in checking corruption. He asked the Government to make more adequate provisions for scholarships for children of the military classes, and requested the Government not to make many promises if they could not fulfil them.

A discordant note was struck by Syed Mahomed Husain who said that the Finance Member did not deserve any congratulation, as the surplus which he had been able to show was derived from unjust taxation and surplus money was public money and should be spent for the relieving of the penury of the people.

Sheikh Abdul Qadir associated himself whole-heartedly with the appreciative reference made by the members in regard to the surplus Budget presented by the Finance Member, and urged immediate relief from emergent taxations. He pleaded for more adequate female education in the province and asked the Government to appoint a committee to go into the whole question.

Lala Mohan Lal, while congratulating the Finance Member, strongly urged the reduction of court-fees, and better provision for the education of the depressed classes.

Rai Bahadur Sewaktam while joining in the congratulations said that the Reforms scheme had brought many troubles, the chief of which was communal trouble, and secondly, enhanced expenditure and new taxations. When he looked to these heavy taxations he liked to withhold his congratulations.

Sardar Jodh Singh took the opportunity of drawing the attention of the Government to the urgent necessity of releasing the remaining Akali leaders who were still in jail and thus prevent the waste of more public money.

The Council then adjourned till next day.

On the *5TH MARCH* further discussion on the Budget was resumed by Mir Maqbool Mahomed who urged the Finance Member to devote the surplus to beneficent departments, and towards the relief of the educated unemployed, whose number was increasing every day. The value of the graduate was becoming less. He suggested at least Rs. 50 lakhs out of the surplus for relief in that direction.

Nawab Muzaffar Khan defended the Police department against the attacks of members.

Pandit Nanakchand urged the Government to reduce taxation. He lamented the communal feeling that prevailed in the Council which was poisoning their minds. Divisions were also growing every day between the agriculturists and non agriculturists and between urban and rural inhabitants of the Province. Those who wished to see

Swaraj established in the country would at once say that their goal was yet far off. For that state of affairs he did not blame any particular section, and thought the Government was also a party to the increase of communal trouble.

Mr. Miles Irving, Financial Secretary, said that great fortunes awaited the Punjab, which they could not foresee at present, and asked the House to use the surplus money profitably.

Sir George Anderson expressed himself in entire agreement with the members who advocated the extension of compulsory education in the Punjab. During the last five years the number of pupils in the Province had increased by about 500,000, and if they went on at that rate they would have 75 per cent. of the children of the province going to schools.

Sir Fazl-i-Husain, Revenue Member, said that he was glad to know that land revenue administration had been well received by the House. It was for him, he said, a great chance to pass on from the spending portfolio to the collecting portfolio, and he collected something like Rs 9 crores to be spent on irrigation and forests, but he could not understand the reasoning of those members who complained about water rates. Water, said the Revenue Member, was a Provincial asset, and the consumer had therefore to pay to the whole of the Province. He assured the House that no effort would be spared by the Punjab Government in promoting canal irrigation.

Sir John Maynard, Finance Member, thanked the House for the good words spoken about him and his Secretary, and also for the useful criticism that had been made about the Budget. He was, however, sorry to see that those gentlemen who had made slashing attacks on the Government had somehow disappeared when he stood up to speak. Replying to the attack of a non-official member that the Government alone was responsible for corruption, the Finance Member said that he could not say how far the Government was responsible for it, but he did say that the people of the Punjab, who tolerated corruption in their own societies, were sharers in that responsibility (A voice: Perfectly right). The Finance Member characterised the charge of those people who complained about increased water rates as fictitious and said that those few people who happened to possess perennially irrigated lands forgot that there were other people in the Province who did not gain any advantage from canal water. Before resuming his seat Sir John Maynard, referring to the reduction of taxation, announced that it was the intention of the Government before the Council met in its June session to reconsider again the whole subject of taxation

The Budget discussion then terminated and the Council adjourned till the 8th March.

## Voting on Budget Grants

### The Swarajists Walk-out.

On the *8TH MARCH*, the Council reassembling, Sir Fazl-i-Hussain moved for the grant of the first demand for Rs. 42,86,000, to the Governor-in-Council to defray charges that will come in course of payment for the year ending 31st March 1927 in respect of Land Revenue.

Pandit Nanak Chand moved an amendment that the grant be reduced by rupee one with respect to an item of Rs. 7,160.

After Mr. King, Financial Commissioner, had spoken on the amendment, Dr. Gokulchand NARANG stood up in the opposition benches and made a statement explaining why Swarajists were walking out of the Council. The speech of Dr. Gokul Chand created a sensation in the House and the Swarajist members, eight in all, then left the Council Chamber one after the other.

The Swarajists' Statement.

"Sir, As might have been anticipated, the Swarajist members are not going to take part in to-day's debate. They would withdraw from the Council in accordance with the decision of the Swaraj Party in the Legislative Assembly, which has been called upon to take the step as a protest against the failure of Government to make suitable response to the nationalist demand for satisfactory reform. Considering, however, the peculiar circumstances of the province and the pledge given by them to their respective constituencies, the Swarajist members of this Council reserve to members the right of attending the Council whenever their presence is required in the interests of justice and fair play and for the safeguarding of National interests, unless they are expresely directed by the Special Committee of All-India Congress Committee and their respective Constituencies to abstain from attendance or participate in Council proceedings".

After the Swarajists had left Rana FEROZDIN (of the Khilafat Party) who, along with his colleagues, was acting as an Independent member in the Council,also made a statement saying that they would also walk out of the Council along with the Swarajists, but only for that day. After the statement Rana Feroz lin, along with two other Khilafatists, also left the Chamber. The following is the text of the Statement :

"Sir, I and these friends of mine who are of same political views with me, are not Swarajists, and though we did not enter the Council on the Swarajya Ticket, nevertheless we are in full accord with the national demand made in the Legislative Assembly by all parties, and we must strongly object to the unsympathetic and hopeless attitude adopted by the Government. Although the All-India Congress Committee has not ordered all Nationalist members, who are not Swarajist, to walk out, yet in order to show sympathy with our Swarajist brothers, and also to emphasise that the Muslim nationalists of the Punjab seriously object to the attitude of Government, I and my friends have decided to walk out from this House for to-day only as a mark of protest, and in order to demonstrate our feelings, will not participate in to-day's debates."

Land Revenue Demand.

After the Swarajist and Khilafatist members walked out of the hall, the debate on the amendment of Pandit Nanakchand to the Government's demand in connection with Land Revenue was continued, and the proceedings became dull with the benches almost empty. During the latter part of the afternoon, there were only ten elected and two nominated non-official members left, and most of the speeches were made from the official benches.

The amendment of Pandit Nanakchand was eventually rejected. So also was the amendment of Mr. Sayad Mahomed Hussain for a cut of one rupee from the item of Rs. 48,800 for survey and settlement parties, which raised a discussion on the settlement policy of the Government. Another amendment, moved by Mr Firozkhan, for a similar cut, urging that the present settlements should be governed by provisions of the Land Revenue Bill was withdrawn.

Sardar Sikandar Hayat Khan was discussing his amendment for a cut of one rupee from the same grant to protest against the increase of land revenue in Attock district, when the Council adjourned.

Excise and Stamp Demand.

On the *9TH MARCH* after three hours' debate all the amendments to omit or reduce the demand Number 1 relating to the Land Revenue were either withdrawn or rejected, and the total demand of Rs. 42,86,000 was voted The attendance being poor and the opposition benches being almost empty on account of the walk-out of the Swarajist and Khilafat members the day before, demands Nos. 2 and 3 in respect of Excise and Stamps were voted in quick succession. The majority of the amendments relating to these demands was not moved as they stood in the name of either Swarajist or Khilafatist members. The Council then adjourned.

Irrigation Demand.

On the next day, the *10TH MARCH*, demands 4 and 5 in respect of Forests and Registration were voted without much discussion. But when the Revenue Member moved the Demand No. 6, in respect of Irrigation, Syed Mahomed Hussain, moved an amendment that the total grant be reduced by Rs. 50 lakhs. The mover said his object was to raise a discussion on the policy of Government regarding water rates in the Punjab, and appealed to the Government, in the name of poor Zamindars, to accede to the request as there was a surplus in the Budget. He pointed out that the Zamindars were unable to bear any more the burden of taxation. The *Abina*, which had been a source of great hardship to peasants of small holdings, should at once be reduced.

The rural members of the Council supported the mover of the amendment, and asked the Government to show sympathy towards the poor Zamindars.

Members on the official benches and non-official urban members vehemently opposed the amendment, and characterized the attitude of the rural members as unreasonable and illogical, pointing out that the rivers of the Punjab belonged to all classes of people of the Province, and that, if one particular section of the people derived benefits out of canal water, it was only reasonable and fair that particular section should pay more than the others, who were deprived of water.

Mr. King, Financial Commissioner, said it was often stated that the Zamindars of the Punjab were poor. If it was true, that Zamindars were unable to pay Abina, how was it that on the smallest possible chance they endeavoured to buy more and more canal irrigated land ? Not only were they willing to buy land, but they were willing

to pay almost extravagant prices. Well-irrigation, he pointed out, cost the Zamindars five times more than canal-irrigation, and yet, he was surprised to find rural members, who were enjoying the benefits of canal water complaining about water rates. Irrigation by well, he said, cost Rs. 34 per acre, while canal irrigation cost Rs. 5 per acre.

The debate on the amendment continued for full four hours, and, after Sir Fazli Hussain, Revenue Member had replied, the motion was put to vote and rejected, the mover of the amendment not claiming a division. The Council then adjourned till next day.

General Administration Demand.

On the *11TH MARCH* when Sir John Maynard moved Demand No. 8 relating to General Administration (Reserved), Sardar Jodh Singh moved an amendment for a cut of Re. 1 with respect to the item of Rs. 1,40,400 for Temporary Extra Assistant Commissioners, and took the opportunity to discuss the policy of the Government in continuing the Akali Leaders' case. He appealed to the Government to release the remaining leaders who were in jail as there was no difference in view point between those who had given the required assurance and had been released and those who were still in jail.

Sir John Maynard, replying on behalf of the Government, said that the Government was actuated solely by the idea of maintenance of peace in the province, and could not take action which might go in the direction of renewal of disorder. He thought there were essential differences between the two sets of people among the Akalis, between those who had been released and those who had declined to give any assurance. If it was true that those who were still in jail had given a public undertaking to work the Gurdwara Act, let those gentlemen confirm their assurances by making a statement once more and that would satisfy all concerned.

The amendment of Sardar Jodh Singh being put to vote was declared lost by the President.

Mr. Afzal Haq then moved that the total grant be reduced by rupee one, and raised a debate on the question of exemption of swords from the operation of the Arms Act.

The motion was supported by non-official members from all sides of the House, who requested the Government to exempt swords, which were already exempt in the United Provinces and Dera Gazi Khan District in the Punjab and which were freely used by the Sikhs in the province.

Sir John Maynard and Mr. Dunnet, replying on behalf of the Government, said they could not arm the whole province with swords, as that would be dangerous, especially when they had inflammable people in the Punjab, and where, during riots, the people committed serious acts of violence. The Government knew that the people could not use swords against the constituted authority, but their fear was that undesirable use might be made of the weapons which might be used against other subjects of the Crown. That was the reason why the Government did not want to remove entirely the embargo on swords.

The amendment, however, being put to vote, was declared carried, amidst non-official applause. The Council then adjourned.

On the *12TH MARCH* the Council reassembling, discussion on the demand for General Administration (Reserved) was continued.

Sardar Tara Singh, who moved the day before a cut of rupee one to raise a debate on the question of separation of executive and judicial functions, concluded his arguments on this day after which several non-official members, from all parts of the House, supported the motion, and appealed to the Government to give effect to the much-needed reforms, which had been demanded by people for forty years or more. The non-official members admitted that it would cause a certain amount of administrative inconvenience but the united demand of the country in that respect warranted the immediate separation of the two functions.

Mr. Dunnett, Chief Secretary, made a lengthy speech, defending the action of the Government and, replying to the criticisms of non-official members, said that a great deal of theoretical arguments had been advanced on the subject on different occasions, but he, while he was a District Officer, had tried to see that the Magistrates were not under the influence of the Police. He thought that the idea of Police terrorising the magistracy, was originated by the fact that District Magistrates allowed Superintendents of Police to look into files and were in friendly relations with them. Even if the Magistracy were separated and placed under the High Court, there would still be accusation of corruption.

Continuing, Mr. Dunnett said :—"Do not expect the Government to accept this

theory straightway. On the other hand, rest content with this assurance, I shall not say assurance, because it is too big a word for a small mind, do expect from Government the assurance that those defects, serious defects which are alleged against our criminal administration, are, at the present moment, being examined with great care, and the Government will not be deferred by considerations of expense, nor will it be deferred by the fear that anything it may do to cure these defects will ultimately lead to separation of executive and judicial functions. Separation, believe me, is not a bogey that terrifies Government. But all these things will be taken up; provision of a Magistracy devoted solely to judicial duties, an expert Magistracy, a Magistracy which will make justice cheap, rapid and efficient. Be content with it and do not ask Government to swallow the theory and pay out, and have done with it"

Sheikh Mahomed Sadiq asked the Government to take note of the united demand of the people, and not to reject it. If they did they would drive even co-operators to the Non-co-operation camp, and force them all to adopt direct action like the Akalis. The Government should not think that because some members from the opposition benches had left the Council, they could do anything they liked. He warned the Government that they were all coming back to the Council in greater strength to fight out the question to a finish. They wanted division of functions and nothing else, and wanted to relieve the Deputy Commissioner of his too heavy work It was in the power of the Government to do that, but they would never do things in time and in good grace. Mr. Sadiq, concluding, asked the Government to show the same justice to the country, as they would do in their own land.

Sir John Maynard assured the House that the matter was under consideration of Government and that the proposal to separate judicial and executive functions would be brought forward before the Council in its June session. On this assurance of the Finance Member, the mover of the amendment withdrew his motion.

After the above amendment had been withdrawn, the Council passed a vote of censure on the Government, by passing a one rupee cut on the motion of Sardar Jodh Singh, which pressed for increase in the pay of the Civil Secretariat and Council office peons. After three hours' debate, the demand No. 8 for General Administration, (Reserved) was voted, after a nominal cut of Rs. 2.

### Administration of Justice Demand.

Demand No. 9, in respect of General Administration (Transferred), was voted without discussion, and demand No. 10 relating to the administration of Justice was voted with a cut of one lakh of rupees.

The cut was effected by the amendment of Malik Ferozkhan, who moved that the grant of the item of Rs. 1 lakh, for the special public prosecutor's fee to conduct the Akali Leaders' Case and other cases, be refused as the money that was being spent in connection with the Akali Leaders' Case was a waste of public funds and there was really no necessity to go on with the case, and he requested the Government to withdraw the proceedings against the remaining Akali leaders

The motion was supported by non-officials and when put to vote, was carried in spite of opposition from the Government benches.

### The Jail Demand.

Demand No. 11, regarding Jails and Convict Settlement was also voted without much discussion. The Council was discussing demand No. 12, relating to Police, when it adjourned till the 15th March.

### The Police Demand.

On the *15TH MARCH*, the Council re-assembling, discussion was continued on the motion of Chaudhuri Afzal Haq, that the total Police grant be reduced by rupee one, and several non-official members made lengthy speeches attacking the administration of Police and the corruption that prevailed in the department.

Mr. Dunnett, Chief Secretary, and Mr. Dobson, Home Secretary, defended the Police department and its officers from the attacks of non-officials, which they characterised as unfair, unjust, and futile. The former said the speeches of the members showed complete ignorance of the history of the police and the growth of police institutions in India. Corruption, he said, existed even in the pre-British period. It was ingrained in the system which they had inherited from village police organisations. Those who attacked the present police administration and Government for corruption, said Mr. Dunnett, forgot to cast their eyes on those non-official organisations who controlled

large sums of public money and how they were mis-spent. They could not eradicate the poison of corruption in one month or in one year. The suggestions made by non-official members required quiet, calm and sober discussion, and he had no doubt they would receive that from Government, which always welcomed fair criticism. Mr. Dunnett was very doubtful whether a bribe taken would cease to be corrupt if the pay was increased, and he thought Government should make special scrutiny of a police officer's wealth before giving him full pension. A day might come, and he hoped it will come, when people will themselves take an interest in criminal investigations like the old village institutions and will try to help the administration of police in the manner as Panchayats did in the judicial.

Mr. Dobson repudiated the charges brought against superior officers of the department, and said a public service like the police required the support of the House and public and not unrelenting criticism. Whatever the defects of police force may be, he said, this was the best provincial police force in India.

Mian Abdul Aziz, who spoke for a full hour, said Government was encouraging a spirit of corruption instead of trying to check the poison. At this Sir John Maynard shouted in a loud voice, "No".

After four hours' continuous speeches the Council adjourned till next day.

On the *16TH MARCH*, when the Council re-assembled, discussion on Chaudhuri Afzal Haq's amendment for a nominal cut from the total Police grant was continued, and after Sir John Maynard, Finance Member, had made a lengthy speech giving replies to all the charges of non-official members and pointing out that Government was as eager to put down corruption as any non-official member was, and that the Police Committee appointed by the Government last year, which was collecting evidence, was considering a very large number of specific suggestions proposed by members of the House last year during the Budget debate, the amendment was eventually withdrawn by the mover.

Other Demands.

The Council next proceeded to discuss and vote Demand No. 13 relating to Scientific and Miscellaneous Departments (Transferred), and the House was discussing Sardar Jodh Singh's amendment for a cut of one rupee with respect to the item regarding Consolidated and Development Grants to District Boards, when it adjourned till next day.

The Agriculture Demand.

On the *17TH MARCH*, after some further discussion, Demand No 13 and the next three demands were voted without much discussion. Demand No. 17 in respect of agriculture was moved by Sardar Jogendra Singh, who, in moving the demand, made a lengthy speech, detailing the programme of work taken in hand by the Ministry of Agriculture to produce proper kinds of manuring seeds, bullocks and watering. He lamented that unlike other European countries, research workers were so few in the Punjab and urged that at least one research worker must be engaged for each crop, wheat, cotton etc. He suggested that the benefits received by canal crops should be extended and in this connection informed the House that the Ministry was hoping to establish lift irrigation schemes to carry on experiments in Barani areas.

Chaudhuri Ram Singh moved an amendment for a nominal cut from the total grant and took the opportunity of discussing the policy of Government on the working of co-operative societies. He referred in detail to the proceedings of the recent Co-operative Conference held at Lahore where, he said, wanton attacks were made against Hindus and Hindu money-lending class as a whole and objectionable songs were sung by Mahomedans before the presence of responsible Government officers. The intention of his motion was to bring to the notice of Government the mischievous character of such conferences where one section of the people was allowed before the presence of responsible officials to denounce another section of population inhabiting the same province. In his opinion that conference disgraced the position of the Hindus before the eyes of all in the province and it was a gathering called to offend the Hindus, especially the trading class and money lenders, publicly. He strongly condemned the formation of such co-operative conferences with such objects and ideals which not would improve the condition of the working of co-operative societies in the Punjab.

At this stage the President announced that as it was the eighth day and the Governor had allotted only eight days for the discussion of demands, and as it was 5 p.m., he could not allow further discussion and guillotine was applied.

The amendment of Chaudhuri Ram Singh was put to the vote and rejected, and the rest of the demands from No. 17 to No. 30 were put from the chair and carried. The Council then adjourned.

## THE PUNJAB MONEY-LENDERS' BILL.

The Council re-assembled for the last day on the *18TH MARCH* when the Select Committee's report on the Sikh Gurdwaras (Amendment) Bill and the Punjab Aerial Ropeways Bill were passed.

Mir Maqbool Mahmud then presented the Select Committee's report on the Punjab Money Lenders' Bill The report will be taken into consideration in the June Session of the Council, when a motion for its final passage will also be made.

The Bill, which had created considerable controversy in the Punjab and was strongly opposed by Hindu members when it was introduced, has been materially changed in form. The name of the Bill has been changed to the Borrowers' Protection Bill. In the definition of "money-lender," persons who carry on the business of advancing loans in kind are included, but a quasi money-lender is excluded. The stipulation that a memo should be kept for each transaction has been deleted, and 6 monthly statements have been substituted. A clause is added to the effect that statements sent to borrowers under the Bill shall not create any presumption against the borrower as to their correctness. Non-suiting for failure to keep prescribed accounts has been maintained in the Bill.

Three minutes of dissent have been appointed to the report, one by Raja Narendranath, another by Mr. Owen Roberts and a third by Mr Mohan Lal. The mover of the Bill and Chaudhri Duhichand support the main report, but have appended separate minutes on several minor points.

A resolution moved by Sir Fazl-i-Hussain, recommending acceptance by the Government of an annual guarantee of Rs. 12,000 for a period of five years on account of the proposed trunk telephone line to be erected between Lahore and Sargodha, was passed without discussion.

### Trade Development in the Punjab.

Sardar Jogendra Singh, Minister of Agriculture, made a statement regarding the programme of work the present Minister of Agriculture would follow during the coming months. He regretted that during the budget discussion on demands nation building subjects were dismissed in a day. Was the problem of unemployment of so little moment, he asked, as to receive such scanty attention? He thought the official benches should lead, but the House should co-operate in exploring fresh fields and new schemes for creating new wealth. He proposed, with the approval of the Governor, to call together a Board of Research and Trade, and wished to frame a scheme, in consultation with the Council and others outside the House, to make the board a live body, with full representation of all people interested in industrial development, with branches in all industrial centres of the province, and with a small executive committee, which would keep its hand on the trade pulse of the Province and indicate definite lines of industrial development.

The object of the formation of the Board was to bring together men of experience to explore in a systematic manner the possibilities of organising and developing industries. The Board would be called into being as soon as he received replies to his requests for expressions of opinion on the subject. The function of the Board would be advisory, but it would be within the scope of the board to examine proposals for fostering new industries and to make recommendations regarding the provision of capital and management. In the present year he was going to examine the possibility of developing the vegetable oil and sugar-cane industries, and also hoped to establish a model hosiery school at Ludhiana, and supply it with modern machines and designs. Government were also going to enquire into the possibility of developing the soap industry at Amritsar, but above all he was going to examine whether they could not make power weaving a home industry in the Punjab The development of industries was one of the vital problems which the House and the Government should take up if they were to benefit the rising generation and to afford them means which would make life worth living.

The Council then adjourned *sine die.*

# The Assam Legislative Council

*SHILLONG—6—7TH JANUARY 1926.*

## Transfer of Sylhet to Bengal.

At the special session of the Assam Council which opened on the 6TH JANUARY, five resolutions and four amendments were placed on the agenda paper in connection with the transfer of Sylhet district to Bengal.

Khan Bahadur Alauddin Ahmad Chaudhury having withdrawn his resolution in favour of that in the name of Maulvi Dewan Wasil Chaudhury to the effect that the District of Sylhet be not separated from the rest of the Province, the President allowed the next motion standing in the name of Rai Bahadur Sadananda DOWERAH proposing the transfer of Sylhet to Bengal. The terms of the resolution were: "This Council recommends to the Governor-in-Council that: (a) The District of Sylhet be transferred to Bengal; (b) Assam should not by reason of the transfer be deprived of any of the political privileges which it at present enjoys in common with other Governors' Provinces, or which may hereafter be extended to other Governors' Provinces."

The mover thought that the transfer of Sylhet would be beneficial to Assam, inasmuch as at the present moment no progress could be achieved and no development could be pushed with the two wrangling over the loaves and fishes. If Sylhet went to Bengal, Assam's progress would be unimpeded. He was optimistic as to the future states of the provinces and said that he did not believe that Assam's status would be prejudiced in any way, even if Sylhet went to Bengal.

Mr. BOTHAM, Finance Member, said that the Government would not be prejudiced financially by the loss of Sylhet, and that apparently the Bengal Council were willing to take Sylhet for better or for worse. The recent ruling of the Government of India on the question of the status made it incumbent on the Assam Council to refrain from coming to any decision without weighing its effect, not only on the District of Sylhet but also on the rest of the Province. If the Council ultimately recommended the transfer, it seemed very likely that that recommendation would be accepted. As to what the effect regarding status would be was a matter for the members to judge for themselves. The Government preferred the resolution moved by Rai Bahadur Sadananda Dowerah to any of the other resolutions, because it was not conditional, but combined a further recommendation that the status of the Province should not be impaired. For that reason the official members would support the motion.

Maulvi Syed Muhammad SAADULLA, Education Minister, opposed the motion. He quoted from the joint report on the Reforms to show that even at the time when the question of introducing the Reforms was being considered the authorities concerned were by no means solicitous for Assam. The Government of India had clearly stated that the status of Assam in the event of Sylhet going to Bengal was a separate question which would have

to be decided on its merits. He was very pessimistic as to the future status of Assam and felt certain that there was no hope for the rest of the Province. Once Sylhet was transferred, Goalpara and Cachar would want to join Bengal. Then, again, there was the question of the Moslem population to be considered. If Sylhet went, the Moslem population in the rest of Assam would be 2,000 000 as compared with 20,000,000 Hindus. He appealed to his Moslem brethren to ponder over that aspect of the question and to reject the motion on the ground of self-preservation.

Maulvi Wasil Chaudhury opposed the motion on the ground that it did not reflect the general view of the Moslem population of Sylhet. Maulvi Abul Fazal Ahmad also opposed the motion. Mr. Nilmani Phukan, like the mover of the resolution, was optimistic and considered that in view of the Viceroy's high opinion of the whole-hearted manner in which Assam was working the Reforms he, the speaker, considered it hardly likely that the Reforms would be taken away. At this stage the House adjourned.

Next day, the 7TH JANUARY, the debate was opened by Maulvi Rashid Ali Laskar who in opposing the resolution, reminded the House that when the question was discussed in 1924 both the Government and the planting constituency voted against the motion and it would be most inconsistent if they cast their vote in favour of the motion on this occasion. The planting community were apparently under the impression that if Sylhet were transferred the rest of the Province would become a planters' province without any Swarajists. That was a selfish point of view. Similarly, some Assamese members thought that if Sylhet went there would crop up an "Assamiya" Province. Cachar's feeling was that.

Khan Bahadur Alauddin Ahmad Chaudhury opposed the motion, stating that the majority of the people of Sylhet were against the transfer. He quoted certain petitions signed by over 2,000 people to justify his statement.

Mr. T. P. Chaliha withdrew his resolution recommending the transfer of Sylhet, but supported the motion before the House as he thought that there was genuine feeling among all sections of the people of Sylhet for their union with Bengal.

Maulvi Ziaossham felt unable to support the motion without any guarantee being held out that the status of Assam would remain unimpaired.

Babu Brajendra Narayan Chaudhury considered that the question of the population of Assam being reduced to such an extent as to jeopardise the status of the Province was a mere fallacy, as even Sir Alexander Muddiman, Home Member, was convinced by certain Assembly members that the question was of minor importance.

Maulvi Faiznur Ali, leader of the Swaraj Party, whole-heartedly supported the resolution, affirming that the status of the province depended not on its numerical strength, but on its political strength and moral stamina.

Rev. Nichols Roy opposed the resolution on the ground that it would create a demarcation of India against race and language.

Mr. Kuladhar Chaliha refuted the idea that if Sylhet went to Bengal the interests of the Mahomedans, who would be in a minority, would be neglected. Hindus had every respect for the interests of the minorities, and he assured the House that they would continue to maintain that respect.

Rai Bahadur Sadananda Dowerah, the mover of the resolution, said that if he had the slightest suspicion that the status of the Province would be

reduced he would never have brought forward his motion. It was unthinkable that Parliament would take away the Reforms from Assam, which in the words of the Viceroy, had worked the Reforms very successfully. In fact, it would be contrary to the Government of India Act.

Mr. A. W. Botl am, on behalf of the Government, said that as the resolution was split into two distinct parts, the official members would only vote on the second part regarding status, but would remain neutral as regards the transfer of Sylhet, as whatever the decision was, it would represent the vote of the majority of non-official members of the Council. If the decision was in favour of the transfer of Sylhet and if effect were given to it, those of them who would remain in Assam would work together whole-heartedly for the advancement of the reduced Province and do their best to show that small though Assam was in population it was worthy of retaining its status amongst the Provinces of India. But, on the other hand, if the decision was opposed to the transfer, he hoped that decision would be accepted as final and that the whole Province would settle down to work together without the disturbance of any further movement for transfer or partition.

The first part of the resolution, viz, "This Council recommends to the Governor-in-Council that the district of Sylhet be transferred to Bengal", was put and carried amid acclamation, 26 voting for and 12 against the motion.

The next part, regarding status, was then put and carried unanimously. The Council then adjourned *sine die*.

## The Budget Session

*SHILLONG—22ND JANUARY 1926.*

The Council was opened by H. E. the Governor for the Budget Session on the 22ND FEBRUARY. In introducing the Financial Statement for 1926-27 Mr. Botham, the Finance Member, said :—

"Our opening balance for the present year ultimately stood at Rs. 44 lakhs, about Rs. 17 lakhs better than the figure taken in this year's Budget. Our receipts this year are now estimated at Rs. 256 lakhs, whilst our expenditure is placed at Rs. 2,43 lakhs which is some Rs. 2 lakhs higher than the Budget. There will thus be a surplus on the year of Rs. 13 lakhs and the closing balance will stand at Rs. 15 lakhs. On the whole, we expect to be better off at the end of this year by Rs. 26 lakhs than was anticipated this time last year. Revenue under all heads has been higher than the Budget figure, but for nearly two-thirds of the increase we have to thank the Forest Department which is expected to give us a gross revenue of over Rs. 7 and half lakhs, and a net surplus of Rs. 5 and half lakhs above the Budget. The increase under this head is very largely due to the success of the Goalpara forest tramway in facilitating the exploitation of the more remote parts of the Goalpara forests.

"I now come to the Budget for 1926-27. Our total revenue is placed at nearly Rs. 2,56 lakhs. A moderate increase is expected under Land Revenue, Stamps and Forest, but we consider it wise to allow for some reduction under Income-tax, and our opium policy makes a considerable drop, probably under excise. On the expenditure side our estimated requirements for services and projects, to which we are already committed, amount to Rs. 2,51 lakhs, including the full amount of our contribution to the Government of India

under Devolution Rule 17. This year, as the Council is aware, we have obtained a special non-recurring remission of Rs. 6 lakhs, but we have at present no reason to suppose that this remission will be repeated next year, particularly as we are not entitled under Devolution Rule 18 to any remission until the total of the Provincial contributions is reduced from Rs. 983 lakhs to below Rs. 540 lakhs. We shall know our fate in this respect in the course of a few days, and meanwhile we have provided for the worst. We thus have a surplus, apart from new projects, of nearly Rs. 5 lakhs and the question which the Government have had to consider very carefully is whether in providing in the Budget for new projects we should restrict ourselves to the year's surplus of Rs. 5 lakhs or whether we should draw also, and, if so, to what extent on the opening balance of Rs. 57 lakhs which represent the accumulated surpluses of the last few years".

## President's Salary Raised.

On the 23RD FEBRUARY the Council passed an non-official Bill raising the salary of the President of the Council from Rs. 500 to Rs. 1,000 per mensem.

On a motion by the Rev. N. Roy, the Assam Temperance Bill was recommitted to a select committee in regard to certain sections to which the Government of India raised objections.

The Council rejected by 19 votes to 10 a resolution proposing the transfer of Cachar to Bengal.

## Unemployment Among Educated.

On the 24TH FEBRUARY the Council adopted a resolution moved by Mr. Rohinikanta Hartibarua suggesting the formation of a Committee of two officials and three non-officials to enquire into the available avenues of employment of occupation for educated young men of Assam and to report as to the means how such employment or occupation might be secured for them. Mr. Hati Barua pointed out that year after year a large number of youths were coming out of the University having no means of earning their livelihood. Such a position was politically and economically unsafe. There were several ways by which young men of this province could be helped. Government could give them agricultural loans and also small loans for starting cottage industries and other businesses. The speaker had been to Mysore where the State in order to solve unemployment problem provided educated men with such loans. Concluding, Mr. Hati Barua regretted that although there were a large number of educated young men in Assam they were not adequately represented in railways.

## Assam Land Revenue Re-assessment Bill.

On the 25TH FEBRUARY, by the casting vote of the President, the Government motion for recommitting the Assam Land Revenue Re-assessment Bill 1926 to a Select Committee was defeated.

The Government contended that the present Bill, as emerged from the Select Committee, materially differed from the original Bill and was absolutely unsound. Government were unable to take the responsibility of proceeding with it and it was for that reason that they were suggesting to recommit it to a Select Committee. The present Bill lays down the principles on which land revenue is to be assessed, limits the revenue assessed on an assessment group to 10 per cent of the value of the gross produce, restricts the

enhancement of revenue at a resettlement in case of a district or established village and individual holdings in the same area, provides for a gradual rise in the assessment on an individual estate when the enhancement is more than 25 per cent of the old revenue demand, exempts from the enhancement improvements made by settlement holders during the currency of the expiring settlement and fixes thirty years as the period of settlement of an assessment group with a proviso that a shorter term may be fixed for new fluctuating and immature villages.

The Swarajists vigorously opposed the Government motion and pointed out that the agriculturists in Assam paid enormously in consideration of what they earned. The bill was long overdue and Government was going to postpone the bill by recommitting it to a Select Committee. They expressed their apprehension that the Bill might lapse.

Abolition of Grazing Tax.

The Swarajists sustained a narrow defeat on their resolution for the abolition of grazing tax. Mr. Botham, Finance Member, stated that the tax was levied only on professional grazers, and cultivators were exempted from it. The House then adjourned.

Demand for Primary Education.

On the 26TH FEBRUARY the Council adopted a resolution moved by Mr. Kuladhar CHALIHA for an annual grant of an additional sum of five lakhs of rupees for primary education. Mr. Chaliha stated that this amount was essentially necessary in the province. Officials found difficulty in introducing new schemes, new agricultural improvements, co-operative measures and the like because they said that the people were ignorant. But when they, the representatives of the people, came to this Council they found that Government themselves were first to oppose them. It was more than a hundred years since the advent of the British rule in Assam, and was, he asked, the percentage of literate people in Assam sufficient to justify British administration for so long a time? It was only 6·2 per cent now. Such a state of things did not do any credit to the Government that had been in this country for over one hundred years or to that often repeated claim of the British Government that wherever they went they carried a new civilisation and new ideals for education of the people. Concluding, the speaker asked the Minister of Education to do his duty to the people, to go to the Governor and say " Sir, it is necessary to have money on this account ".

The Hon'ble Mr. SADULLAH, Minister of Education, said that Government had already spent about one crore of rupees for primary education from 1911-12 but the result had been very disappointing. The aims of the Government were the same. They wanted to break down the wall of illiteracy. The only remedy they could prescribe for this was that of compulsion. He (the Minister) had referred the Compulsory Primary Education Bill to a Select Committee and the third reading of the Bill will be on March 5. The mover of the resolution had referred to the apparent illiteracy of the people but the speaker assured that nobody was more cognisant of the fact than th Education Department headed by Mr. Cunningham. The Minister mentioned uncertainty of Sylhet remaining in Assam and doubted very much whether in view of this uncertainty they should vote for such a large additional sum of five lakhs for primary education. They had waited

so long, let them wait for one year more and by that time he hoped the Primary Education Bill would be embodied in the Statute Book.

Another resolution was passed for raising local rate on lands under tea cultivation to 8 annas per acre. The Council then adjourned till March 2nd.

## Demand for Forest Dept.

On the 2ND MARCH the Council adopted Mr. Botham's motion for supplementary demand for an additional sum of rupees two lakhs sixty-five thousand for the forest department. The Swarajists' motion for refusal of the demand was defeated. Mr. Botham (Finance Member) explained that the amount was necessary to cover additional expenditure incurred by considerable expansion of forest resources during the year. Completion of the forest tramway had greatly facilitated extraction and had enabled the working plans of the Central Goalpara Range to be worked up to as, owing to the distance of the forest from the railway, had not hitherto been possible. Operations, both departmental and otherwise, had expanded more rapidly than was anticipated. In particular there had been a large extension of the system, whereby sleepers extracted by contractors were purchased by Government and sold by Government to the railway. This system which was convenient both for the railway and for individual contractors involved a heavy expenditure, which was recouped immediately. Greater expenditure on construction of roads and bridges, on loading and unloading trucks, and other branches of work, was also rendered necessary by larger operations. Communications and buildings had proved insufficient and it was necessary to augment it by an additional grant of rupees two lakhs.

## General Discussion of the Budget.

On the 4TH MARCH the Council concluded the general discussion of the Budget. Mr. Taraprosad Chaliha, who opened the discussion, urged remission of the provincial contribution. About sixteen non-officials, including Mr. Faiznur Ali and Mr. Kuladhar Chaliha, took part, who charged the Government for want of a definite opium policy to terminate the traffic within a fixed period. Mr. Sarveswar Barua described the budget as a "Miserly Budget."

Mr. Botham, Finance Member, referred to the opium policy and said that if further restriction was followed, then there would be a stimulation of smuggling. Mr. Saadulla, Minister of Education, said that there were about four lakhs hand-looms in Assam yielding an income of seventy-eight lakhs of rupees to the people. He suggested that if the fly shuttle was adopted the income would greatly increase. Mr. Kutubuddin Ahmed (Judicial Member) promised Government grant to the Prisoner's Aid Society started by Non-Officials.

## Assam Rural Self-Government Bill.

On the 5TH MARCH Mr. Promode Chandra DUTT, Minister of Local Self-Government, in introducing in the Council the Assam Rural Self-Government Bill said that "it is a genuine attempt to resuscitate village life." Mr. Dutt explained that the object of the Bill was to provide a machinery which would enable the villagers to undertake, as far as possible, management of their own affairs. At present the villagers were disorganised.

Sense of corporate life was now extinct. Organised efforts for achievement of common good were a thing of the past. Compelling forces of public opinion and social ostracism were now absent. It was intended by this measure to substitute for this lost authority the authority of the State for every village. An organisation, known as Village Authority, would be created, consisting of nine members elected by the villagers themselves. To this body would be entrusted the duties relating to the water-supply, road-drains, jungle clearing, medical relief and sanitation.

Power had been taken for the Local Government to require the village authority to perform the duties of the Panchayets and Chaukidars under the Bengal Village Chaukidari Act on condition that a sum equivalent to the Chaukidari Tax raised in the village concerned would be realisable by the village authority in lieu of the Chaukidari Tax. If the experiment proved successful some of the duties of the village police would be transferred to the village authorities A village development fund would be created and an officer called the Registrar would superintend the constitution and administration of the village authorities.

Mr. Brajendra Narain CHAUDHURY opposed the introduction of the Bill and complained that the measure was rushed through with a short notice and gave power to the Executive. He apprehended that the officers would take recourse to underhand dealings and would be in real control of the local powers.

The motion for introduction being pressed to a division was carried by twenty eight to ten votes. The Bill was introduced.

### Primary Education Bill.

The Hon'ble Mr. SAADULLA, Minister of Education, then presented the Primary Education Bill as emerged from the Select Committee. He regretted that owing to lack of time they had to defer the Bill to the next session of the Council. He announced that His Excellency the Governor felt very strongly on the Select Committee's Amendment that the Primary Education Bill should be extended to Sylhet. By the next session they would be able to know whether Sylhet remained in Assam and would extend the Bill to that district if it remained in Assam.

The Council then passed the Assam Municipal Amendment Bill, 1926 and adjourned.

## Voting on Budget Grants

### The Swarajists' Walk-out.

Voting on the demands for grants commenced on the 8TH MARCH and the Swarajists walked out of the Council as a protest against Government's not acceding to the national demand as embodied in the Assembly resolution.

In the absence of the leader of the Swarajya Party, the Deputy Leader, Mr. Brajendra Narain Chowdhury, made a statement declaring that they had decided to follow the direction of the All-India Congress Committee to leave their seats in this Council as a protest against the refusal by Government of their national demands put forward in the Assembly and in this Council so far as this province was concerned. They were happy in the thought that, considering the determined attitude of

Government to make no advance, political or administrative, their action would not be detrimental to the best interests of the country. They would respectfully request the other non-official members of this House, who joined hands with them in making a demand for provincial autonomy, to do the same. As regards the future attendance in this Council, they would abide by the directions of the All-India Congress Committee which must be given from time to time in the interest of the country. The speaker hoped that their action would not be considered disrespectful to the Chair to whom they had all along showed respect.

Mr. Sadananda Dowerah, the leader of the Independent Party, announced their refusal to accede to the request of the Swaraj Party to walk out of the Council. He hoped that a Royal Commission would be appointed soon and said that the present action of the Swarajists would not accelerate their goal in any way.

On the 9TH MARCH the Swarajists were absent when the Council resumed discussion on demands for grants.

The Independents carried a censure motion of reducing Rs. 12,959 by Re. 1 under " Assam Rifles."

Mr. Nilmoni Phukan pointed out that this battalion should be exclusively maintained by the Government of India. The Government of India paid for the cost of the army in the North West Frontier Province. Why, then, he asked, should Assam maintain an army for her frontier ?

Mr. Botham, Finance Member, said that the Government of India had already given a substantial contribution to the Assam Rifles. An army was required for internal security, particularly in the hill districts. It was under the control of the Assam Government who could use it immediately as they required.

On the 10TH MARCH the members representing Assam Tea Planting and the Independents joined hands in carrying a censure motion reducing by Re. 1 the demand for grant under head " Civil Works."

Lt. Col. W. D. Smiles, criticised the road policy of Government and pointed out that seven lakhs were spent for roads in the hills, whereas only ten lakhs were spent in the plains. He said that percentage was hardly equitable and suggested that unemployment could be alleviated by the development of motor services and roads.

Mr. Nilmoni Phukan's motion for a reduction of two lakhs for the reconstruction of the buildings in the Assam Rifles Lines was carried.

On the 11TH MARCH, the last day of the Session, development of cottage industries was urged by Mr. Krishna Sundar Dam, by way of a motion of reduction by Re. 1 under the Industries Department. Mr. Dam suggested that Government should appoint an officer to organise the industry.

The Hon. Mr. Saadulla, Minister for Education, replied that only a few days ago Government had accepted a resolution for the appointment of a committee on unemployment. If that committee materialised, as he hoped it would, a survey of the cottage industry would come within its purview. The only cottage industry in Assam was the handloom and weaving industry, and demonstration parties were touring the districts for showing the benefits of the fly shuttle.

The motion was withdrawn. **The Council was then prorogued.**

# The B. & O. Legislative Council

*PATNA—20TH JANUARY 1926.*

The winter session of the Bihar and Orissa Legislative Council opened on the *20TH JANUARY* at Patna, the Hon. Khan Bahadur Khwaja Mahomed Noor, President, taking the chair.

Glowing tributes were paid to the services to the province by Sir Hugh Macpherson, who retired from his office as Member of the Executive Council, by representatives of all sections in the House.

Relief for Orissa floods

Then Mr. Jagabandhu SINHA'S resolution that Rs. 2 lakhs be allotted for the relief of the people of the areas of the districts of Cuttack and Puri which were affected by the recent floods, was discussed. He said that it was no use repeating the harrowing tales of the miserable conditions of the people and the cattle of the affected parts, which had so graphically been told by Mr. Andrews, who had been on the spot and saw things for himself. When he visited the spot the whole area was under water, cattle were starving to death for want of fodder, and people were unable to come out of their huts to procure food-grains and all crops were completely washed away. People were without means in certain areas. In addition, he said, they were face to face with malaria, small pox, and cholera. About 60 to 70 thousand people in a limited area in both Cuttack and Puri Districts were subjected very often to calamities of a serious nature Still no solution was thought of by Government. Official visits and Takavi loans were not the only means of healing the sores of so many human beings.

Mr. HAMMOND, replying on behalf of Government, said that Government were anxious to give members every opportunity of discussing what had been done and what could be done to meet the present situation in those districts. Provision of Rs. 80 thousand was made in the current year's estimates under Famine Relief and Insurance, of which Rs. 12,264 had already been spent in order to discharge an account outstanding in the previous years on account of the Shahabad floods, and Rs. 3,000 was allotted in September last in gratuitous relief in the Puri District. Subsequently Rs 8,500 was added from Bihar and Orissa Charitable Relief Fund. They had, therefore, for the remaining months of the year at their disposal Rs. 64,736, and it was very unlikely that all this would be required for the year 1926-27.

As regards Taccavi, the latest figures for two districts showed that Rs. 98,500 had been advanced in Cuttack District, and Rs. 1,14,160 in Puri, or a total of Rs. 2,12,660 for the two districts. There was no distress in Cuttack at present, but it was quite possible that from the middle of March to about the middle of June in certain definitely localised areas there might be distress and there might be a demand for gratuitous relief work. The local officers from the Commissioner downwards had been active and on the alert, and there seemed no need for anxiety at present. As to the district of Puri, some Rs. 25,000 of Taccavi had been distributed. Government were fully alive, before any floods occurred, to the possibility of economic distress in certain parts which were kept under constant observation. These facts he hoped would convince them that Government had done all that could be done. In the face of the remedial measures already taken by Government, it was not necessary to allot the sum suggested in the resolution.

Mr. Krishna Ballav SAHAY supporting the resolution said that the effect of Taccavi loans was of no advantage so far as Puri District was concerned. He considered that Rs. 2 lakhs demanded in the resolution was a drop in the ocean. Rai Bahadur Dwarka Nath, supporting the resolution, asked Government to adopt more generous measures of relief. Mr. Jaleshwar Prashad also supported the resolution. Eventually the resolution was carried by 29 votes to 17 and the House adjourned.

B. & O. Local Self-Govt. Amend. Bill.

On the *21ST JANUARY* no fewer than six non-official Bills were introduced. Mr. Anant Prashad introduced a bill to amend the Bihar and Orissa Local Self-Govern-

ment Act 1885. In course of statement of objects and reasons the member in charge of the Bill said that the system of having a president had been introduced for the first time in Bihar and Orissa Municipal Act of 1922. Experience showed that the innovation had worked satisfactorily in the case of Municipal Boards and the present amendment aimed at introducing the same system in the case of District Boards and Local Boards. In these days of growth of parties in the administration of local bodies the presence of a non-party man in the chair was calculated to impart impartiality and dignity to the proceedings of meetings of these bodies, besides giving necessary tact in the art of conducting meeting on analogy of the speaker of the House of Commons.

Orissa Tenancy Act Amend. Bill.

Chaudhuri Bhagabat Prasad Samantarai Mahapatra introduced a bill to amend the Orissa Tenancy Act 1913. This measure as stated by the member in charge of the Bill aimed at enabling cultivators to transfer their occupancy holdings by deed of exchange without paying registration fees with a view to make their lands compact and contiguous and thus to effect improvement in them. The amendment suggested that in the case of registration both parties would be made to pay two rupees for changing their names.

The Mussalmans Wakf Act Amend Bill.

Mr. Mubarak Ali introduced a Bill to amend the Mussalmans Wakf Act 1923. This amendment sought privilege for Mutwallis of Wakf estates to furnish accounts of these estates in Urdu and suggested that the purpose of the Act could be very well served by its publication in this language with which Mussalmans at large were acquainted.

Bihar & Orissa Cattle Bill.

Rai Saheb Kharag Narain introduced the Bihar and Orissa Cattle Bill 1926, a measure which aimed at rectifying existing defects in the legislation concerning the protection of cattle and measures for cattle breeding.

Orissa Tenancy Act Amend. Bill.

Mr. Jagabandhu Sinha introduced a bill to amend the Orissa Tenancy Act 1913. He said that the Bill aimed at removing certain difficulties experienced by both landlords and tenants in the working of the Act by necessary modifications and alterations.

Court of Wards Act Amend. Bill.

Mr. Rajandhari Sinha introduced a bill to amend the Court of Wards Act 1879. The amendment proposed to give right to heirs of properties to protect their own estates from the hands of proprietors who had run upon a course of wasteful extravagance likely to dissipate their property and thus jeopardising the interest of heirs, and it also aimed at the protection of zemindars whenever on account of their own follies they were on the verge of ruin.

B. & O. Civil Courts Amendment Bill.

The Hon'ble Mr. S. Sinha then moved consideration of the Bihar and Orissa Civil Courts (Amendment) Bill 1925, which measure proposed to give effect to the recommendations of the Civil Justice Committee that the jurisdiction of officers invested with powers under the Provincial Small Cause Courts should be raised. Some members opposed the motion on the ground that the raising of the jurisdiction would lead to a miscarriage of justice by suits being tried in a summary way. The Hon'ble Mr. Sinha replied that summary procedure of trials was prevalent in all civilised system of judicial administrations. Experience showed that no improper advantage of this power was taken by subordinate judges in the province and the distribution of this power was carefully considered. The cost of civil justice would be cheaper by this measure. Ultimately the motion for taking the Bill into consideration was rejected by 28 votes to 24. The Council then adjourned.

On the *22ND JANUARY* the non-official legislative business was first of all diposed of. The Bihar and Orissa Public Demands Recovery (Amendment) Bill 1925, the Orissa Tenancy (Amendment) Bills 1926, the Bihar and Orissa Court of Wards (Amendment) Bill 1926, and the Bihar and Orissa Local Self-Government (Amendment) Bill 1926 were allowed to be circulated for the purpose of eliciting opinion thereon. The Bihar and Orissa Mussalman Wakf (Amendment) Bill 1926 of Mr. Mubarak Ali was taken into consideration and passed and the Bihar and Orissa Cattle Bill was referred to a Select Committee.

Bengal Tenancy Act Amend. Bill.

The much debated subject of the amendment of the Tenancy Act again cropped up on this day in the form of Mr. Sheo Shanker Jha's motion that the Bengal Tenancy (Amendment) Bill 1925 be referred to a Select Committee. It would be remembered that discussion on this bill took place at the last Ranchi session and was postponed till the winter session at Patna in order to give landlords' and tenants' representatives in the Council to settle among themselves as to what form the amending legislation should take and arrive at an amicable settlement.

Mr. Rajandhari Sinha speaking on this motion said that Mr. Sheo Shanker Jha's bill was one sided and piecemeal legislation. He had sent a notice of another bill which he thought was comprehensive and would satisfy both landlords and tenants. He asked Mr. Jha to postpone his motion to allow both bills to be considered together in Select Committee.

The Hon. Mr. Hammond, explaining the attitude of Government, said that the question broadly was that the Bihar Districts enjoyed the benefit of a Tenancy Act which was recognised all over the world as a model of agrarian legislation and which was in advance of the tenancy law of less favoured provinces in India Now, throughout all efforts to find a satisfactory remedy, the attitude of Government had been uniformly that of friendly intervention as an arbitrator at the request of the parties. They were now no nearer an amicable settlement. He thought that the fact remained that the condition precedent of Government intervention had not yet been fulfilled and Government considered that so long as this was the case more harm than good would result from attempting any general amendment of the Act. He said if the mover pressed his motion there would be no alterative left to Government but to vote against it. The House then adjourned to meet on the 27th January.

Chota Nagpur Rural Police Amend. Bill.

On the *27TH JANUARY*, after four days' adjournment, the Council reassembled to consider the Chota Nagpur Rural Police (Amendment) Bill, 1925, which had emerged from the Select Committee. This measure aimed at improving the policing of the coal-fields.

Mr. HAMMOND, in moving the consideration of the Chota Nagpur Rural Police Bill, 1925, as reported by the Select Committee, explained at length the necessity for the legislation. He said it seemed obvious that in these developing industrial areas the day of the village chaukidar was over, and he must be replaced by a regularly enlisted and properly disciplined police force. The cost of this would, of course, fall entirely upon the locality, and not on Provincial revenues. The present proposal contemplated roughly that two-thirds of the cost of the additional police would be met by the locality, while one-third, including supervision charges, would be met from Provincial revenues. He said that the conditions justifying the necessity of the measure were threefold viz, that the village chaukidar had outlived his usefulness, that crime had increased to an alarming extent, and that this proposal came to the Council supported by a large majority of the people affected.

Mr. J. B. SEN opposing the Bill said that the Bill imposed upon the collieries a new tax. He agreed with Mr. Madan that the Bill infringed the rights of civilised society, that of receiving protection from the State. It was true that the Governor's attention was drawn to the growth of crime in the coal-fields, but the specific suggestions which were put forward before him were for the improvement of the chaukidari system, which was quite different from that prevalent in Bihar. The Jharia people were burdened with the most taxes. In 1922 the demand for income-tax was Rs. 50 lakhs. They were subjected to super-tax, and three kinds of cesses. The Bill contemplated an additional taxation burden on colliery owners during the present depressed conditions of the coal industry.

After further discussion the motion for taking the Bill into consideration was carried, 29 voting for and 20 against it. Mr. Hammond then moved that the Bill be passed and the motion was carried, 33 voting for and 20 against it.

The Bihar and Orissa Highways Bill, 1926, was referred to a Select Committee. This measure aims at providing for the better maintenance and control of Government roads in Bihar and Orissa. The Council then adjourned.

The Patna University Resolution.

On the *28TH JANUARY* the Council discussed the University resolution moved by Rai Bahadur Dwarka Nath demanding the transfer of the control of colleges at

Patna to the University with a view to establishing a teaching University at Patna and amending the Patna University Act if necessary. Before the resolution was actually moved Mr. S. Sultan AHMED, Vice-Chancellor of the Patna University, in whose name stood the original resolution recommending the acceptance of the report adopted by the Senate of the Patna University on the subject of the future constitution of the University and arrangements for the control of higher teaching in Patna, made a statement explaining the reasons which led him to withdraw his resolution. He said that the Government had not sufficient time to make up their mind and formulate their opinion on the report submitted by the University on the question of the establishment of a central teaching University at Patna. He trusted that the Government would soon arrive at a decision as the people were awaiting the decision of the Government on the question.

Rai Bahadur DWARKA NATH, in moving his resolution, observed that the University desired complete autonomy without any external control. With the advent of the Reforms the control of matters educational, as of other transferred subjects, passed into non-official hands, the Minister having complete control over them. The Council could not divest itself of the power it exercised through the Minister over the University under the Government of India Act. He extended his whole-hearted support to the University scheme subject to two conditions; that the power of vote in appointments to University posts should lie with the Governor acting with the Minister, and that the constitution of the Senate be so altered that non-officials would have an effective voice in its deliberations. The modifications in the constitution could be effected if the mistrust on the part of the men in the Indian Educational Service were removed. There was no cause for mistrust on the part of those men, as they did not want to raise racial questions. The appointments should be based on the quality of the men, and efforts should be made to secure the best men available to educate boys, irrespective of race, colour or creed. The internal discipline of the University should be left in the hands of educationists.

Mr. Rajandhari Sinha, said that provision for adequate representation of the rural population should be made before they agreed to the transfer of control to the University.

Mr. S. N. Sahay supporting the resolution advocated the control of graduate and post-graduate teaching by the University, and the amendment of certain provisions in the University Act.

Mr. Athar Hussain pleaded for adequate representation of the Moslem community on the Senate and Syndicate

Mr. Madan deprecated the idea of drawing the distinction line in matters educational. If a broad view of things were not taken the University could not be worked on sound lines.

Mr. Sultan Ahmed, Vice-Chancellor, said that it was universally recognised that control should be transferred to the University. They should not only look to the examining part but to moral and intellectual development as well. If control were transferred to the University it followed as a corollary that the final authority in respect of university appointments would be the Chancellor.

Mr. K. B. Sahay was not in favour of investing the Minister with power in regard to appointments, as he thought that it would be tantamount to giving power to the Government. He was also opposed to extension of power to non-officials. He did not want the University to be made a chess-board of politicians. In his opinion the whole constitution of the University should be overhauled, in order to improve the standard of education given to young men.

Sir Syed Mahomed FAKHRUDDIN, Minister of Education, said that the Government had not arrived at a decision on the report submitted by the University. The Government were not unsympathetic towards any popular demand. If the majority of the people were agreed on the transfer of control to the University, the Government would carefully consider their recommendations. He then pointed out certain difficulties in the way of the transfer of control to the University. The main question was whether they were prepared to divest the control which they had over the University through the Minister. The whole idea of the Government was to have the views of the Council before them in considering the University report. So far as Mohamedan representation was concerned, it would certainly be considered when it was contemplated to change the constitution. The question of the constitution, he thought, was beside the mark at the present moment.

As the question of University control was to be discussed again when the Government would consider the University report, Rai Bahadur Dwarka Nath withdrew his resolution. The Council then adjourned.

New Public Health Cadre.

On the *29TH JANUARY*, the main business of the House consisted in discussing motions for supplementary demands for grants. A supplementary token demand of Rs. 10 for the creation of a Public Health cadre evoked some discussion, but the other demands, including one for equipment for the X-ray department of the Patna General Hospital at a cost of Rs. 23,000, were agreed to without much opposition.

Babu Ganesh Dutta Singh, Minister in-Charge of the Public Health Department, in moving the demand for the creation of a public health cadre explained the new scheme framed He said that at present the Public Health Department consisted of 19 Officers excluding the Director of Public Health, three Assistant Directors of Public Health and a vaccination staff. Of these 17 officers of the assistant surgeon class were purely on temporary service. This system had been found unsatisfactory as these temporary officers were not taking interest in the work, and the result was that the work was suffering. Hence the Government had decided to constitute a cadre of public health officers, separate from the medical department, consisting of 27 officers subordinate solely to the Director of Public Health. It was intended to introduce the scheme from February next, and the average additional cost of the scheme, including charges for five new posts of Assistant Medical Officers of health, would be Rs. 39,696 a year.

Mr. Jaleshwar Prasad, in opposing the demand, said that it was not a supplementary demand inasmuch as it sought to create a new body, which was bound to grow up and swell expenditure. He objected to its coming in the shape of a supplementary demand, as he thought the Council should have been given an opportunity to express its views on a new scheme. The only work performed by these officers at present was to distribute medicine in the mofussil in time of epidemics. The increased expenditure in 20 years of such a department, if created, would amount to about Rs. 1 half lakhs. A province with a poor revenue was not in a position to meet this extra expenditure. This amount could be very well spent on some other useful project.

The Minister, seeing the general desire for the postponement of his motion to give the Council time to consider the scheme, withdrew his motion,

The Council after assenting to other demands adjourned till the 15th February.

## Financial Statement for 1926-27

On the *15TH FEBRUARY*, the Council re-assembling, the Hon. Mr. Sachchidanand SINHA, Finance Member, introduced the Financial Statement for 1926-27.

The Hon. Member, in introducing the Budget, said he estimated a year ago that they should end the current financial year with a total balance of Rs, 1,55,71,000, composed of Rs. 1,00,92,000 representing the ordinary balance available for general purposes, and Rs. 54,79,000 in the famine insurance funds which could only be drawn upon for actual relief operations. They expected now a total closing balance of Rs. 2,03,88,000

Estimates For Next Year.

Turning to the coming year, the Finance Member said the opening balance was estimated at Rs. 2,03,88,000 representing an ordinary balance of Rs. 1,46,83,000, and credit in the famine insurance fund of Rs. 57,05,000. For revenue they had estimated the figure of Rs. 5,63,33,000, which was Rs. 4,84,000 less than the revised estimate, but Rs. 19,45,000 more than the current year's estimate. Drawing special attention to the very important figure on the debit side, he said the estimates for current expenditure from revenue, that was for carrying on as at present with no outlay on new schemes, were Rs. 5,49,24,000, on only Rs 14,09,000 less than the revenue. Deducting Rs. 5,69,07,000 on account of existing liabilities from the opening balance, plus the estimated receipts for the year 1926-27, the closing balance for the coming financial year was Rs. 2,24,49,000. Out of that amount Rs. 6,81,000 had been earmarked for supplementary demands.

New schemes were estimated to involve recurring expenditure next year of Rs. 9,16,000 only, as against Rs. 58,43,000 non-recurring, and an ultimate expenditure of Rs. 11,14,000 recurring, and Rs. 80,99,000 non-recurring.

Education Grants.

Proceeding, the Finance Member said that under Education, the recurring grant to local bodies for primary education was being increased by Rs. 5 and half lakhs. Rs. 8 lakhs non-recurring had also been provided to help local bodies. To further the important object of improving the education of girls, Rs. 14,000 was being provided with an ultimate recurring cost of Rs. 18,000 for the recognition of the inspecting staff for girls' schools ; Rs. 75,000 in all non-recurring and Rs. 1,648, recurring against an ultimate

recurring charge of Rs. 12;000 were being provided for the teaching of non-literary subjects optional in non-Government high schools, and Rs. 14,800 non-recurring and Rs. 1,682 recurring, against an ultimate recurring of Rs. 7,400 were being provided for the experimental introduction of industrial education in middle schools.

### Agriculture and Medical Relief.

Under Agriculture proper, Rs. 21,600 recurring had been provided for the reorganisation of the well-being department, and Rs. 3,500 non-recurring for the establishment of a cattle-breeding and dairy farm at Patna. Rs. 1,50,000 had been provided out of a total estimate of Rs. 2,75,000 for the construction of the Patna Museum. To expedite the construction of new dispensaries the usual non-recurring grant had again been raised by Rs 1 lakh, and now stood at Rs. 5 lakhs for 1926-27, while an addition of Rs. 25,000 was proposed to the current year's Rs. 3 lakhs recurring grant for medical relief. Under Public Health, in addition to the usual recurring provision, Rs. 3,62,000 were being provided for grants to district boards for the improvement of rural water-supply, as against Rs. 3 and half lakhs provided in the current year.

Referring to the general financial position, the Finance Member said : "The substantially improved financial position is very largely the result of an increase in our excise revenue. On the expenditure side, I will only say that though we have been unable to effect spectacular economies on the basis of the report of the Retrenchment Committee, I have throughout striven for the observance of sound financial principles and for economy in details."

### Land Revenue Sales Act.

On the *16TH FEBRUARY* non-official resolutions were discussed in the Bihar and Orissa Legislative Council. By 45 votes to 17 the Council passed the first resolution on the order paper, that the provisions of the Land Revenue Sales Act, relating to the sale of permanently settled estates, or shares of estates, for arrears of land revenue, be so amended as to entitle any person interested in the said estates to have the sale set aside by depositing within 30 days of the sale the amount that he would have been required to deposit had it been a sale for arrears of cesses.

Mr. Mati-ur-Rahaman, who moved the resolution, said that it was directed to remove hardships on landlords, especially those who held interests jointly with others. In the majority of cases the estates were sold for arrears due to no action of the landlords, but for various other reasons.

After a number of other non-officials had supported the resolution, Mr. Hammond, opposing, observed that it was established that no real hardship occurred, and by accepting the proposal they would be introducing an element of uncertainty as regards collection of Government revenue, and they would be tinkering with the sacrosanct law of land revenue, long established in this country.

Another resolution regarding the revision of the pay and prospects of members of the Subordinate Educational Service was also passed by 39 votes to 19.

### Abolition of the Chaukidari Tax.

On the *17TH FEBRUARY* the Council discussed non-official resolutions. The first resolution moved by Mr Chandipat Sahay urged the abolition of the chaukidari tax, the dismissal of all chaukidars and the appointment of additional dafadars in their places whose pay was to be met from Provincial revenues. The resolution was passed by 28 votes to 27.

Another resolution, moved by Mr. Dwarka Prasad Singh, recommending the establishment of an Ayurvedic and a Tibbi college at Patna was accepted by Mr. Ganesh Dutta Singh, Minister of Public Health, and adopted by the Council.

### Executive and Judicial Functions.

Kumar Rajiv Ranjan Prassad Sinha moved a resolution asking that immediate steps be taken to give effect to the recommendations of the committee appointed to formulate a scheme for the separation of the judicial and executive functions in the Province. Mr. Sinha, dealing with the judicial and legal aspect of the question, said that the matter had been before the public for a long time. The Government accepted the resolution in so far as it related to the appointment of a committee to investigate the matter, but did not accept its principle. The reform and change suggested could be carried out by the Government of India alone. No Local Government could undertake that responsibility. The matter was under the consideration of the Government of India, who

had the reports of the Provincial Governments. It was not proper to say that the Local Government was wavering. They had done all that could reasonably be done.

Discussion on the resolution was not concluded when the Council adjourned.

On the next day, the *18TH FEBRUARY*, the resolution of Kumar Sinha on the separation of Executive and Judicial functions was eventually carried by 46 votes to 23. It was opposed by Mr. S. Mahomed Yahya, and supported by Messrs. Mubarak Ali, Saidul Haq, Dwarka Nath and K. B. Sahay.

Mr. E. L. Hammond, explaining the attitude of the Government towards the resolution, quoted Sir Hugh McPherson's speech on the subject to show that the Government did not definitely commit themselves to carry out the recommendations of the Committee. Some recommendations of the Committee, he thought, the Government were prepared to accept, and recommend to the Government of India, while others were impracticable and wrong in finance, and some again the Local Government did not accept. They addressed the Government on the subject, and sent the report of the Committee with a letter. Since then they had corresponded with the Government of India, and if the whole correspondence was placed on the table it would be known that his Government had done everything in their power to obtain the orders of the Government of India. There had not been the slightest slackness on the part of the Local Government to delay matters. The Local Government could not proceed in the matter without the sanction of the Government of India, who were considering the reports from the different Provinces on the subject.

### Rent and Revenue Remission.

On the *19TH FEBRUARY* the discussion was resumed on the resolution of Mr. Jagabandhu Sinha, that remission of rent and revenue for the current year be allowed to landlords and tenants in those parts of the districts of Puri and Cuttack which had suffered most from the recent floods.

Mr. Hammond, opposing the resolution for the Government, said that trouble in Orissa was not widespread, and there was no famine or general failure of crops. It would not be in keeping with the rules, when the situation did not justify it, that the Government should adopt a policy of wholesale remission of revenue. The resolution was rejected by 26 votes to 23.

A resolution for the establishment of a degree college at Ranchi was withdrawn on the assurance of the Minister of Education that provision for intermediate classes had been made. The suggestion for the establishment of a first grade college also would be examined.

A similar resolution for the establishment of a first grade college at Chapra was moved by Rai Sahib Kharag Narain. Mr. Mubarak Ali moved an amendment that as a preliminary step intermediate classes be opened at Chapra. Sir Syed Fakhruddin, Minister of Education, opposing the motion, pointed out that multiplication of colleges had led to unemployment among educated classes. The resolution, as amended, was carried by 36 votes to 20. The Council then adjourned.

## General Discussion of the Budget.

The Council next met on the *22ND FEBRUARY* for the general discussion of the Budget. Mr. Anant PRASAD began the debate and said that he received the Budget with mixed feelings. He regretted that in spite of the large surplus no proposals were brought forward to lessen court fees and registration fees. He complained of a steady increase in excise revenue which had gone up from Rs. 1,24,00,000 to Rs. 2,00,00,000 in the course of 5 years, and thus indicated the moral degradation of the poorer classes. He spoke of depression in the coal trade of Jharia, and the uncertain prospects of agriculture, and entered a strong plea in favour of a permanent settlement, which had been attacked in some quarters. He asserted that it was wrong to think that there was any feeling amongst the tenants of Bihar for a revision of the settlement.

Mr. Rajandhari SINHA commented on the attitude of the Finance Member towards the nation-building departments. Dealing with the general aspect of the Budget, he said that expenditure on education was less than that provided in other Provinces. He thought that the provisions made for the Transferred Departments were too inadequate.

Rai Bahadur Dwarka NATH said that Mr. Sinha had been one of the most successful Finance Members of modern times. He had proved the fitness of Indians for holding the Finance Portfolio. The Budget, he thought, was not an index of the prosperity of the people. Trade was in a depressed condition and the masses were not prosperous.

He complained that no provision was made for training people in positions of responsibility and trust. He emphasised the need for improving education and of trying local option in excise and improving municipal administration.

Mr. Jaleswar PRASAD said that the estimates were wrong by Rs. 17,68,000 or 12 per cent. which he considered a serious mistake. The second flaw in the Budget was that the surplus was shown to be Rs. 14,00,000 but the real surplus of revenue over expenditure would be Rs. 40,85,00 or more than 7 per cent. of the revenues. Such a large surplus was against the canons of public finance. This showed want of confidence in the public by the spending departments. The decrease of Rs. 150,000 in income-tax in the Province showed the poverty of the people. In conclusion, he maintained that there was no justification for continuing the burden of taxation on the people.

The Council then adjourned.

Next day, the *23RD FEBRUARY*, further discussion on the Budget was resumed by Mr. Krishna Ballabh SAHAY, who pointed out that though there was a huge balance at the disposal of Government, it was not usefully spent. He said that Ministers had no definite policy to lay down with regard to their departments, He suggested improvement in the quality of education.

Nawabzada Khan Bahadur Syed Ashraf Uddin AHMED congratulated the Finance Member on his surplus budget. He pointed out that the province spent for new schemes on the transferred side more than double of any other provinces in India, which he regarded as a great achievement of the Finance Member.

Mr. Mubarak ALI characterised the budget as barren of producing any benefit for the people of the province. He complained that suggestions made by non-official members received but scant attention at the hands of the Government members concerned. With a heavy closing balance nothing was done to effect remission of taxation on the masses. He pointed out that expenditure on the reserved side was in excess over the transferred side by one crore. He then entered into criticisms against certain provisions in the budget.

The Hon. Sir Syed FAKHRUDDIN, Minister of Education, replying to the points raised said that Ministers had evolved policies which were published from time to time in the form of resolutions. He had done all that was possible to remove illiteracy and to spread primary education. The programme of primary education prepared by Sir Edward Gait could be given effect to owing to lack of funds. The expenditure on primary education was greater in this province than any other province. The University scheme was being considered by Government and might again be brought in the Council by the Vice-Chancellor. He assured the Council that all suggestions made by members would be sympathetically considered.

The Hon. Mr, Ganesh Dutta SINGH, Minister of Local Self-Government, said that so far as his departments were concerned his policy was to give medical relief and improve sanitation. He regretted that no suggestions were made for the improvement of any of those things The province was spending 31 lakhs on medical relief and lakhs on sanitation, more than any other province. Considering the revenue in 2 years, Government had been able to distribute 8 lakhs for sinking wells. The Excise income was not peculiar to Bihar. Without the Excise Revenue their position would be worse than the other provinces. He quoted figures to show that the people of the province did not consume so much and did not pay so much as in other provinces. No practical suggestion was made how to meet the loss in revenue by wiping out the income from excise.

The Council then adjourned till the 8th March.

## Voting on Budget Grants

Voting on budget demands for grants commenced on the *8TH MARCH*. The Swarajists having withdrawn, only mild opposition was offered in respect of certain demands under land revenue, excise, stamps, forests, registration, and irrigation, which were put to vote and agreed to. All the 61 motions of reduction in respect of these demands were either withdrawn or rejected. The Council then adjourned.

### The Swarajists' Withdrawal.

In pursuance of the decision of the All-India Congress Committee, the Swarajists in the Bihar and Orissa Legislative Council walked out of the Council on this day (8th March) after lunch. Mr. Jaleshwar PRASHAD, leader of the Swaraj Party in the Council, made the following statement before the withdrawal:—"Sir, with your permission, on behalf of the members of the Swaraj Party in this Council, I have the honour to make the

following statement. The A.I.C.C, at its meeting on the 6th instant having called upon such members as are Swarajists to leave their seats in the Legislatures, it is incumbent upon us henceforth to take no part in the work of this Council. The Government of India and the Secretary of State by their attitude of indifference towards the joint demand of the Assembly, incorporated in the Assembly resolution of 1924, and by their assertion that no steps towards Self-Government could be taken without further signs of co-operation in the country, and the reactionary attitude of the Local Government in respect to all various unanimous demands of the members of this Council, have convinced us that we may expect to get nothing from them unless we completely surrender ourselves to the wishes of the bureaucracy, which is repugnant to the sentiments of any group of self respecting persons. The only alternative left for us, therefore, so far as work in the Council is concerned, is to pursue a policy of opposition and obstruction as detailed by the All-India Congress Committee. This programme, we must confess it, is impossible to follow with the help of the present elected members of this Council, who hold different views and do not see eye to eye with us. Our attempts in this Council to bring over other members to our way of thinking and to present a united front in this respect have failed. We have therefore decided to leave our seats without resigning our membership, and we hope that when the next Council meets we shall be in a position to carry out our programme in full".

## Another Withdrawal.

On the *10TH MARCH* dramatic scenes were repeated in the Council with the withdrawal of another 9 non-official members from the Council after the luncheon interval. Some non-official members were contemplating this step for the last two days. It was stated on behalf of these members, that being disgusted with the state of affairs obtaining in the Council they had decided to withdraw from the time being and not to take any further part in the discussion of Budget motions. Following the rejection of a non-official motion for a cut of Rs. 1 lakh and 42 thousand in the provision for "Clothing" under the 'Police' demand, this walk out demonstration took place The House was then thinned and all Budget demands for grants under the different heads were put to vote and agreed to without opposition. The Council then adjourned till the 12th March.

## The Council Prorogued.

On the *12TH MARCH* after a brief sitting for about an hour when a few supplementary grants were passed, His Excellency Sir Henry Wheeler, the Governor, prorogued the Council.

In proroguing the Council His Excellency referred to the Swarajist withdrawal, and gave a resume of the business transacted during the session. He said that he did not wish, in any way, to argue with those members who had seen fit to deprive the Council within the last few days of the advantage of their presence. Personally, he regretted their action, and thought that, even from their own point of view, they made a mistake. They had followed an example set from Delhi, though as he knew from his recent visit to that place, it was an example which even there did not really command undivided allegiance. But, whatever conditions were prevailing at Delhi, regarding which he did not propose to comment, might they not say, in Patna, that they were, as was the case in every provincial councils in India, concerned with their local affairs? They were interested naturally, as individuals, in the political developments in the country. But, in so far as the Provincial Council was concerned, they were here to see that the administration of Bihar and Orissa proceeded upon the lines which might best conduce to the advantage of the province.

He failed to see what the province gained by the action of certain M.L.C.'s in refusing to assist the Council in its deliberations. After all, he observed, their constituents wished them to present their points of view, and mandates even. The Mandates from Cawnpore and Delhi were beyond their ken. Therefore, those who had absented themselves had deprived those who elected them of representation. After all, members represented should represent their constituents Apart from that, there was the wider point of view even beyond that of the approaching elections. He asked them if this gesture was going to do any good. As one interested keenly in the progress of what commonly went by the name of Reforms, he could not but feel that the wisest course had not been followed. Other critics, not always friendly, could view it from other standpoints, and those of them who wished to show a record of reasonable co-operation, would be seriously prejuiced before the ultimate tribunal.

# The Madras Legislative Council

*MADRAS—8TH FEBRUARY 1926.*

The Madras Legislative Council commenced its winter session on the 8TH FEBRUARY. Before the business of the House began, Mr. Satyamurthi moved a motion for adjournment to discuss the situation arising out of the passing of the South African Colour Bar Bill affecting the status of Indian settlers and the question of recommending to His Majesty's Government to veto it. The motion was admitted for discussion in the afternoon. When the Council re-assembled after lunch, however, the President announced that Mr. Satyamurthi's motion regarding the South African Colour Bar Bill had been disallowed by the Governor.

Excise Advisory Comm. Report.

The Council then proceeded to discuss non-official resolutions on the Excise advisory Committee's Report. The Committee was appointed by the Local Government to make recommendations on excise reform. The report was placed before the Council last month, and the Government, in accordance with their undertaking, gave the House an opportunity at the beginning of the present session to discuss it and move resolutions before finally passing orders.

Mr. Satyamurthi moved the first resolution expressing dissatisfaction with the Report and recommending to the Government that they should declare their policy to be the total prohibition of the manufacture, consumption or sale of alcoholic liquor, and that they should take immediate steps specially to bring about total prohibition.

Other resolutions, while recommending that total prohibition should be the declared policy of the Government's goal, dealt with the steps to be taken in the direction of reform, asked for a period to be prescribed for the attainment of that goal, recommended that the Government should explore with the assistance of a committee of the House the financial resources available for gradually recouping the loss of excise revenue, and also that the goal be worked up by definite stages as early as possible.

An amendment moved by a member that ten years be prescribed as the period was lost by a large majority, while another prescribing 20 years as the time limit was carried. The Minister for Excise opposed the proposal for a time limit quoting the opinion of the Bombay Committee to show that it was unnecessary and impracticable.

Another amendment moved by the member for the depressed classes, to the effect that no shops selling toddy, arrack or beer should be located in or within two furlongs of localities inhabitated by the depressed classes or factories, was carried. The discussion on the main resolution was not concluded when the Council rose for the day.

On the 9TH FEBRUARY the Council resumed discussion on resolutions on Excise Committee's report. The majority of speakers strongly supported the adoption of total prohibition as the goal of the Govern-

ment's policy. Hon'ble Mr. T. E. Moir requested the house not to lose sight of the financial aspect of the problem. The total loss of revenue by enforcement of the reform in the province would not be short of six crores and he regretted that no proposals had emanated as to ways and means of meeting deficit. Sir A. P. Patro replying to the debate, also referred to financial issue involved. After dealing with the merits of the proposals he assured that they will be seriously considered before final orders were passed on the report.

On the 10TH FEBRUARY, after interpellations, the House proceeded with the discussion of resolutions on the Excise Advisory Committee's Report. There were six resolutions under discussion, all of which were lost when put to vote, except one which recommended gradual decrease in the number of liquor shops, with total prohibition as the goal to be reached in 20 years, and another which recommended the removal of toddy shops from the district inhabited by depressed classes.

### Malabar Tenancy Bill.

The House then proceeded to discuss the Malabar Tenancy Bill as amended by the Select Committee. On a suggestion from Sir C. P. Ramaswami Iyer the consideration of the Bill was postponed to June when a special session will be held to consider some amendments which the Government proposed in order to make the Bill acceptable to all parties.

### Excise Policy Criticised.

On the 12TH FEBRUARY Mr. Adinarayana Chetty raised a discussion in the Council over the excise policy of the Government by moving for an adjournment of the business of the House with reference to the orders of the Revenue Board in refusing the recommendations of the Excise Licensing Board for closing down three excise shops in the city during the ensuing year. The Excise Minister in reply said that no reason were advanced to show that the existence of the shops in question was a danger to the public peace in the localities concerned. Those shops were in existence for the past fifty years or so and the Minister was convinced that the Board had exercised their discretion advisedly in this matter. The motion was put to vote and lost by a very large majority.

### Supplementary Demands.

The rest of the time of the House was taken up by discussion of the supplementary demands for grants. The Revenue Member's demand for a grant of Rs. 26,363 towards the share of the subventions paid in the United Kingdom for the encouragement of schools of oriental teaching in universities and other approved institutions for the benefit of probationers on the I.C.S. and I.F.S., gave rise to some discussion. Objection was taken on the ground that this was a burden that should be borne by the Government of India rather than the Provincial Government. Another member said that the Indian vernaculars and Indian Law could be taught to probationers in India better than in England. The motion for the grant was pressed to a division and carried by a large majority.

### Registration of Nurses and Midwives.

On the 13TH FEBRUARY, after interpellations, the House considered the Bill introduced by Mr. Mahomed Usman, Home Member, for the registration of nurses and midwives in the Madras Presidency. The Bill followed,

with the slight modifications necessitated by local conditions, the Burma Act on the subject, and was intended to guard against the risk which the public ran of attendence by nurses and midwives who have no qualification, and to place under some disciplinary control qualified nurses and midwives.

The Bill was introduced into the Council, and after being passed the first reading was referred to a Select Committee.

The House also passed into Act the Madras Local Authorities Entertainment Tax Bill as reported by the Select Committee, and was discussing the Madras Village Officers Restoration Bill when it rose for the day.

Alleged Interference with Elector in Bye-Election.

On the 15TH FEBRUARY, the Council re-assembling, Mr. Satyamurti sought to move the adjournment of the House to draw attention to the alleged interference with the freedom of electors by certain Government officials in the North Arcot district in favour of a particular candidate in the coming bye election. Mr. Ramaswami Mudaliar also made similar complaints against some officials who, it was alleged, interested themselves on behalf of another candidate in the same election.

The Law Member promised to draw the attention of the District Collector to the matter with a view to an investigation, and said he would see that no room was left for such complaint. Mr. Satyamurti therefore dropped the matter.

The House then resumed discussion on the Madras Village Officers' Restoration Bill, which was finally passed into law. The Council then adjourned till the 2nd March.

## Financial Statement for 1926-27

On the 2ND MARCH, the Council re-assembling, the Hon. the Finance Member presented the Budget estimates for 1926-27. The accounts of 1924-25 closed with revenue of Rs. 16,27·59 lakhs and expenditure of Rs. 16,57·07 lakhs, the deficit being Rs. 29·48 lakhs. This was an improvement on the figures of the revised estimate which anticipated a deficit of Rs. 1·86 lakhs As compared with the Budget estimate of Rs.16,77·22 lakhs the fall was Rs. 49·63 lakhs, land revenue accounting for Rs. 21·81 lakhs, and excise no less than Rs. 23·54 lakhs. Of this serious shortcoming on the expenditure side notable increases were a sum of Rs. 22·92 lakhs under the head "Extraordinary Charges" and an increase of Rs. 19·15 lakhs under Public Health. The former is an incomplete indication of the Bill which the country has had to pay, and is still paying for the floods and cyclones experienced during that year.

The revised estimate for 1925 to 1926 on the revenue side was Rs. 1,641·96 lakhs or Rs. 9·82 lakhs less than the Budget estimate. As against this the revised estimate on the side of expenditure amounted to Rs. 1649·13 lakhs, but the actual expenditure was expected to amount to only Rs. 1,635·77 lakhs, leaving a revenue surples of Rs. 6·19 lakhs.

According to the Budget estimate of 1926·27 under revenue heads the total receipts were estimated at Rs. 1,634·20 lakhs or Rs. 7·76 lakhs less than the revised estimate for the current year, but for certain other reasons which the Finance Member explained, the estimates anticipated an increase in ordinary revenue of about Rs. 17 lakhs. Of this increase land revenue contributed about Rs. 9·5 lakhs, while the only decrease which might cause

financial concern was a further fall of Rs. 1·28 lakhs under Excise. Speaking purely from a financial point of view. the member said that they were already faced with permanent and progressive reduction in revenue, and on the expenditure side. The demand for additional staffs to enforce their policy had now made its appearance and the estimate of expenditure charged to revenue amounted to Rs. 1710·66 lakhs or 76·46 lakhs in excess of anticipated revenues. In this estimate of charges on revenue were included those which, for some years to come before they attained the average level, had shown a tendency to progressive increase. The first of these was officers and establishments charges, which were introduced with the revision of salaries in 1921 on account of which the additional charge this year was estimated at Rs. 13 and half lakhs, the second, supperannuation allowances and pensions, and thirdly interest.

The Finance Member justified this deficit estimate on the ground that he looked forward for the disappearance of the considerable expenditure of an abnormal and non-recurring character and on the ground that the remission of the provincial contribution would be repeated as a result of the remission of Rs. 57 lakhs for the Madras Presidency as already announced in Sir Basil Blackett's Budget estimates and the Finance Member anticipated a surplus of Rs. 6·19 lakhs in the current year.

## General Discussion of the Budget

*4TH—6TH MARCH 1926.*

### The Pondicherry Incident.

On the 4TH MARCH the Council re-assembled for the general discussion on the Budget and continued for the next two days.

The member from Coimbatore described the Budget as disappointing and objected to the rise in expenditure.

Mr. Venkatachalam Chetty said he was not satisfied with the handling of local bodies by the Minister for Local Self-Government.

The member from Malabar, referring to the work of the Police Department, drew attention to an alleged incident which took place at Pondicherry. He stated that a member of the House recently visited Pondicherry and went to see Mr. Arabindo Ghose. As he was returning he was taken by the French police at Pondicherry and with the concurrence of the British police stationed there, he was made to give his name and his finger and thumb impressions were taken. Indignity had been heaped on the member by the French police.

The Law Member, interrupting, asked the House not to take as a fact the member's statement that the French police acted with the concurrence of the British police.

On the next day, the 5th March, Mr. C. V. Venkataramana Iyengar made special reference to the Pondicherry incident regarding the experience of a member of this House in connection with his visit to Mr. Arabindo Ghose to which attention was drawn the day before by another member. Mr. Iyengar said that the member, who was the subject of police victimisation, was none other than himself. He had addressed the Governor of Madras and the French authorities on the matter and the speaker appealed to the Government

to see that self-respecting Indians were saved from such indignities in the future.

On the 6TH MARCH, the last day of the debate, the Government members replied to the criticisms and suggestions of the various members during the last three days.

The Education Minister said that the Education Department was carrying on a very progressive policy, and the Minister expressed grateful appreciation of the sympathy and co-operation he received from His Excellency the Governor in carrying out his schemes for the expansion of education.

The Minister for Local Self-Government referred to the work of his department in the direction of improving medical relief, especially in rural areas and also villages, communication and water supply. They had a definite programme of nation-building schemes which were now being hatched slowly but surely.

Sir C. P. Ramaswami Iyer explained at the outset the object and policy of the Government in regard to the hydro-electric and irrigation schemes in the presidency. The Law Member referring to the complaint with regard to the separation of judicial and executive functions, pointed out that it was unfair to accuse the Local Government for giving effect to this reform, as it was an All-India matter.

Turning to the Police Department, the Law Member observed that retrenchments resulting in a saving of Rs. 3,78,000 had been effected in the department. With regard to the Pondicherry incident, he said that the Government had not directly or indirectly instructed the French police to pursue any such course as had been complained of and they were not responsible for the procedure adopted by the French Police.

The Finance Member also made reference to this incident. Regarding its political aspect, he said that Pondicherry was an integral part of the French territory, and it was incumbent on the person going there to submit to the regulations obtaining there. The member concerned had made such a strong statement against a friendly power, that it was difficult for this Government to carry on negotiations in the matter.

Turning to the Budget, the Finance Member laid stress on the achievements of the Transferred Departments during the last three years. The speaker did not share the pessimistic views regarding their financial future. This brought the budget discussion to a close and the Council adjourned till the 16th March for the voting of grants.

## Voting on Budget Grants

### The Swarajists' Withdrawal.

The Council re-assembled on the 16TH MARCH for voting on Budget heads. After interpellations 23 members, Swarajists and United Nationalists, walked out of the Council. Mr. Narasinha RAJU, Leader of the opposition, made the following statement explaining the object of the walk out.

After expressing dissatisfaction with the policy of the local Government in regard to various matter, vitally affecting the interests of the people, Mr. Raju said that the Madras Government claimed that dyarchy was forsooth worked successfully in this province, but even this Lord Birkenhead was not prepared to accept at its face value because, in his oft quoted statement

in the House of Lords last year, he used cautious words. Indeed, he said that the Madras Government say that they have worked dyarchy successfully. It is for the Madras Government to judge how far this left-handed compliment will hold them as to the position of those who are not Swarajists and who have now decided to abide by the Congress mandate and programme. "We are convinced and we sincerely believe that the Indian National Congres represents the National will, and it is the truest representative of our national demands and our aspirations. It has been said, Sir, that in taking this step we are about to take to-day we are acting against the wishes or the interests of the constituencies that have sent us here. We feel, Sir, on the other hand, that far from acting against the wishes or instruction of our constituencies, we would be failing in our duty to our constituencies, if we did not on their behalf carry out in this House the mandate of the Congress. Ever since the Congress took upon itself last year to guide and direct work in connection with the central and provincial legislatures, there has been abundant evidence in this province in particular that the electorates stand firmly and loyally by the Congress. We demand, Sir, in the circumstances that the verdict of the country should be obtained in this respect by a general election in this province at as early a date as possible, and we have therefore decided that until such a general election takes place, we shall not be justified in being here and carrying on any work contrary to the instructions of the Congress. We are convinced that in this we represent and carry out the wishes of our constituencies in every respect. We do not vacate our seats, but if any unforeseen circumstances arise we will take permission from the special committee and come back. With these words, I desire to state that I propose to withdraw from the House and call upon my friends on this side of the House to follow".

After the walk-out of the Congress Party members, the Council proceeded with the business of voting budget demands. A large number of motions tabled by members who walked away lapsed in their absence and the remaining motions were considered in their order on the agenda.

### Land Revenue Demand.

The demand relating to land revenue was disposed of, the grant being agreed to in full. Only two cuts were pressed to divisions by their respective movers (Rao Bahadur Natesa Mudaliar and Dewan Bahadur Krishnan Nair), the first to enquire whether communal Government order was being observed with regard to appointments in the department and the second to press the views of the Council for abolition of the Revenue Board. Both motions were defeated. The House then adjourned.

### Demand under Excise & Stamps.

On the 17TH MARCH the Excise Minister's demand for a sum of Rs. 37,93,000 was voted in full by the Council after a discussion.

A member from Cuddapah raised the debate by a token motion over the excise policy of Government and suggested that local option should be introduced. He said that the policy pursued by the department was not a right one to attain the goal and wanted the minister to embark on temperance propaganda through a method of persuasion and thus prepare the ground for local option. The Minister for Excise, replying, maintained that steps had already been taken in this province in the direction of introducing local option, though in a limited form Government were pursuing a progressive

policy; but the difficulty was regarding revenue. The Finance Committee had been asked to suggest ways and means of recouping the loss of revenue. Eventually the token reduction was lost by 45 votes against 6.

The House next discussed the demand under "Stamps" and voted a sum of Rs. 5,35,000. Full opportunity was taken by several members to press on the Government the necessity for revising the Stamp Duty on instruments, especially with a view to affording relief to the poor people.

### The Adjournment Motion.

On the 19TH MARCH, the House re-assembling, Mr. Saldanha, Independent Nationalist from South Canara, under rule 34 of the standing order, moved the adjournment "sine die" of the budget debate, because he said the House had practically ceased and found itself impossible to function owing to the exodus of the majority of elected members because of the failure of Government to take a small remnant or rump of the House into its confidence with regard to the policy underlying certain excess demands and because of the uselessness of pressing to a division a resonable demand.

Objection was taken to the use of the word "rump" by the mover which he withdrew. The mover, continuing, said that the defeates sustained by the Ministerialist party during the last few days ought to be a ground for the Ministers to tender their resignation.

Sir C. P. Ramswami Iyer regretted that the motion was sprung upon the House as a surprise. He repudiated the mover's suggestion that Government were unduly hurrying through the budget and that they had no consideration for the feeling of the elected members. The mover was also very unfair in drawing a distinction between the elected and nominated members. Business had gone on in as parliamentary a manner as before and the speaker did not see where the doctrine promulgated by the mover came in. Concluding, the leader of the House said:—"Let us have no more of this and let us proceed with the business."

Mr, Saldanha received no further support from the Council and the motion was lost.

### Irrigation, General Administration & Justice Demands.

The demands under Irrigation (Public Works Officers) and General Administration were next discused and the votes were agreed to. When the demand for Legislative Bodies was taken up, an interesting discussion was raised with regard to the conduct of the next elections and arrangements for providing an adequate number of polling booths. The Law Member in his reply said that the matter would receive careful consideration.

On the 20TH MARCH the demand for justice and High Court was taken up. A Mahomedan member drew the attention of the Government to the feelings of Muslims of the presidency at the absence of a Muslim Judge in the High Court. Members belonging to different parties supported the Muslim demand. It was pointed out during the discussion that if a suitable Muslim was not available for the post, the community would have no objection to the importation of a Muslim judge to Madras from some other province.

Sir C. P. Ramaswami Iyer, in his reply, pointed out that the appointment of a High Court Judge was a prerogative of the Crown, but the sentiments expressed in the matter will receive the earnest attention of Government in making recommendations when the opportunity arose.

The Police Demand.

On the 22ND MARCH, in the course of the discussion on the Police Budget, the Hon. the Law Member took strong objection to the insinuations made in the Council by Rao Bahadur Natesa Mudaliar, Ministerialist, touching the conduct of the police during the disturbance in the last city municipal elections and also the prosecutions of certain people in connection with the incident. The Law Member said that these insinuations were thoroughly unfounded and were a deliberate insult to himself, the profession of law and the judiciary, and, lastly, a great class of public servants, the police. He observed that for the fair name and dignity of the House such insinuations should not be made on the floor of the House in the future.

Mr. Natesa Mudaliar said that he had a great respect for the Law Member and that he simply gave expression to his impression.

The Law Member's demand for the police administration amounting to one hundred and fiftythree lakhs and nine thousand rupees was voted in full.

The demands relating to jails, police and three other heads were also voted without reductions after a full day's discussion.

The Education Demand.

The Education Minister's demand was under discussion when the Council rose for the day. Opportunity was taken on this motion by a few Tamil members to press on the Government the desirability of constituting a Tamil University as early as possible and the appointment of a committee to prepare a scheme.

The Minister, in the course of his reply, said that although the financial problem was a very important consideration, that would not be allowed to stand in the way of constituting a Tamil University if a well thought out scheme was placed before the Government.

On the 23RD MARCH, the House re-assembling, Sir C. P. Ramaswami Iyer, the Law Member, made a statement regarding his speech the day before while replying to Mr. Natesa Mudaliar's references to the city municipal elections and the Madras Government.

The Law Member said that it had been brought to his notice that he had characterised the political doctrines of the Swarajists as being poisonous. His view regarding this political party was just what he had expressad yesterday, but with a view to conform to verbal as well as substantial decorum which it was usual to observe in the House, he would alter the expression " poisonous " into " wholly misconceived".

Discussion was then resumed on the Education Minister's demand and the grant was fully made. Several cuts were proposed to raise discussion on various educational needs, but none of them were pressed to a division.

The depressed class members asked for more educational facilities for their community, and requested the Minister to grant full remission of school fees for poor families, especially in case of girls.

The Minister gave a very sympathetic reply, stating that steps were being taken to help the educational advancement of the depressed classes, and the question of remission of school fees as requested by the members was under consideration. The Council then adjourned.

On the 24TH MARCH the House voted in full the demands of the Minister for Local Government, namely, Rs. 58,57,000 for medical administration, and Rs. 33,28,000 for public health and vital statistics.

### The Medical Demand.

During the discussion of the medical demand the Rajah of Ramnad brought prominently to the notice of Government the necessity of letting the provisions of the Leper Act applied to this province with a view to the segregation of lepers. The Ministers observed that the act could be applied to this presidency only after the question of housing lepers was solved and a scheme for the purpose was under consideration.

Discussion was raised about Government encouraging Ayurvedic and Unani medical practitioners in rural areas, by offering subsidies. The Raja of Panagal, Minister-in-Charge, drew attention to the existence of a Government school of indigenous medicine in Madras, started last year, and said that the matter could not be pushed further before a sufficient number of practioners were trained in this institution.

Referring to the suggestion made by the member from Malabar, the Minister said that although there might be a large number of trained indigenous medical practitioners in Malabar, Government could not undertake the responsibility of recognising and subsidising them in the absence of an inspecting agency, but it was open to local boards to subsidise them provided they were efficient.

### Other Demands Passed.

Voting of Budget grants concluded in the Madras Council on the 26TH MARCH. Grants for Fisheries, Labour and Factories and Civil Works and grants for Local bodies were subjects discussed on this day, but no contentious issues were raised and grants were made without any cuts.

The Minister for Education moved his demand for Civil Works (Transferred), but there was hardly time for discussion, as the time limit was reached. The motion was therefore formally put to the House and carried. Three or four minor grants left on the paper were similarly put and carried and the Council then rose.

### Nurses and Midwives Bill.

The last sitting of the Council was held on the 29TH MARCH, the chief business for transaction being the voting of a number of supplementary grants. After these were disposed of the Home Member presented the Select Committee's report on the Madras Nurses and Midwives Bill, which as amended was taken into consideration and passed.

Objection was taken to the Home Member's amendment for omitting the sub-clause relating to the rule-making powers of the Legislative Council under this Act. This amendment was brought on advice from the Government of India and certain members resented this interference by the Government of India as an encroachment on the priviliges of the Council.

The amendment was carried by a large majority and the bill was passed into law unanimously. The Council then adjourned *Sine Die.*

# The Bombay Legislative Council

*BOMBAY—22ND FEBRUARY 1926.*

The Budget session of the Bombay Legislative Council opened on *22ND FEBRUARY*, Sir Ibrahim Rahimtullah presiding.

Dr. R. P. Paranjpye (who had been elected to the University seat vacated by Mr. Jayakar), Mr. J. L. Rieu and Sir Lawless Hepper, Development Director, were among those sworn in as new members.

### The Governor on Back Bay Reclamation.

H. E. the Governor, who arrived in State, referring to the Sukkur barrage scheme, said that excellent progress had been made in the past year, and, coming to the Back Bay reclamation scheme, His Excellency said : " Very shortly after my arrival in Bombay I made a very close inspection of this work. I lay no claim to being an engineer, but, looking at the whole scheme from the ordinary layman's point of view, I confess I then felt that the greatest care must be exercised to ensure that the estimates as regards time and expenditure were not exceeded. In schemes such as this time is an essential factor, for when any scheme is to be financed from borrowed capital and borrowed interest any underestimate of time necessary to complete the scheme must involve a most serious increase in expenditure. On occasions too numerous to mention I have visited the works and again I confess to an increasing anxiety as to the future. The results of the first season's working were to my mind very disappointing, but Sir George Buchanan, in a personal interview, assured me that the dredger had not had a fair trial, and he was strongly against basing any estimate upon the results obtained up to then. He anticipated that next year's working would be far more favourable, and suggested that results should be awaited. It is, however, an unfortunate fact that next year's working showed even worse results than the first. The figures were placed before a sub-committee seven days after receipt from the Chief Engineer. My Hon. colleague, the member for the General Department, has throughout shared my anxiety and entirely agree with me that the fullest enquiry into the present position was not only desirable, but necessary. It is, in the opinion of the Government, of paramount importance that we should proceed with great caution and obtain every available expert opinion, at the same time avoiding any idea that the position is worse than actual figures prove. We have already been able to secure independent opinion from Sir Alexander Gibb. Unfortunately, after presenting his report, he had to leave Bombay. We are unable to utilise his report without further reference to him with regard to certain figures and statements on which more detailed examination appears necessary.

### Three Propositions.

" This report, however, confirms the Government in the decisions at which we have arrived, that it is certainly necessary to complete block eight as soon as possible and to proceed with blocks one and two in the most economical manner. My hon. colleague will deal with all the details when the vote for the Development Department comes before this Council. To put it as shortly as I can, there are three propositions in the report submitted to the Government. The first is to stop all the works which means certain and present loss, from which there can be no possible return in the future, of Rs. 1,88 lakhs. The second is to complete only block eight, already sold to the Military, which is calculated to entail a definite loss of Rs. 1,88 lakhs. The third is to complete blocks one, two and eight, which entails, according to the most pessimistic calculations, Rs, 3,69 lakhs ; and to the more optimistic, a loss on completion of blocks one, two and eight of Rs. 2,81 lakhs. I would assure Hon. Members that the many complicated figures have been and are again being carefully examined and the Government is of opinion that it would be wise to continue the reclamation of blocks one and two and, of course, block eight. The figures given in the report of the Advisory Committee already need readjustment, and the prospects are much brighter than would be gathered from these figures. It is anticipated with confidence that this will mean block

eight being completed, handed over to the Military, and paid for by them a year before the time anticipated in the report.

"An immediately important question to be decided is whether it is going to be more economical to complete blocks one and two by dryfilling or wetfilling. This is a question which no one can answer at the present, but we are examining every detail and intend to call for open tenders for earthfilling on a large scale in order that we may be in a position to compare the economic possibilities of dryfilling as compared with dredging in the future on a basis of the dredging results which we shall obtain this season. Hon. Members may rest assured that the Government is taking no thought of its prestige or of any consideration except that of doing with the assistance of exery expert opinion available the very best it can to secure for the people of this Presidency as small a loss as possible, and it may be that all the reports so far received have been based on the worst possible eventualities, and that results will be obtained which to a considerable extent relieve the taxpayer of liabilities anticipated in the majority reports. I have noted various statements in the report apportioning blame. I feel convinced that all those mentioned directly or indirectly as being in any way responsible for initiation or carrying out of the work will welcome the fullest enquiry."

His Excellency then asked the members to take their memories back to the days when the scheme was first started. During the boom which followed the War many individuals expected that the boom would last, and all who took action on that belief had suffered severely. Land sold at prices never heard of before: the Back Bay scheme was based on estimates of pre-War prices of land. Had the demand for land continued the scheme must have been a great financial success, even on largely increased estimates. The time would undoubtedly come to a city of the size and importance of Bombay when the reclaimed land would be urgently required. Unfortunately that was not to be in these days, nor was it likely to be within the next few years. The situation must be dealt with as it was found to-day, and to do the very best in the interest of those for whom the members of the Government and the Legislative Council were responsible.

## The Financial Statement for 1926-27.

After the Governor's speech the Finance Member, Sir Henry LAWRENCE, introduced the Provincial Budget for 1926-27.

The Budget showed a revenue of Rs. 1,451 lakhs and an expenditure of 1,521 lakhs, leaving a deficit of 70 lakhs. There would be a non-recurring assignment, from the Government of India, of 10 lakhs, the actual deficit being about 60 lakhs. It was proposed to utilise the balances, over and above the deficit, to the extent of 189 lakhs and thus reduce the borrowings. Rs. 253 lakhs would be borrowed for capital expenditure. The closing balance at the end of 1925-1926 was estimated to be 159 lakhs, excluding the Famine Fund, which would, it was estimated, rise to 234 lakhs. It was expected that 1926-1927 would open with a balance of 602 lakhs, composed of 194 lakhs Famine Fund, 57 lakhs loan balances, and 351 lakhs' true current balance.

In his budget speech, Sir Henry Lawrence reviewed the finances of the presidency, and discussed the possibilities, both of reducing the expenditure and increasing the revenue. It could not be denied that the presidency was faced with serious difficulties, but he believed it had successfully emerged the periods of danger and depression in the recent past, which had been critical. The chief among the Government's anxieties were the loan obligations. Sir Henry stated, in this connection, that the programme of development of Bombay had been very largely curtailed. The demand for accommodation among the working classes appeared to have fallen off, so greatly, that the programme of 500,000 tenements had been cut down to 16,000 and the cost from 9 to 3-half crores. The smaller scheme was now practically completed. By curtailing the operations in suburban development the cost was being reduced from 12 to under 3 crores, and by the curtailment of the Back Bay Reclamation, liability would be reduced from eight-half to 6 1/3 crores, all the figures being exclusive of interest.

Discussing the future progress of this presidency, Sir Henry emphasised the importance to agriculture of the Sukkur Barrage, the wisdom of which none, he thought, now questioned, after the failure of the Indus last August. He dwelt upon the development of traffic facilities, provided to cope with the menace of famine in the Southern Mahratta country and new programme of extension and electrification of Railways in the course of construction.

Dealing with the revenue, the Finance member pointed out that the Government policy of granting liberal remissions of land revenue, owing to the failure of crops, had

caused the abandonment of 1-quarter crores in the last few years and any reduction in income would have to be made up from other sources. Under excise also, revenue from country spirit had fallen. There would be a solid ground, he said, for satisfaction if they could be convinced that the loss of revenue was due to the genuine absence of consumption, but they were losing many lakhs, and not advancing the cause of temperance by the losses, the money being diverted into the pockets of illicit distillers and vendors of cheap foreign liquors. He asked the House to assent to the revision of the schedules of the Court Fees Act and increased taxation on transfer of property to apply during the year only to the Bombay city. Sir Henry pointed out that Income tax had brought the Bombay Government nothing in the last two years, but there was reason to believe that the Government of India had a better appreciation of Bombay's claim than before.

Turning to expenditure, Sir Henry pointed out that it might be necessary to reduce the pay of establishments. He did not think a reduction feasible under police, education or civil works, but he hoped it might be possible to introduce some sort of taxation for motor cars and motor lorries to take the place of road tolls. Similarly, with justice no reduction was possible, but it was commonly conceded that if justice was costly it was due more to the fees paid to the lawyers than to the fees paid to courts, and he suggested that the remedy lay in the hands of the public.

Referring to the Government's decision to adopt the majority report of the Backbay Reclamation, Sir Henry pointed out that the total abandonment of the work would mean certain loss of 488 lakhs, whereas, if three blocks were completed, the loss would probably be reduced to 300 lakhs, with compensating open spaces for the city. Land should be available for sale by 1931, when the market value of the reclaimed areas would show whether or not it would be wise to continue the rest of the Reclamation programme. Meanwhile, it was assumed, for budget purposes that there might be a loss of three crores, for which 20 lakhs had been provided as sinking fund, to cover the interest and sinking fund charges.

## General Discussion of the Budget.

On the *23RD FEBRUARY*, the Council reassembling, Mr. J. C. Swamınarayan initiated the budget discussion, and dealt with the reclamation scheme, which, he advised, should be immediately abandoned so as to save the tax-payers further loss on it.

He was followed by a number of members, who expressed themselves strongly against fresh taxation proposals to meet the losses on development projects which the people of the Presidency had not approved.

Mr. Kambli, leader, Non-Brahmin party, supported opposition to fresh taxation. All the speakers joined in severely criticising the Government for the deficit budget. The House then adjourned.

Next day, the *24TH MARCH*, Mr. L. B. Bhopatkar, leader of the Swarajist Party, opened the discussion on the budget. He quoted figures to show that, while revenue had increased by about 65 per cent., expenditure had risen by 100 per cent. The first and foremost duty of the members therefore was to issue a mandate to the Government immediately to stop the Back Bay Scheme. The people paid to the State about 25 per cent. of their total income and the Government were spending extravagantly in one direction and starving out the Nation-Building Departments. He cited many instances of Government extravagance, and appealed to the members to deal with the budget in the light of their grievances.

Mr. Gulam Hussain Hidayatullah, Minister, while admitting that every need of the nation-building departments had not been met, refused to endorse the statement that it was starved,

Mr. Lalji Narainji condemned the Government loan policy, and asked for full information regarding the Back Bay Scheme being placed before the public and the institution of an independent non-official enquiry.

Dr. R. P. Paranjpye also endorsed the plea for investigation into the Back Bay Scheme. Referring to Education, he said that Government had not carried out their promise made in 1922 to utilise the proceeds of the Entertainment Tax for the spread of primary education. No wonder that progress had not been rapid in education.

Mr. Miles, Finance Secretary, refuted the suggestion of non-official benches that the Government had been following a policy of extravagant expenditure.

Mr. Jadhav, Education Minister, gave an account of what had been done by his department, and said that the Government's policy was to let local bodies look after primary education. He maintained that the revenue from the entertainment tax had been utilised for the spread of primary education.

After three more members had addressed, the Council adjourned till next day the *25TH MARCH* when Sir Henry Lawrence, Finance Member, replying on the debate, said that Mr. Nariman had challenged the Government to hand over charge of the financial administration to businessmen. But, the speaker said, even the acumen of Bombay businessmen had been unable to overcome disasters the extent of which was shown by paid up capital of Rs. 11 and half crores having passed into liquidation. The Finance Member said that the policy of the Development Department had been approved of by the Council in August, 1920, when placed before it by the Government, and the argument that the present financial difficulties of the schemes under the Department indicated the need of a new Constitution was unsound.

The budget discussion then terminated and the House adjourned.

### Mr. Nariman's Adjournment Motion.

On the *26TH FEBRUARY*, after interpellations, Mr. K. F. NARIMAN applied for leave for an adjournment of the House for discussing a definite matter of urgent importance viz., the second ad-interim report of the Advisory committee dealing with the Back Bay reclamation scheme. He gave notice of the following resolution: "That the Council is of opinion and recommends to the Governor-in-Council that in view of the disclosures made by the Advisory committee further progress of the Back Bay reclamation scheme be immediately suspended and a thorough and independent investigation started by a committee with a non-official majority as to whether it is financially advisable to proceed with Sections 1, 2 and 8; who are responsible for the grave financial loss; what were the qualifications of Sir George Buchanan as a Consulting Engineer; whether any facts were deliberately concealed and misrepresented to the Council and the public and who were responsible for it. The committee should recommend steps to be taken against all persons who, in its opinion, are liable for the heavy loss and should make an ad-interim report within three months on the financial advisability of proceeding with the scheme."

Sir Ibrahim RAHIMTULLAH refused the leave asked for, as the subject of the resolution proposed had already been pretty thoroughly discussed and was further to be debated upon when the demands for grants would be taken up.

### Indian Stamp Act Amend. Bill.

The first reading of the Government Bill to amend the Indan Stamp (Bombay, Amendment) Act 1922 was moved by the Finance MEMBER. The objects and reason were that the result of four years' experience had proved the necessity of the retention of the revised scale of stamp fees which was enacted in the measure in 1922, and in accordance with the provision already made in the Act, it was proposed to continue it bringing it into line with similar Act in Madras, Bengal and the Punjab.

In moving the first reading of the Bill the Finance Member said that he anticipated opposition to the Bill. It had been suggested that the Bombay Government should refuse to tax the Presidency in order to compel the Government of India to come to its relief. That suggestion would appeal only to those who had come with the object of wrecking the constitution.

The discussion on the Bill lasted two hours during which, as during the general discussion on the budget, the development policy of the Government was subjected to severe criticism.

Dr. Paranjypye suggested that the Bill might be dropped in view of the recommendations of the Taxation Inquiry Committee for the reduction of Stamp fees. The Finance Member answered that the Bill only proposed to continue the Stamp duty at a level at which it had been for four years and was not therefore in any way in conflict with the Taxation Inquiry Committee's recommendations.

The motion was put to vote and carried by 45 against 40.

The Finance Member next moved the second reading of the Bill. Mr. L. B. Bhopatkar moved an amendment for the postponement of further consideration for two months for allowing public opinion to crystallise. After a lively debate the amendment was put and lost by 37 votes against 43. The Council then adjourned.

### Court Fees Increase Bill.

On the *2ND MARCH* Mr. G. B. PRADHAN'S motion, that the Stamp Act Amendment Bill be referred to a Select Committee or five members, was after some discussion, negatived by 49 against 36. The Bill was then read a second time and the consideration of the Bill, clause by clause, was taken up. The Finance Member agreed to an amendment that the rates provided in the Act of 1922 shall continue for one year. The Bill

was then read a third time. The second official Bill to further amend the Court Fees Act of 1870 was moved for the first reading by the Finance Member. The object of the Bill was to enhance court fees for increasing the revenue. The general principle to be followed in the enhancement was that where fixed fees were prescribed they should be raised in view of the decreased value of money. Enhancement of ad-valorem fees was only made where experience showed that present fees were so inadequate that they led to the abuse of judicial facilities or did not cover the actual cost to Government of the services rendered. A number of non-officials spoke on the Bill expressing strong opposition. The House then adjourned.

## Voting on Budget Grants

### The Education Demand.

On the *3RD MARCH* demands for grants were taken up by the Council. Mr. NARIMAN moved that the total votable demand of Rs. 6,86,000 for Education (Reserved) be reduced to Rs. 6,70,000. He moved the reduction as a protest against racial discrimination shown by the Government. The motion was lost and the original demand was passed.

A lively discussion followed on a motion to provide Rs. 8,400 for the Superintendent of Pottery, and Rs. 8,373 for his establishment. The Minister for Education stated that the Superintendent was in charge of the pottery class of the J. J. School of Arts, and the class consisted of about four pupils. He admitted the expenditure was rather extravagant. The motion was carried.

Mr. B. G. PAHALAJANI, Deputy President, moved that the total demand for Education be reduced by Re. 1. He criticised the Minister's record of work and charged him with neglect of primary education and with having failed to get from the Government as much money for the department as he could have done had he been stronger. A number of non-official members also criticised the department. The House then adjourned.

On the *4TH MARCH*, the motion for a reduction of Re. 1 in the education grant was again discussed. The policy of the Education Minister was severely criticised by non-official members. After the Minister for Education and Mr. Pahalajani, the mover, had spoken the motion was withdrawn.

### The Medical Demand.

On the *5TH MARCH* the amended demand for the grant for Education was carried, and grants for the Medical Department were considered. A non-official motion to omit Rs. 8,810 provided for the payment of leave salary to Dr. E. Turner-Watts on the ground that she was not actually in Government employment during her leave was, after some discussion, put and lost. The discussion then centered on a number of motions for the omission of pay and establishment charges, honoraria, etc., for the Medical Department. On the explanation made by Mr. Jadhav the motion against the grant for pay for the medical establishment was withdrawn. Dr. Dixit moved that the amount provided for the technical adviser on orthopædics be omitted since the appointment was unjustifiable and unnecessary. The motion was negatived.

A motion to reduce Rs. 1,15,000 provided for the District Medical Officers to Rs. 1,14,000 was moved by Mr. K. F. NARIMAN. He read a circular issued by the Government of India to the Provincial Governments in which a paragraph purported to lay it down that as many as 236 out of 292 appointments to the civil branch of the Indian Medical Service should go to Europeans for attendance on European members of the All-India Services and their families. The circular further stated that the "opportunities of civil employ in the Provinces for Indian members of the Indian Medical Service will be limited unless the Local Governments are willing to offer additional appointments." Mr. Nariman asked if the Minister had acted on the policy dictated by the Government of India. The circular revealed a policy of racial discrimination, much more serious than that which prevailed in South Africa.

Dr. R. P. Paranjpye characterised the circular as atrocious, and called on every Indian member of the Council to enter his protest against it.

Mr. Cowasji JEHANGIR, General Member, explained that the circular referred to was issued in pursuance of the Lee Commission's recommendation, which was accepted by the Government of India, that a certain proportion of appointments on the civil side of the Medical Service should be reserved for Europeans. The Government of Bombay

were not, he said, responsible for the policy laid down by the Government of India. The Council then adjourned.

On the *6TH MARCH* further debate on Mr. K. F. Nariman's motion was resumed.

The Finance Member expressed surprise at the members' attitude. The Council had accepted, he said, the principle that a certain number of Englishmen was necessary in the Public Services. Then why should not the principle be extended to the I. M. S.? The Lee Commission's recommendation was only a necessary condition of acceptance of the necessity for a certain proportion of English officials in the country. Challenging that recommendation amounted to challenging the foundations of the reformed Government of India.

Mr. JADHAV, Minister, assured the House that he would forward to the Government of India a full report of the debate and sentiments expressed by the non-official members on the subject.

Mr. Nariman said the object of his motion would thereby be attained, and, therefore, withdrew the motion.

Another motion by Mr. NARIMAN, proposing a cut in the provision for hospitals and dispensaries in the Presidency, provided occasion for criticising their administration.

After Mr. Jadhav, the Minister, had replied, the motion was put and lost.

Still another proposal for a cut of one rupee, this time in the demand of 45 lakhs for medical relief, was moved by Mr. R. C. SOMAN. The medical relief in moffussil was not, he stated, adequate and indigenous systems were not encouraged. The Government seemed to him to be hostile in them. The Minister in charge replied that the Government were not opposed to Ayurvedic and Unani systems. They had originally intended appointing an I. M. S. officer to investigate the system; but as the report of the Committee appointed by the Madras Government on the same question had been published in the meantime, and seeing that it contained the required material for them, the Bombay Government gave up the idea of appointing an officer. They had been following what was being done in Madras and were prepared to consider applications for grants on behalf of Ayurvedic and Unani dispensaries.

Mr. Soman thereupon withdrew the motion and the Council adjourned.

On the *8TH MARCH* the Bombay Council Swarajists met an hour before the meeting of the Council, and resolved that according to instructions from Delhi regarding a walk-out they should not attend the Council on that day. Accordingly, Swarajist members were conspicuous by their absence when the Council commenced. The Independents, who were the associated members of the Council Swarajist Party, did not follow the course. They decided to participate in the Council proceedings.

Medical & Public Health Demand.

In a very thin House the Council commenced its business and demands for grants for the Medical and Public Health Departments (Transferred) were passed without much discussion. Mr. Shivdasani proposed a reduction by one rupee of the demand for the Agricultural Department (Transferred). He drew attention of the Minister to the need of educating the agriculturist in modern scientific methods

Khan Bahadur D. B. Cooper urged the need of agricultural model farms. 27 lakhs for the development of agriculture was quite inadequate.

Mr. Shinde said appointments in the department should go to non-Brahmins in greater number than hitherto.

Mr. Dehlavi, Minister, replying, pointed to the rise of the income of the agriculturist by about thirty lakhs as evidence of the progress achieved by the department. He said that different kinds of manures were also experimented with by the Department, and when found successful were recommended to cultivators.

The motion was lost and the demand passed

On the *9TH MARCH*, in a statement to the Press, the Bombay Council Swarajists stated that, in reply to their telegraphic enquiry, the General Secretary granted them permission to take part in the debate on the Taxation Bill and grants for the Developments Department. But the major portion of the reply was not quite clear. So, while no attending the Council the day before, they again sent a message to the General Secretary requesting him to make clear when they should walk out, before or after the debate on the Taxation Bill and Development Budget.

As no reply was forthcoming, the Swarajists met in the afternoon and resolved not to walk out on this day but to keep out of the Council until the receipts of a reply from the General Secretary. The Council, therefore, met on this day also with empty Swarajist benches.

### The Industries Demand.

After questions the grants for the Industries Department were taken up for discussion.

Mr. S. DEV moved for the omision of the amount provided for the opening of the industrial section at the Agricultural Exhibition to be held in Poona and he expressed dissatisfaction with the working of the Department. The Minister in charge stated that the Department was prepared to advance loans to industries on adequate security. Research work was being carried on by the Department, and very useful work in weaving and dyeing had been done. The demand was then granted.

The work of the inspectors and assistant-inspectors of factories formed the subject of a prolonged debate on the motion of Mr. G. B. PRADHAN that the demand for increased salaries be omitted. It was stated on the Government's behalf that it was considered necessary to pay salaries sufficiently large to prevent temptation to corruption.

Mr. Pahalajani, Deputy-president, appealed to the member in charge that a motion should not be forced on the House at a time when many non-official members were not present. Mr. Cowasji Jehangir, on behalf of the Government, pointed out that he had not foreseen the decision of the Swarajists, and he was unable to withdraw his demand at that stage. Eventually Mr. Pradhan's motion was defeated. Similar motions for "cuts" in the amounts provided for inspection of factories and steam-boilers were also defeated.

### Governor's Touring Expenses.

Messrs. R. G. Soman, P. G. Joshi and K. F. Nariman, members of the Council, who applied to the High Court a few days ago for an order calling upon the Finance Member to remove the sumptuary allowances and touring expenses of the Bombay Governor from the list of non-voted items and place them for the Council's vote, subsequently addressed a letter to the Government Solicitor intimating him of the withdrawal of the case. The reasons given were that as the applicants were required, by the decision of the Executive Council of their party, to withdraw from the Council, they would not therefore have a chance of being present when the demands for the grant of the allowances mentioned would be made in the Council. They, therefore, would not proceed with the hearing on the 11th instant of the rule issued by the Chief Justice against the Finance Member.

### The Swarajists' Walk-Out.

On the *10TH MARCH*, at a meeting held in the morning, the Bombay Council Swaraj Party finally decided to walk out and abstain from the Council for the rest of the session. The idea of participation in the debates on the Development Department, the Reclamation Scheme and the Taxation Bills were given up.

Considerable excitement was, therefore, evident in the Council when it met in the afternoon. The Swarajists entered the Hall during interpellations. They did not put the questions standing in their name.

When questions were over, Mr, BHOPATKAR, leader of the Swarajists, made the following short statement, explaining the position of the Party :—

"In view of the fact that the Government of India have given no response to the demand for further advance towards Swaraj, made by the nation, through its elected representatives in the Legislative Assembly, the General Council of the All-India Swarajya Party, with the approval and concurrence of the All-India Congress Committee, has issued a mandate, to the Swarajist members of the legislatures in the country, to withdraw from them. We, as members of that august body, are bound to obey the same. Though some of us may have our differences of opinion with regard to the actual working of the policy and programme of the Swaraj Party, we feel that this is neither the time nor the occasion to evince or to act upon such differences.

"I wish to say on behalf of my Swarajist colleagues here, that notwithstanding our feelings of utter dissatisfaction and condemnation of the most callous indifference exhibited by the powers that be towards the National Demand for further advance upon the present system of Government, my experience tell me that the policy pursued by this Government also has been most retrograde in character and on lines calculated to negative whatever little good the Reforms Act is capable of yielding.

"I therefore hereby call upon all my Swarajist colleagues in this Council to walk out of this House as desired by the General Council of the All-India Swaraj Party and the All-India Congress Committee of the Indian National Congress."

The Industries Demand—(Contd).

After the Swarajists' walk-out discussion on the demand for grants to Industries was resumed.

Mr. R. D. Shinde's motion to omit the provision for the Labour Office (Rs. 35,000) was after an hour's discussion passed.

Mr. S. S. Dev moved omission of Rs. 60,000 provided for Major Pogson, water diviner. He pointed out that Major Pogson's appointment was as probationer for one year, and the Council had been solemnly assured, on Government behalf, while sanctioning the appointment, that Major Pogson's services would be dispensed with if they were not up to the mark. He asked if, in the circumstances, the demand was in order, especially, as he believed that the Major was a failure.

The Deputy President ruled that the Government might proceed with the demand after undertaking that they would bring the case before the Council at the end of the period of probation.

Dr. Paranjpye, in supporting the motion, wanted an independent committee to be appointed to examine the Major's works.

Sir Chunilal Mehta, Member-in-Charge, said that valuable services had been rendered by the diviner, and many district boards were anxious to avail themselves of his services. Many officers, including Dr. Mann, had testified to the good work done by him.

Further discussion was adjourned.

The Stamp Act Amend. Bill.

On the *11TH MARCH* attendance was very thin in the Council. Not more than 20 elected non-officials being present, as the result of the Swarajist abstention.

Sir Ibrahim RAHIMTOOLAH, President, at the outset referred to the point of order raised by Mr. K. F. Nariman, in the course of the discussion on the Government Bill to amend the Stamp Act on the 2nd instant. Mr. Nariman's point was whether the Local Government was competent to bring forward legislation designed to add to the general provincial revenues by levying a duty on transfer of property in the city, in the face of standing order, that the Local Government could levy such a duty only for the specific purpose of adding to the revenues of local bodies. The President stated that the Advocate-General, whom he had consulted on the point, argued that whole, included parts, and the power that the Local Government had for levying taxation for the whole presidency included the power to limit the levy to a particular area. On the contrary, another lawyer disagreed with this view, and declared the Bill *ultra vires*. From his own reading of the Government of India Act, said the President, and his public life of over a generation, he understood that the Government of India levied and could levy taxation only for the whole of India, and not for a part thereof if the purpose of the taxation was to add to the general revenues. He thought the same applied to the Local Government also. He therefore would like the Bill postponed to the next session.

In the discussion that followed, Mr. Pahalajani moved postponement of the Bill which was negatived and the House adjourned.

On the *12TH MARCH* further consideration of the Bill to amend the Indian Stamp Act was taken up.

Mr. G. I. Patel's motion, to refer the Bill to a Select Committee, was lost. The Bill was then read a second time, and consideration clause by clause was proceeded with.

Mr. A. N. Surve moved the addition of the following clause :—"In the month of May, every year, the Government shall pay to the Municipal Commissioner the gross revenue derived from such duty during the preceding year, free of all cost of collection, for the purpose of free and compulsory primary education. Nine-tenths of this money shall be allotted for expenditure on primary education, and the remaining one tenth for erecting healthy and sanitary buildings—to house Municipal Primary Schools and teachers'.

After some discussion, the motion was put and lost. The Bill was then read a third time, and passed.

Court Fees Act Amend. Bill.

The Finance Member then presented the report of the Select Committee on the Bill further to amend the Court Fees Act of 1870, and moved the second reading of the Bill.

Mr. A. N. Surve raised a point of order. The addendum to the report was not signed by members and consideration of the Bill could not therefore be proceeded with, he declared.

The Government's explanation was that the omission to print the signatures was due to oversight. The President thought that the point of order was purely technical, but

that it was based on the standing order. Further consideration was deferred on the motion of the Member-in-charge.

### Official Bills.

The Bill further to amend the Bombay Prevention of Gambling more explicity and removing ambiguity in certain parts, passed the three readings, and became law.

The Hon'ble Mr. J. L. Rieu moved the first reading of the Bill to amend the Bombay Prevention of Prostitution Act of 1923. The objects are to enhance punishment for solicitation, to extend to District Magistrates the powers vested in the Police Commissioner and to widen the powers of Police Officers. The Bill was referred to a Select Committee, after the first reading.

The Hon'ble Mr. J. L. Rieu moved the first reading of the Bill to amend the Bombay Civil Courts Act of 1869. The object is to extend to first class subordinate judges, jurisdiction in respect of official suits at present restricted to District Courts. This step is found necessary by the Government after taking over the management of the Great Indian Peninsular Railway. Since then all suits against the Railway Administration have to be filed in a District Court, a procedure causing inconvenience and delay, besides, throwing a good deal of petty work on these Courts. The Bill passed the first reading.

### Other Demands.

On the *13TH MARCH* Mr. S. S. Dev's motion for the omission of Rs. 60,000 for the water diviner moved on the 10th March, was further discussed. The mover, replying to the debate, said there were many Indians, three from his own village, available for employment at an infinitely less expense.

The motion was lost.

The demand for famine relief was criticised in the course of the discussion on a motion of Mr. V. N. Jog for a cut of Re. 1. Mr. Jog stated that out of 60 lakhs provided last year, 11 lakhs had actually been spent, the rest being added to the insurance fund. It was doubtless wise to pile up the famine insurance fund, but not at the cost of the actual relief work urgently needed.

The Minister in charge explained that a programme of famine relief was being prepared, and denied neglect on the Government's part of the necessary relief work.

The motion was negatived, and the demand granted. The House then adjourned.

On the *15TH MARCH*, after explanations given by the Minister in Charge, Mr. Karki withdrew his motion moved the day before proposing a cut of Rs. 10 in the demand for Civil Works. A similar cut moved by Mr. S. S. Dev in the demand under Stationery and Printing was also, after some discussion, withdrawn.

### The Irrigation Demand.

Hon. Mr. Cowasji Jehangir, the member-in-charge, then moved for the grant of about two and a half crores for Irrigation Works.

Mr. Noor Mahomed protested against the rise in the cost of establishment of the Lloyd Barrage and Canals Construction Schemes and moved a cut of fifteen lakhs.

The Chief Engineer for the Sukkur Barrage explained that the establishment was kept at a minimum level and no increase was made unless it was absolutely necessary. Only about 50 per cent of the establishment sanctioned by the Council had so far been given effect to.

Moulvi Rafiuddin Ahmed warned Government against committing the same mistake in this instant as in the Reclamation Scheme and urged the appointment of a committee to examine the whole project.

The Member in charge amplified the explanation given by the Chief Engineer and assured the members that no increase in the establishment would be effected without the Council's sanction.

The motion for reduction was put and lost.

A similar proposal to reduce the provision for establishment relating to the Lloyd Barrage Scheme was, after some discussion, also negatived.

The House then discussed and rejected Mr. Pahalajani's motion to omit a loan to the same. The scheme was under consideration when the House rose for the day.

### Sukkur Barrage Cut.

On the *16TH MARCH* Mr. Noor Mahomed's motion for a fifty lakhs cut from t grant for the Sukkur Barrage was discussed.

The Chief Engineer, replying to criticisms made by the mover, observed that compensation in kind for lands acquired for the scheme was not possible, as the people concerned were unwilling to accept an offer of such compensation.

Mr. Bhurto said that Government's proposal to make the scheme productive by enhancing the assessment and sale of land, could not succeed, since the assessment was already the maximum that agriculturists were capable of paying, and since experience so far regarding the sale of land had not been encouraging.

After some discussion, Mr. Noor Mahomed replying, stated that it was unwise to have the headquarters of the scheme at Karachi, more than 300 miles away from the barrage. The Engineers and other officials employed on the scheme should be on the spot.

The Member in charge undertook to enquire into the charges of extravagance in the matter of bungalows for barrage officials and to stop all buildings found to be unnecessary.

The motion for the cut was put and lost. The total grant for irrigation works in Sind was made.

## The Back Bay Reclamation Scheme

Mr. Cowasji JEHANGIR, General Member, then moved a grant of Rs. 67,26,000 for the Development Department. In doing so he made a long statement on the Reclamation Scheme and Development Department in general. Government had no desire, he said, to evade their responsibilities in the matter. The main point emerging from the Advisory Committee report on the Reclamation Scheme was that the output of the dredging plant had so far been much below what it was designed for, and unless better results could be obtained the cost of the whole reclamation work would be nearly eleven crores against seven crores estimated and on this basis the Committee foresaw a substantial loss on the scheme. He would emphasise the fact that in regard to dredging only the estimates had gone wrong in all three items under it. The dredging plant was estimated to cost more than 29 lakhs in excess of the estimate, laying the shore pipes about 2 lakhs less than the estimate and dredged filling over 228 lakhs above the estimate. On all other items, numbering 18 in the whole scheme, three would be a saving of 35·61 lakhs.

Dealing with the results of the actual working of the dredgers, the General Member said that Sir George Buchanan, the Consulting Engineer, had up to his departure in January, 1925, by no means been pessimistic about it and had deprecated framing estimates on the available figures. But as the working season (1924-25) advanced Government Engineers had concluded that the results were not likely to be favourable that season, and on the 1st May 1925 Messrs. Meik and Buchanan, Consulting Engineers, were informed and asked to consult the makers on improving the output of dredgers. The firm replied, recommending that an incentive be give to the workers on the dredging plant in the form of a bonus on the output which, the speaker said, had been accepted for the present working season though no one had earned a bonus so far. On the figures of the dredging results obtained for the season 1924-25, Government made a strong representation to Messrs. Meik and Buchanan giving these figures and asking Sir George Buchanan to stay in Bombay for sufficient time to definitely decide whether the dredger was or was not capable of doing the work it was designed to do. As the firm intimated that owing to illness he could not visit Bombay at all during the season, Government on the 4th December, 1925, notified them terminating the agreement with effect from the 31st December. Government had little reason, said Mr. Cowaji Jehangir for satisfaction with Sir George's advice and the firm's interpretations of their responsibilties.

Proceeding to the recommendations of the Advisory Committee, the speaker said that Government had decided that the reclamation of Block 8 be continued, that dredging into Blocks 1 and 2 continued till the middle of May and that after knowing the results of the season's working the question of dry filling as additional to, or substitute for, dredging would be considered regarding Blocks 1 and 2.

After dealing with the other development schemes which were also being examined by the Special Advisory Committee, the speaker stated that the question of appointing an independent inquiry with the object of fixing the responsibility for the inception and execution in the early stages of the reclamation project was under the consideration of the Government of India and the Secretary of State.

Mr. G. B. PRADHAN moved a cut of the demand for dredgers. The motion provided occasions for a severe criticism of Government's want of prudence in purchasing dredgers of a make similar to that which had been proved unsatisfactory in the Port Trust.

The General Member, replying, admitted that he could not throw any light on the question why the Port Trust had not been consulted before ordering dredgers of the same makers.

The motion for a cut was negatived by 29 against 21 votes. The House then adjourned.

### Suburban Development Scheme

On the *17TH MARCH* the Bombay Suburban Development Schemes were discussed in the Council.

Mr. Lalji Naranji moved a cut of the money provided for the schemes and charged Government with giving false figures relating to the Reclamation Scheme. He also warned them against spending more money on any development scheme in view of the failure of nearly all of them so far. There were many items of expenditure which needed elucidation.

The General Member, replying, made a long statement, giving a history of the scheme.

A number of speakers followed, demanding an impartial independent inquiry into the whole scheme.

After being debated upon for an hour and a half, Mr. Lalji's motion was put and negatived by 42 against 16 votes, and the original demand granted.

The remaining demands for grants were also formally moved and made and the voting on Budget grants then terminated. The Council then adjourned.

On the *18TH MARCH*, on the motion of Sir Chunilal Mehta, two resolutions were passed. One was to the effect that the period of service of the Finance Committee, as at present constituted, should continue until the dissolution of the Legislative Council. The second urged on the Government of India the desirability of amending the Bombay Legislative Council Rules so as to provide for the appointment of a Committee on Public Accounts for the duration of each Council, any vacancies occurring during that time being filled up by fresh election.

This concluded the Government business on this day, and the Council adjourned.

### Gambling Act Amending Bill

On the *20TH MARCH* consideration of Mr. I. ADDYMAN'S Bill amending the Bombay Prevention of Gambling Act 1887 was resumed. Mr. G. B. Pradhan raised a point of order, whether, in view of the adverse effect it would have on revenue, the Council was competent to proceed with the Bill, and whether the Governor's sanction was not necessary in case of such Bills.

The President agreed with Mr. Pradhan, and postponed consideration of the Bill pending the Governor's sanction.

### Malegaon Riot Prisoners

Maulvi Rafiuddin AHMED'S resolution urging the immediate release of the nine Muslim prisoners imprisoned in connection with the Malegaon Riot Case of 1921 was withdrawn, on the assurance given by the Hon. Mr. J. L. Rieu that each individual case would be carefully and sympathetically considered, and release ordered if called for.

Mr. JADHAV, Minister, replying to a non-official resolution, undertook to do everything possible to count for purposes of increment the past services of primary teachers, who had resigned during the Non-Co-operation days and had subsequently rejoined.

### S. African Question

The Council then adopted a resolution recommending to the Government not to give contracts of coal or of any other article to any company belonging to the parts of South Africa which unfairly treated Indians.

In the course of the discussion, Mr. Cowasji Jehangir stated that the Government had no intention whatever of purchasing coal or any other article from South Acrica, in view of the present political situation, but if the resolution was accepted by the Government, Indian or any South African coal merchants might take advantage of it and enhance coal prices.

Dr. R. P. Paranjpye stated that the object of the resolution was not promotion of Swadeshi, as the Government seemed to think, but retaliation against ill treatment.

The House **was then prorogued**.

# The Burma Legislative Council

*RANGOON—26TH FEBRUARY 1926.*

## Financial Statement for 1926-27.

The Budget session of the Burma Legislative Council commenced on the *26TH FEBRUARY*. Sir Robert Giles, President, presided.

The Hon. the FINANCE MEMBER (Sir William Keith) presented the budget. It shows that the current financial year is expected to close with a balance of Rs. 2,82,50,000, as compared with Rs. 33,13,000 estimated when the budget was framed. Several factors have contributed to this improvement.

In the first place, the opening balance at the commencement of the current year was 79 half lakhs higher than was anticipated. This was due partly to receipts considerably exceeding estimates in 1924-25, which was a particularly favourable agricultural year, and partly to expenditure in 1924-25, falling considerably short of the provision made.

In the second place, figures of receipts and expenditure up-to-date during the current year indicate that as in 1924-25 receipts will again exceed and expenditure will again fall short of estimates.

Thirdly, the Government of India have remitted Rs. 19,65,000 of the contribution of 64 lakhs, which the Local Government budgetted to pay during the current year. The net result is that it is anticipated that the province will open the financial year 1926-27 with a balance exceeding the opening balance of the current year.

Revenue for the ensuing year is estimated at Rs. 10,35,31,000, which is Rs. 16,29,000 less than the realization of 1924-25. This decrease is entirely due to "Land Revenue" under which it is considered unsafe to budget for anything more than a normal agricultural year, with the result that the estimate for 1926-27 under this head is roughly Rs. 30 lakhs less than the record figure of 1924-25.

### Surplus of 50 Lakhs.

Revenue-expenditure estimated for 1926-27 amounts to Rs. 9,85,66,000. There is, therefore, a surplus of revenue over revenue expenditure amounting to Rs. 49,65,000, It is proposed, however, to incur an additional capital expenditure amounting to Rs. 2,03,32,000 in the making of roads, buildings, and other public works, and to finance this expenditure from provincial balances and not from loans with transactions under Debt heads (Finance, Insurance Fund and Loans and Advances) which involve a net outgoing of Rs. 67,42,000.

The total disbursements estimated for 1926-27 amount to Rs. 12,88,67,000. As the result of financing capital expenditure and expenditure under Debt heads from revenue, it is anticipated that the year 1926-27 will close with a reduced balance of Rs. 61,41,000. Under Loans a provision is included for the grant of a loan of Rs. 65,00,000 to the Rangoon Port Trust required by the Trust in connexion with the development of the post.

Sir William Keith pointed out that roughly Rs. 14 half lakhs had been allotted for new irrigation works, and the Home Member's new expenditure amounted to nearly twenty lakhs, of which Rs. 2,45,000 fell under head "Police," and Rs. 16,41,000 under "Civil Works" for the construction of courts and jails. In the Forest Minister's Department provision had been made for Rs. 9,21,000 capital expenditure for the development of forests, the figure being the same as the provision for the current year.

### Education Expenditure.

Referring to the Education Department, the Finance Member pointed out that Excise had been transferred from the Forest Minister's portfolio to that of the Education Minister, so that now the Education Minister was able to show quite a respectable total on the receipt side under education.

The non-votable expenditure proposed, he said, was Rs. 4,26,000, but that did not

include Rs. 12,00,000 which they proposed to give to the University Buildings Trust. The proposed revenue expenditure under this head, including non-votable expenditure was altogether Rs. 1,05,29,000, which represented over 10 half per cent of the total revenue expenditure of the province, and the total provision for revenue and capital expenditure, Rs. 1,17,29,000 was nearly 50 per cent more than the actual expenditure incurred in the year 1924-25. Large as this increase was it did not include the whole provincial expenditure under "Educational," for under the head "Civil Works" there was a provision of nearly Rs. 3 half lakhs for the construction of new educational buildings. In addition to the allotment of Rs. 60,000 for the upkeep of existing educational buildings, a sum of Rs. 2,07,000 was provided for the opening of 250 new vernacular primary schools, and Rs, 49,000 for the additional Inspectress of Schools and for substituting ordinary travelling allowances for fixed travelling allowances now drawn by deputy and sub-inspectors of schools, and there was an additional provision of Rs. 52,000 for Scholarships in 1923-24.

The actual expenditure on education was Rs. 73 lakhs. That was the first financial year of the reformed Government. So Sir William Keith said, that he thought that the Reforms deserved credit for having increased expenditure on education so rapidly. Had expenditure under other heads not diminished to a certain extent, it would have been impossible for us to provide such a large sum.

Medical Provision.

Continuing, the Finance Member said that the medical provision for the coming year was Rs. 50,90,000, which included Rs. 7,85,000 new expenditure. They proposed to contribute Rs. 4,77,000 towards the cost of improving the Mandalay hospital buildings, and Rs. 1,40,000 to equip the Dufferin Maternity Hospital, which was to be used in connexion with medical teaching.

Under "public Health" the provision for the coming year was Rs. 23,37,000 which was nearly three times as much as the actual expenditure in the year 1924-25.

After the Budget speech was over the House adjourned for the day.

Registration of Kittima Adoption.

The next meeting of the Council took place on the *1ST MARCH* and lasted for an hour only. After interpellations, the Home Member introduced a Bill to provide for the compulsory registration of Kittima adoptions (child adopted with the intention expressed or implied that it shall inherit from the adoptive parent) in Burma. The Bill was the outcome of a statement in the report of the Civil Justice Committee, that there was a preponderance of opinion in Burma in favour of the registration of factum of adoption under the Buddhist law. The Bill was framed so as to bar all suits on unregistered adoptions instituted before the Act was brought into force. The Home member then moved for a reference of the Bill to a Select Committee, and after some discussions the Bill was referred to a Select Committee. The House then adjourned.

Non-official Resolutions.

*MARCH 2ND* was the first non official day of the Council. There were altogether five resolutions, the last one recommending the immediate suspension and subsequent repeal of the Anti-Boycott Act lapsed, while discussion on the resolution for abolishing the Thathameda Tax was adjourned till next day.

U. M. Mg. A. (Burma Home Rule Party) moved a resolution recommending (a) interpretation into Burmese of the speeches delivered in English in the Council, (b) translation of Council rules, (c) and of Burma High Court rulings, (d) Publication of Council proceedings in Burmese, (e) and issue of instructions to Deputy Commissioners to communicate the fact of such publications to village headmen for the information of villagers by beat of gong.

(a) and (c) were defeated on a division, Nationalists, Swarajists, and Home Rules giving a combined vote. (e) was withdrawn and (b) was carried without division.

Government having agreed to it, U. PU (Home Ruler) then moved for more grants to national schools and that they should be allowed to control themselves.

The Finance member in opposing pointed out that the resolution sought to establish the principle that money should be handed over without any conditions whatever as regards control. There should be uniformity in the teaching of the young.

The Education Minister pointed out the difference between non-aided national schools and aided national schools, the latter of which are controlled by the Council of National Education. He referred to the agreement arrived at between Government and the Council of National Education with regard to financial assistance and pointed out

that the contribution to national schools was more generous than to such recognised schools. Government will consider the case of non-aided national schools applying for grants if they did not go beyond the terms of the agreement.

The resolution was lost without division. The Nationalists did not appear to support it.

## The Thathameda Tax.

U. Paw TUN, (Burma Swarajist) the Deputy President, moved for the abolition of the Thathameda Tax and U. PU (Home Ruler) amended that it should be put into effect from 1st January 1927. The mover described the tax as very unpopular and regarded it to be nothing less than a poll tax, though it was a tax on the house-hold. He urged that in the interest of peaceful administration the tax should be immediately abolished, for there was strong feeling against it. In reply to the arguments urged, that the tax was enforced during the Burmese regime, he said that in those days there were not manifold sources of revenue. He referred to the condemnation of this tax by the Taxation Enquiry Committee.

Mr. CAMPAGNAC (Anglo-Indian) did not support the resolution as it stood, but would like to find a substitute as it was necessary, and was in favour of the appointment of a Committee and suggested the tax on rice export.

U. NI (Leader of the Swaraj Party in the Council) and Saw Hla Aung supported the motion.

Mr. De GLANVILLE (Independent Party Leader) admitted that they were all in favour of abolishing the Thathameda Tax, but he wanted to find a substitute. He approved of the idea of the Finance Committee to consult local bodies in the matter, because the first principle of taxation was that the tax-payers should be consulted.

Mr. COUPER, Financial Commissioner, in opposing the resolution, pointed out that only one of those who supported the resolution was from Upper Burma, where this tax was levied. The absence of support from other members of Upper Burma indicated that it was not regarded as a great pressure on the people. He said that Thathameda was the tax at present realised from non-agricultural people, who would pay their share of taxation as agricultural people did. He pointed out how this tax was assessed by a Committee of elders and varied according to the ability of tax-payers to pay, that the tax had been in existence for seventy years and they should not be in a hurry to put an end to it in seven months.

The debate was not finished when the Council adjourned for the day.

On the next day, the *3RD MARCH*, the debate on the Thathameda Tax was resumed after interpellations.

The FINANCE MEMBER said no one could seriously recommend the abolition of the tax without finding a substitute to make up the deficit amounting to two crores. The suggestion of retrenchment had been made, but he would point out that the Burma Retrenchment Committee came to the conclusion that instead of retrenchment there should be more expenditure. He referred to the decision of the Finance Committee to consult local bodies regarding the finding of a substitute, and said if three months were fixed for replies, by about September legislation on the subject could be introduced and the new taxes enforced early next year. He pointed out that Thathameda was suited to the genius of the people. The Government was in favour of abolishing the tax as a source of revenue. He proposed modification of the resolution, to the effect, that the Committee appointed to find a substitute for the capitation tax should also find substitutes for the Thathameda tax.

U. PU, Nationalist leader and ex-Minister, in supporting the motion, said the loss of revenue could be met by retrenchment and that the effect of the Burma Retrenchment Committee's proposals was only the dismissal of a few menials, while the higher officials were left severely alone. He deprecated waste.

After Mr Tyabji had supported the resolution, the Hon'ble U. May OUNG, Home Member, spoke repudiating the suggestion that the tax was unjust. It had come down from the Burmese Kings. He said that during his tour he met people of different shades of political opinion, who placed various grievances before him. But there was not a single instance of protest against the tax. While there was need for development in all directions, he asked how it would be possible to abolish the tax.

After two other members had spoken in support of the resolution, U. Paw Tun, replying to the speeches made by the Treasury Benches, declined to accept the modification.

The Finance Member, replying, characterised as petulant the suggestions made by U. Pu, ex-Forest Minister, who wanted curtailment of the splendid work in connection

with Forests and the University done during the past three years. After meeting the different points urged by the members who spoke in support of the resolution, he concluded by appealing to the House to pass his amendment.

The Finance Member's amendment was carried by 46 against 32.

### Members' Allowances.

A motion fixing the daily allowance for non-official moffusil members at Rs. 20 was moved by Saw Aung and carried, while an amendment to pay the same rate to the Rangoon Members was defeated, the matter being left by the Government entirely in the hands of non-officials.

## Mandalay Riot Prisoners.

The next resolution was moved by U. PU (Home Ruler), recommending to the Government to forthwith release the Mandalay Riot Case prisoners. He said that the prisoners were peaceful and law-abiding citizens. None of them had any intention of rebelling against the Government. It was true that the Courts had decided against them; but there was such a thing as miscarriage of justice.

Mr. L. K. Mitter sympathised with the mover, and suggested a memorial.

U. Kyaw Dun suggested an appeal for clemency admitting the fault.

Mr, De Glanville, opposing the resolution, pointed out the unconstitutional nature of the resolution, as it amounted to interference with the course of Justice. He also suggested the submission of a memorial.

Mr. Brander, Chief Secretary, pointed out the constitutional practice in England, and said the House should not attempt to interfere with the decision of the Court. The prerogative of mercy should be left to the representative of the King. The Government would, when the time came, reconsider the case. The prisoners were not ignorant men. They knew full well what they were doing and the consequence of their action. He opposed the resolution.

U. Pu, replying refuted the statement about the unconstitutional nature of the resolution, by instancing the motion for release of political prisoners in other Provincial Council in India. A memorial had been presented, but the Government was indifferent to it.

The House then rose and the debate was continued on the next day the *4TH MARCH*.

The Home Member, resuming the debate, pointed out that it was beside the point to say that the ferment in the country had subsided. The law must be obeyed, and the sentences were passed to prevent others from thinking that they could defy the law, and get off with impunity. Some of the prisoners were men of standing and had relatives dependent on them. That was the more reason why their action should be considered most culpable. The absence of direct evidence was mentioned, but the assault took place. The case had been described as false, but there was documentary evidence to support the conviction. The assault on Police and the death of four men were the result of their action. He had fully gone into the case himself, and from what he had heard at Mandalay, he was unable to recommend their release. The High Court also held the action of the prisoners to be deliberate. It had been argued that the release of the prisoners would make the Government popular. But no Government would seek popularity at the expense of justice. He sympathised with the prisoners, but more with the relatives of those who lost their lives during the riot, and also with society in general, whose feeling was outraged by the incident, which was unparallelled in the annals of Burma. He hoped it would not recur.

The motion was lost, a large majority voting against.

### Land Mortgage Banks.

The next resolution recommended that immediate steps be taken to open land mortgage banks in the Province, with a capital of not less than 10 lakhs of rupees as an experiment. The mover, U. Lu Gyi (Home Ruler), expressed that he was prepared to withdraw, if a Bill was introduced next session.

After the resolution had been supported, Mr. Reynolds, Forest Secretary, reviewed the history of the scheme.

Mr. Couper, Financial Commissioner and Chairman, Land Mortgage Banks Committee, said the Committee met on 35 occasions and at least ten more meetings would be required before they could submit a Bill. That would not be before the middle of April. The

general scheme was to borrow money from the public and lend it to the agriculturists on long term loans.

The Hon'ble the Finance Member pointed out that the India Government considered land mortgage banking a central subject. It would take some time to approach the Secretary of State to provincialise it. He could not give the assurance that the Bill would be introduced next session. Replying to the mover, the Finance Member said it might be possible that the Bill would be brought before the Council next year.

On this assurance U. Lu Gyi, the mover, withdrew the resolution.

The next resolution recommending the appointment of a Committee to reconsider land policy was being discussed when the Council adjourned till next day.

## Non-Officials' Walk-Out.

### Abolition of Development Commissioner's Post.

"As a protest against the uncompromising attitude of the Government towards the urgent needs of the people, mentioned in the resolution moved by the People's Parties, and as a protest against the unfair use of the official bloc and influence to go counter to the interest of the people, we have walked out of the Council Chamber to-day." This was the joint statement made by the Nationalists, Swarajists and the Home Rulers, explaining their action in walking out of the Council on the *5TH MARCH*, consequent on which a general exodus of members took place, resulting in the House being counted out and adjourned till the 8th March.

The incident happened when Mr. Booth Gravely, Secretary, Finance Department, was opposing the resolution moved by Mr. U. Thein Maung (Nationalist) for the immediate abolition of the post of the Development Commissioner.

In moving the resolution, U. Thein Maung said that it was against the principle of the Reforms that certain Transferred subjects should be under the control of the Development Commissioner. He saw no special reason why the departments manned by experts should have a superhead. There was no justification for the retention of the post any longer.

Mr. U. Pu, ex-Forest Minister and leader of the Nationalist Party, admitted that he was responsible for the retention of the appointment. His Excellency the Governor had proposed the abolition of it, but as he had himself several important schemes to push through and only a year to do it, he had asked that the appointment should be retained for the present. He had found in the Development Commissioner, an adviser of great assistance during his term of office. But most of the schemes had been finished and for that reason he did not think the retention of appointment any longer necessary.

After the Forest Secretary had explained the function of the Development Commissioner, Mr. Booth Gravely detailed the subjects under the control of the Development Commissioner and pointed out that more than half the work of the Development Commissioner was on the Reserved side.

When he began adducing arguments for the retention of the post, Mr. U. Pu, Nationalist Paty Leader, interrupting, asked if the speaker was giving the considered view of the Government.

Mr. U. Pu was told by Mr. Booth Gravely that the official reply to the debate would be made by the Finance Member.

Mr. U. Pu said: Does your view clash with the considered view of the Government.

Apparently, Mr. Booth Gravely not hearing, remained silent.

The leader of the Nationalist Party then left the Chamber with his party.

Soon after Mr. Booth Gravely resumed his seat, the leader of the Home Rule Party, read out the following statement:—"We have come to the Council not to create disturbance nor to obstruct the Government, but to ask the Government to come down a little to meet the people about half way. We having entertained lots of hopes, moved resolutions to alleviate the sufferings of poor Burmans in particular and the peoples of Burma in general. These resolutions were characterised as being too mild by the Nationalist press; and now to our great disgust, we find that the Government is still unsympathetic towards the people. Therefore, we have no other alternative but to leave the House as a protest against the action of the Government. We do not mean by this to imply disrespect to the Chair, with which we have no quarrel whatsoever."

After reading the statement, the Leader of Home Rule Party left the Council Chamber with his party, and such members of the Swarajist Party as were in the Chamber at the time also left. A general exodus followed and the House was counted out.

The next meeting of the Council was accordingly held on the *8TH MARCH*. The benches of the Nationalists, Swarajists and Home Rulers were empty on this day.

The unfinished resolution on the abolition of the post of the Development Commissioner was taken up.

The Finance Member said the opposite benches (Nationalists) had been informed by the Finance Secretary that the official reply would be made by the Member-in-charge; but before he (the Finance Member) could reply, the members had left the Council. He did not think it necessary to repeat the reasons, but he would only say that the Government had decided to accept the recommendations of the Retrenchment Committee to retain that post. So, the Government was unable to accept the resolution. The motion was lost.

The House then proceeded to discuss five non-official resolutions, four of which lapsed owing to the absence of the members.

One of them stood in the name of Mr. J. K. Munshi in connection with the Burma Expulsion Act and three others in the name of Nationalists. The last resolution disposed of recommended the taking of effective steps for the preparation of correct and complete electoral rolls for the Indian constituencies of the Legislative Council.

On an assurance from the Government, that all possible steps would be taken to remedy the defects in the roll, the resolution was withdrawn. The Council then adjourned.

### The Adjournment Motion.

On the *9TH MARCH*, before resolutions were taken up, Mr. J. K. Munshi moved an adjournment of the business of the Council for discussion (a) the circumstances which led to the withdrawal, from the House, of the Nationalist, Swarajist and Home Rule Parties, the members of which parties, along with a very few no-party members, constituted the real Opposition in the House, (b) the situation created by the continued absence from the House of the said parties resulting in the disappearance of the representative character of the House and (c) the best ways and means of effecting a reconciliation and of remedying the situation. The President disallowed the motion.

Only one resolution was moved, to appoint a standing Advisory Committee, consisting of nine members, four to be nominated by the Government and five to be elected every year by the non-official members of the Council, whose opinion the Government should consult before launching political prosecutions in cases not involving commission, or indirect incitement to commission, of acts of violence.

The resolution was lost, and the Council adjourned.

On the next two days, the *10TH* & *11TH MARCH*, the Council adjourned shortly after re-assembling, as all movers of resolutions on both these days were absent,—they being either Nationalist or Home Rule Party men.

## General Discussion of the Budget.

General discussion on budget commenced on the *12TH MARCH*. 15 non official members participated, including Nationalists, Swarajist and Home Rule party members, who resumed attendance on this day.

Mr. U. Pu EN, Ex-Forest Minister, leader of the Nationalist Party, while congratulating the Finance Member on the surplus budget pointed out that surplus was possible only owing to the large opening balance. He said that Nationalists, Swarajists and Home Rulers were of one mind regarding the abolition of the capitation and Thathameda taxes, which, he regarded, could be effected by curtailment of expenditure. He complained about the unsympathetic attitude and slow action of the Government towards the economic uplift of the people, which was one of the reasons why they walked out. Dealing with the increase of crime, he pointed out that increase of the police and the magistracy was no remedy, the main cause being economic. He condemned the appointment of certain officers, not commanding the respect of the people, as Additional Magistrates.

Mirza Mahomed RAFI urged the abolition of the Capitation and Thathameda taxes and strongly criticised the excise policy of the Government and urged the appointment of a committee to find a substitute for Excise revenue.

U. Paw TUN (Deputy President) said that the budget looked rosy owing to the revenue from Excise sources, but such income should be stopped. He pointed out the necessity of official co-operation with the people for decreasing crime. He advocated extra funds for National schools.

Mr. Narayana RAO (Nominated) remarked that the Government should pay more attention to rural population and urged the grant of more funds to vernacular education.

Mr. U. PU, Leader of the Home Rule Party, emphasised that increase in expenditure on Police and General Administration could not be favoured by the people. He deprecated the action of the Government in declaring unlawful, Wunthanu associations, which being in touch with public opinion, could do much for decreasing crime. He suggested that the substitutes for the Thathameda and Capitation taxes, if at all necessary, must not be a burden on the poor.

Mr. De GLANVILLE, Leader of the Independent Party, pleaded for the removal of misunderstanding between the Government and the non-officials (Nationalists, Home Rulers and Swarajists) on the subject of Capitation and Thathameda taxes. He advocated more expenditure on lower education, and the introduction of useful technical training to enable Burmans to compete with others, at least in the minor professions.

U. Ma Tun pleaded for the introduction of compulsory primary education, after which the House adjourned to meet on the next day, the *13TH MARCH* when the general discussion of the Budget concluded with the replies from the Government Benches.

The Hon'ble Dr. BA YIN, Minister for Education and Excise, said he appreciated the suggestion for commercial and technical education, and pointed out that training for artisans had been given at the Insein Engineering School, and that further steps in that direction would be taken as circumstances arose. He also regarded the proposal for the introduction of manual training, such as, bricklaying and carpentry, as a practical suggestion. Attempts would be made for the establishment of vernacular schools attached to agricultural farms, to give training to the sons of farmers. Introduction of compulsory primary education in certain areas as an experimental measure was receiving Government's attention. Regarding Excise, the Government's policy was not dictated by reasons of revenue. Although the Government did not consider prohibition within the range of practical politics, they intended to reach that goal by slow and gradual process.

The Hon'ble Mr. AH YAIN, Minister for Forests and Agriculture, said several schools, with a practical course of agricultural training, were attached to the agricultural farms, and satisfactory results had been achieved. He also pointed out the steady progress made in communications. He assured that every endeavour would be made by the Ministry for the improvement of local industries.

The Home Member, the Hon'ble U. May OUNG, said the measures taken to suppress crime had been criticised. No doubt economic conditions, corruption, drink and gambling and discontent and the levy of certain taxes were contributory factors towards the increase of crime. A special situation having arisen, special measures had to be taken by increasing the Police and the Magistracy. The crime wave was a temporary phase. Steps taken had already produced satisfactory effects, and he hoped 1926 would show much better results. He quoted figures of officials dealt with for corruption, to show that the Government was alive to the evil. He justified the re-appointment of pensioned Magistrates as additional District Magistrates in criminal districts, on the score of experience, so that Deputy Commissioners might devote more time for tour with the object of checking crime. He said a further examination was being made into the proposal of withdrawing the notification declaring certain Wunthanu Associations as unlawful.

The Hon'ble Sir William KEITH, Finance Member, speaking last, placed before the House an abstract of the revised financial estimates, showing an increase of about seven lakhs in the closing balance, due to the recent remission in provincial contribution, and certain changes under revenue head. He said out of the expected surplus this year more than two thirds were earmarked for capital expenditure, to be debited to rice control profits. Regarding Thathameda and Capitation Taxes, he announced that the next Gazette would contain a resolution regarding the constitution of the Committee to find substitutes. As regards the Government Estates Department, no new departure would be made. He passed over the criticisms regarding contribution to Shan States and the Lee allowances, they being non-voted items. He also referred to the speeches of peripatetic speakers which, he said, caused disturbance and crime in villages and difficulty in collecting capitation taxes.

This finished the general discussion of the Budget and the Council adjourned till the 15th March to proceed with the demands for grants.

## Voting on Budget Grants.

### Finance and Revenue Dept. Demand.

The Council re-assembled on the *15TH MARCH* for Voting on Budget Grants. The Finance Member moved the first grant for the Finance and Revenue Department.

There were sixteen motions for cuts, nominal and substantial, the latter being either under the name of Home Rulers or Nationalists. Of the substantial cuts, some of which were identical, three were moved, the first being under land Revenue (management of Government estates) and the second under Navigation (embankment and drainage works). Both of these were lost, the first one by 50 against 44 votes. The last cut under loans and Advances by Provincial Governments was being discussed when the Council adjourned till next day.

Loan to Port Trust.

In moving this cut of sixty-five lakhs, being the total amount of loan to the Rangoon Port Trust, U. Ba Pe, Nationalist, complained against the disregard by the Government of the Burmans' interest in the management of the port.

The Finance Member pointed out that Rangoon being a major port, the subject was central and the discussion of its administration was in order. Government would be profited by granting this loan, though the Port Trust proposed to raise it in open market.

On the next day, *16TH MARCH*, the adjourned motion for a cut of sixty-five lakhs, being a loan to the Port Trust, was lost on division by a majority of five votes. The full demand of Rs. 334,23,300 for the Finance and Revenue Departments was passed.

Home and Political Dept. Demand.

The Home Member then moved for the grant of Rs. 309,54,800 for the Home and Political Departments.

U. Pu, Home Ruler, moved a cut of two lakhs under General Administration, General Establishment. He complained that shikkoing was still exacted by some officials, that there was bribery and corruption among officials, and that harsh treatment was meted out to the poor.

The chief Secretary quoted from a confidential circular to officials, to show that particular form of salutation was not demanded, and no specific instances of disobedience of the order had been brought forward. Government was determined, he said, to root out the evil of corruption.

The Home Member said he did not want to say anything after what the Chief Secretary had read out from the circulars about 'shikko' but he added that it was a Burmese custom to 'shikko' elders and seniors. He admitted the existence of bribery but not to the extent as made out by the mover, and the sweeping allegations against Magistrates were unfair. The cut would involve a reduction in expenditure on police, and he asked how they could keep down crime.

The motion was lost on division by a majority of eleven votes.

Mr. J. K. Munshi then moved a nominal cut under Law Officers. His object was to bring a vote of censure on Government for prosecuting U. Chit Hlaing on a charge of sedition. He contended that U. Chit Hlaing's criticism was within the bounds of constitutional agitation. The issue before the House was whether Government was justified in abusing the power invested in them.

Replying to the issue the Home Member pointed out that a negative answer would entail an assumption of abuse of power in the past. He deprecated the attempt to make the Council a second Court of appeal. What was a constitutional agitation was decided by the highest tribunal of the land. The mover omitted to mention that the principal point of Chit Hlaing's speech was on the Capitation Tax, agitation against which had not subsided then.

The motion, pressed to a division, was lost by 45 against 42 votes.

U. Pu. (Home Ruler) also moved a cut of one lakh rupees, being the pay of temperary additional district magistrates, under the head Criminal Courts. The motion was under discussion when the Council adjourned till next day. Two other nominal cuts were withdrawn after discussion, and several other cuts were not moved.

On the next day, the *17TH MARCH*, the House was engaged on discussion of the motion of U. Pu, Home Ruler, for a cut under Criminal Courts regarding the appointments of temporary additional District Magistrates, which was not disposed of the day before. It was pressed to a division and lost by a majority of ten votes. Seven Officials and Several Non-Officials took part in the discussion.

A Non-Official who supported the motion generally urged that there was no necessity of these appointments and proper selection was not made. The trend of the speeches from the official benches was that the alarming increase of crime justified the appointment of fourteen Additional Districts Magistrates in fourteen districts. On the score of experience most of these appointments were filled by retired officials, so that they

might release Deputy Commissioners to spend much more time in tour, which was necessary to check crime.

The Chief Secretary described the special measures which were taken to meet the special situation with regard to crime. The appointment of Additional Magistrates was one of those steps, and these Magistrates would function till the end of February next year.

The Finance Member said that there were not sufficient members in the Burma Civil Service with the necessary qualification to fill these appointments.

Two nominal cuts having been withdrawn after discussion, Mr. J. K. Munshi moved for a cut of Rs. 100 under Jails and Convict Settlements. His object was to draw attention to the undesirability of Indian political prisoners and detenues being brought over to Burma. The Chief Secretary informed the House that the Local Government accepted the proposal of the Bengal Government as a matter of courtesy, and the Local Government had been looking after their comforts.

The House then divided and the motion was carried by 88 against 35 votes, this being the first defeat of Government in this session. The Council then adjourned.

On the *18TH MARCH*, the House re-assembling, the remaining cuts under the Home and Political Departments were either not moved or withdrawn after discussion, the total demand was passed by the Council with one cut of Rs. 100.

Demand Under Forest.

The FOREST MINISTER then moved for a grant of Rs. 2,26,38,400 for the Departments under his charge.

Mr. U. PU, Leader of the Home Rule Party, moved for total refusal of the Forest Minister's salary. He wanted the pay to be refused, both on constitutional ground and on the ground of want of confidence. He said the people of Burma had no faith in Dyarchy, and the action of the Ministers in supporting the Government, on matters such as the Thathameda Tax, against the wishes of the people showed that they were mere puppets in the hands of the Governor, and danced to the tune played by the Finance and Home Members and even the Secretaries. They had lost the confidence of the people, and they should resign. He would welcome the taking back of the portfolios by the Governor. He wished to inform the Government that, if they (the non-officials) were defeated by the block of votes which the Government had at their beck and call, they would seek some other constitutional methods to get the Ministers dismissed.

Mr. U Ba PE, Nationalist, supporting the motion, raised a constitutional issue. He said the advice of the Ministers was of no value unless backed by a majority of the elected members. The Ministers were in charge of the Transferred Subjects. Unless they were amenable to the wishes of a majority of the elected members, the transfer of the subjects would be meaningless. He thought that, if the officials and the nominated non-officials took part in deciding this constitutional issue, the Reforms would be a farce. According to the speaker, the Nationalists were the majority party in the Council, and the selection of Ministers from any other party was not consistent with parliamentary practice. Besides, the Nationalists had lost confidence in the Government, after three years of co-operation. Their motion of "No Confidence" in the Ministers had been disallowed. They would oppose the Minister's salaries so long as the Government's attitude remained unchanged. If the Ministers did not resign, in spite of the vote of the majority of the elected members against their salaries that would show that they (the Ministers) were not responsible to the people, but to the Government, in the Transferred Subjects. He pointed out that the present Forest Minister represented the Chinese Chamber of Commerce in which only fourteen out of 800 members were British subjects. The selection of such a representative as Minister did not obtain anywhere else.

Mr U. Tun WIN on behalf of the Swarajists, supported the motion, as they had no confidence in Dyarchy, which had been declared unworkable by Mr. Chintamani and some other ex-Ministers.

Mr. DEGLANVILLE, Leader of the Independent Party, who opposed the motion, remarked that when the Nationalists went to the polls, they assured the country that they would work the Reforms during the life time of the Council, but when the Ministers were not appointed from their party, they began to declare the Reforms as hollow and unworkable and joined hands with the wreckers of the Council, the Swarajists and the Home Rulers.

Mr. CAMPAGNAC, Anglo-Indian, supported the motion, and remarked that the Government should appoint one as Minister who could acquaint the Governor with the wishes of the people. He asked how the present Forest Minister, who voted with the Government at the last Council, could do so.

Mr. Narayana RAO (nominated) welcomed the appointment as a recognition of the claim of minorities. He opposed the motion, as a protest against the treatment of the minorities by the Nationalists in the first Council.

After several non-officials had spoken, the debate was adjourned till next day.

Next day, the *19TH MARCH*, the Council resumed the adjourned debate on the motion for the refusal of the Forest Minister's salary.

U. Thein MAUNG (Nationalist) said that the Governor had changed his policy and was trying to take away some of the powers given to them under the Reforms. In this connection he referred to the retention of the post of Development Commissioner, and the more important matter of the appointment of ministers who belonged to the Independent Party. The appointment strengthened the hands of the bureaucracy and further people were being defrauded in this matter, and he did not wish his party to be connected with it.

Saw Po CHIT (Karan) said when the Ministers were appointed the country was shocked. In his opinion someone had blundered, and that would lead Burma to discontent, misery, disorder, and disaster.

Mr. Booth GRAVELY, Finance Secretary, asserted that the appointment of Ministers was made on constitutional lines. Parliamentary practice in England could not be followed here as the circumstances were different. Towards the close of the first Council, the Nationalists not showing a genuine desire to co-operate and help the Government, it was right on the part of the Government to choose ministers from a party who were becoming more and more influential and showing genuine co-operation. He characterised the walk-out by the opposition during discussion on abolishing the Development Commissioner's post as tacit implication of lack of arguments. He said the officials were more conscientous in exercising their votes than the Nationalists.

U. Paw TUN, Deputy President, explaining his party's (Swarajists) position said that they could not join with others in the issue of no confidence in Ministers. Their object was to replace Dyarchy by Home Rule.

The FINANCE MEMBER said that misfortune made strange bed fellows. The combination of the Swarajists, Home Rulers and Nationalists reminded him of this saying. He said he could not understand the attitude of the Nationalists.

Answering the criticism regarding the appointment of Ministers as being unconstitutional, he pointed out it was irrelevant, as under the constitution the Governor had a free choice and Ministers need not be members of the Council on the date of appointment. He also raised the question whether the House was in order in critising the Governor's action. What the Nationalists wanted was that the Ministers should have been selected from their party, but in asking for this they proposed to adopt the most unconstitutional action by refusing the Ministers' salary, and were going against their own people. They came here with a mandate to work the Reforms, and should seek re-election if they wanted to work. Otherwise the agreement of the Ministers with Government might have been due to ther fuller knowledge of affairs. It was absurd to suggest that the Ministers should resign, as they could not have their own way in Reserved subjects such as the Thathameda Tax.

The HOME MEMBER pointed out at the last election the largest number of votes were cast in favour of the Independents. This meant the people wanted men of Independent views to represent them and not to be bound hand and foot by rigid rules of party. That principle was adopted in the selection of Ministers. Even if the Nationalists were appointed Ministers they would have had to depend on official votes, as Swarajists and Home Rulers would have remainded where they were. The mover said Ministers could do no good, and this was the reflection not only on the present but also on past Ministers, to which the mover U. Pu nodded assent. With his short experience in office the Home Member could say that past Ministers did a lot of good to the country, and he admired them though he differed from them on several occasions.

The motion was then pressed to division and lost by 51 against 40. The total demand for the Forest Minister's departments was passed.

Demand Under Education.

The Education Minister then moved a demand for grant for Rs. 2,42,86,700, and U. Pu, Home Ruler, again moved a similar motion refusing the Minister's pay. This was pressed to a division practically without any speeches and defeated, the voting being the same as before. The total demand was passed.

There being no official business next day, **the Council was prorogued.**

# OFFICIAL REPORTS

January–June 1926.

REPORT OF THE

# Indian Taxation Enquiry Committee

The report of the Indian Taxation Enquiry Committee is a portentous volume of 447 pages apart from the volumes containing the evidence. The members were :—

Sir Charles Todhunter, K.C.S.I., I.C.S., President.

Sir Bijoy Chand Mahtab, G.C.I.E., K.C.S.I., I.O.M., Maharajadhiraja Bahadur of Burdwan.

Sir Percy Thompson, K.B.E. C.B.

The Hon'ble Sirdar Jogendra Singh.

Dr R. P. Paranjpye.

Dr. L. K. Hyder, M.L.A.

Mr. B. Rama Rau, I.C.S., Secretary.

The Committee were appointed in May 1924—(1) to examine the manner in which the burden of taxation is distributed at present between the different classes of the population : (2) to consider whether the whole scheme of taxation—Central, Provincial and Local—is equitable and in accordance with economic principles and, if not, in what respects it is defective : (3) to report on the suitability of alternative sources of taxation.

The Committee were further instructed to institute such enquiry into the economic condition of the people as they might consider necessary for the purpose and to report on the adequacy of the material already available and to make suggestions as to the best manner in which it may be supplemented and the most suitable agency for a wider economic enquiry. The Committee assembled at the close of December 1924 and addressed themselves in the first instance to the question of incidence and the economic enquiry, putting in hand the collection of materials and the preparation of a questionnaire meanwhile. The former question was, as will be seen later, transferred to the Economic Enquiry Committee in January 1925 and the Committee issued their questionnaire in the same month. They next took advantage of the annual meeting of the Indian Economic Association at Benares, at which several of the questions referred to them were set down for discussion, to get into touch with the leading economists of the country. In January 1925 they proceeded on a tour to the headquarters of the Local Governments which lasted with short intervals till the middle of June. They examined in all 288 witnesses, of whom 66 were members of legislative bodies, 110 officials, 35 economists, 18 business men and 59 representatives of associations and other non-official gentlemen. The Report was signed by some of the members on the 4th December 1925 and by the others on the 14th of the same month. The Committee exceeded the period of one year within which the Government of India had expressed a hope that they would be able to complete their work by a little more than a month. The delay was partly due to the fact that all the Indian members were engaged on other Government enquiries at different times, partly to the illness of the expert member from England, but mainly to the magnitude of the task set before them.

The recommendations were in the main unanimous but the Maharaja of Burdwan, Dr. Hyder, Dr. Paranjpye and Sardar Jogendra Singh appended explanatory notes regarding their respective positions.

## Text of the Report

**The following are the most important extracts from the Report of the Taxation Enquiry Committee, which was issued from Delhi by the end of February 1926 :—**

The land tax is one of the oldest of taxes and the principal basis of assessment in different countries are (1) capital value (2) unimproved or public value, (3) net produce, (4) annual and (5) the net income of the farmer. From a survey of the system of land taxation in the more advanced countries

of Europe, the British Colonies and Japan, the Committee deduce the following as the tendencies of modern development :—

(a) The flat rate of tax on annual or capital value is kept comparatively low, being for instance, only 10 pent of the annual value in France and Italy, and about 8 to 12 per cent of the cadastral yield in Hungary. (b) Income from property in land are almost invariably subject to income tax and death duties on exactly the same tax footing as other incomes and property. (c) When an increasing share has been taken of the return from land, it has generally been taken for local purposes. In Austria the land tax has become entirely a local tax and in Prussia it was levied wholly for local purposes from 1893 to 1923. In Italy the local sur-taxes on land amount to 150 per cent of the land tax proper, while in England, the main tax on land is the local rate.

Defects of Indian Systems of Taxation.

The defects of the present systems of land revenue assessment are summarised as follows :—

(1) A want of definiteness, either as regards the basis of assessment or as regards the rate.

(2) As a scheme of taxation the land revenue is not only not progressive, but actually tends in the opposite direction. At one end the largest landlords pay a comparatively small part of their surplus, while at the other end of the scale comes the cultivator of the uneconomic holding in whose case the system of reducing the State's share from a share of the crop of the year to a cash average, coupled with the collection of land revenue at the harvest time, has led to extravagant expenditure by an improvident class in good years followed by indebtedness and transfer of lands to money-lenders in the lean ones. A combination of circumstances has led to the creation of a very large number of uneconomic holdings, the holders of which pay land revenue which would be inconsiderable if cultivation was intensive or on a large scale, but rests as a heavy burden upon a small and impoverished holder. At the same time the pressure of the land revenue is by no means the whole or even the main cause of a state of affairs of which low production, heavy indebtedness and excessive fragmentation of holdings are the chief symptoms. These must be attributed in the main to other causes such as increase in the population, paucity of alternative employments, the law of inheritance, the attachment of the people to the soil and their unwillingness or inability without assistance to form their estates into economic holdings.

(3) The inequality pointed above as between landholders of different classes has been aggravated by the conspicuous absence in the Indian taxation system of an income-tax on agricultural incomes or a death duty, which serve in the more advanced European countries and Japan to introduce an element of progress in the tax on land.

(4) The land revenue is inelastic and cannot be relied upon, like other parts of the taxation system, to help the treasury in times of stress. On the other hand, its very fixity operates hardly on those who pay it, who become accustomed to a certain standard of living during the currency of a settlement and are liable to have to change it when the settlement is revised.

(5) The tendency which is conspicuous in Western countries, namely, the allotment of this source of revenue mainly for local purposes, has not

yet made itself manifest to any appreciable extent in India. The land revenue is still levied almost solely for provincial purposes, and only a small portion of the tax collected from the cultivator is actually used for rural development. Consequently the illiterate ryot is unable to recognise the benefits which he derives from the direct tax he pays. This has undoubtedly contributed to the unpopularity of the tax.

Possible Substitutes.

The Committee next discuss certain substitutes for the systems that have been proposed by various witnessess. These fall into three groups :—

(1) The redemption of the land revenue either in part or in whole. (2) The substitution of an export produce tax for the land revenue. (3) The imposition of tax on capital value.

The first two methods are regarded as impracticable and economically unsound. The third is theoretically less objectionable, but would involve changes of a more radical nature than are practicable or necessary.

The essentials of a new scheme of temporary settlements are that it should be definite as regards both the basis and the pitch of assessment; that it should be as simple and cheap as possible; that it should so far as possible ease or steady the burden on the smallest cultivator; and finally that it should in common with the rest of the system of taxation, involve some element of progression in the case of the larger owners.

These essentials should be secured by providing that for the future the basis of the settlement should be annual value, i.e., the gross produce less cost of production, including the value of the labour actually expended by the former and his family on the holding and the return for enterprise. The functions of the settlement officer should be limited to the ascertainment of its value on a uniform basis. A uniform rate fixed for a whole province should then be applied to those valuations as they are made on districts falling in for resettlement.

In the case of controlled rents where the rent is fixed by the settlement officer or is limited by law or by custom having the force of law, such rent should be taken to be the annual value.

Where the practice of levying 'nazaranas' exists, their annual equivalent spread over the term of the lease should be added to the rent for the purpose of determining the annual value.

The rate of assessment should be standardised at a comparatively low figure, not exceeding 25 per cent of the annual value.

The reduction in the share borne by the land revenue to the total taxation should be accompanied by an increase in the local rate; and the maximum for the ordinary rates, if not entirely abolished, should be fixed at about 25 per cent of the sum taken as land revenue.

The Committee point out that it is not possible to relieve the poorest cultivator by an exemption, since, quite apart from the heavy loss of revenue, which would be involved, the benefit resulting from attaching a privilege to particular pieces of land on account of the circumstances of their temporary holders would tend to be capitalised and dissipated at once. The relief of his difficulties is to be found in a better system of rural economy generally. This can be ensured more effectively by enabling local authorities to spend more money on services that affect the material well being of the poor agriculturists than by grant of exemption from land revenue. As regards the richer landholders the Committee state that the obvious ways of

introducing an element of progression are through an income-tax on agricultural incomes, or through something in the nature of a succession duty, or both.

### Tax from Non-Agricultural Land.

The Committee lay stress on the fact that land used for purpose other than agriculture forms a class of property which pays a very small portion of its return to the State. The general results of the examination of the systems of taxation in force are as follows :—

(1) Where land outside the limits of towns or villages which is assessed to land revenue on the basis of its crop value is diverted from use for cultivation it should be liable to resettlement on the basis of its annual value for other purposes. (2) House-sites in villages should continue free of assessment, but all future grants should be made subject to the levy of ground-rent, if and when the village becomes a town. (3) In the case of town lands that have been permitted to be occupied free of provincial taxation or at a nominal rent, it is impracticable at present to impose anything in the shape of a provincial tax. (4) In the case of town lands that pay agricultural assessment, there is no reason why the assessment should not be based on annual value, provided due notice is given. (5) In the case of lands still under Government control, the procedure laid down in the orders relating to ground rents is satisfactory. (6) The practice of making over to municipalities a substantial fraction of the receipts from town lands should be generally adopted, but the management of the lands should be left in the hands of the revenue authorities. (7) As regards the taxation of un-earned increment, the Committee state that—(a) it would be both impracticable and unfair to impose a tax on increments in land values that have already accrued, but (b) it is not impracticable to tax future increments especially in large towns which can afford to employ competent staffs, if an account is maintained of improvements effected after a fixed date with a view to deduction of their value on the occasion on which the duty is levied.

The following is a summary of their recommendations on the whole question :

### Question of Irrigation

(1) It seems to be clear, especially in view of the recent developments of the land revenue systems, that however possible the charge for water should be separated from the charge for the land. (2) The minimum charge, except in the case of protective works, or where a special concession is given to a particular area or class of cultivators, should be the cost of supplying water, that is to say, the cost of maintenance of the irrigation work plus interest on capital cost. (3) The maximum should be a figure so fixed as to take for the Government the whole of the increase in the return from the land except such portion as will be just sufficient to induce the cultivator to take the water. (4) The normal should be a moderate share of the value of the water to the cultivator. (5) This value will vary with prices, with the demand for the water with the reliability of the source of supply and with the quality of the water in so far as, for instance, it carries silt but should not bear any relation to the cost of the supply, once the figure of the cost is covered. (6) The rate should be fixed per acre other unit of area and should take account of the value as so determined and of the quantity used as estimated with reference to a schedule of proportional requirements

of different crops in the locality. (7) The rates should be as few as possible and they should be examined with a view to increase or decrease periodically not less than once in ten years. (8) Where the demand is not constant, and the ryots agree to pay for water whether they require it or not, a reduced payment for a term of years may be accepted. (9) Where a guarantee of supply is newly given, it is legitimate to take a reasonable share of the addition made to the capital or annual value of the land by such guarantee. This should be a charge on the owner and over and above charge on the occupier for the use of the water. In the case of a controlled rent there should be provision for recovery from tenants as under the Agra Tenancy Act.

Methods of Taxing Tobacco.

The absence of any internal taxation on tobacco is a feature which distinguishes the fiscal system of British India from that of almost every other civilized country in the world. As a conventional luxury tobacco is universally recognised as a suitable object for taxation. Its use is widespread in India, possibly even more so than in many of the countries which tax it, and it is actually subject to taxation. A tax on tobacco is levied in French and Portugese India, in 72 Indian States and in the city of Bombay.

There are four possible methods by which a general tax on tobacco could be levied in India :—

(1) A Government monopoly. (2) An acreage duty. (3) An excise system. (4) A system of licenses.

In the opinion of the Committee a Government monopoly would be too vast an enterprise to be undertaken, while the imposition of a uniform acreage duty presents considerable administrative difficulties owing to the facts that the cultivation of tobacco is exceedingly scattered and that there are great variations in the yield of tobacco from a given area. Moreover such a levy might be regarded as a breach of the land revenue settlement and excite resentment though the tax would in most cases be passed on to the consumer. The system of excise has been repeatedly considered and rejected, mainly because there was no organised industry to which it could be applied, but the position would appear to have altered in some respects, since, recently, owing to the increases in the tariff, a considerable local industry has grown up and the local manufacture of cigarettes is now estimated to amount to about 4,500 million per annum. The Committee recommend that an excise duty should be levied on cigars, cigarettes and pipe tobacco made in factories that employ power. In the case of the small factories where cigars and cigarettes are manufactured by hand, regular excise would be administratively difficult, but it is suggested that in any legislation imposing a tobacco duty, power should be taken to levy a fixed fee based on the presumed output of suce places.

As regards the taxation of tobacco that is not made up after the European fashion, the Committee consider that the only feasible method is to institute and gradually develop a system of licensing. The following stages are indicated :—

(1) The first step should be to impose a simple license tax with a fixed fee on all retailed vendors of tabacco, power being taken to forbid such sale by any person not holding a license. (2) The next stage would be something akin to the system of French India, that is to say, a system of sale of monopolies of vend by auction. (3) The Cochin system, which divides

licensees into wholesale and retail and compels the retail licensee to buy from the wholesale licensee, carries control a stage further. (4) The full system, which would be on the lines of that in force in Patiala, would involve the demarcation of shop areas and the scale of the monopoly of retail vend within such areas. It would be necessary at this stage to provide a limit of private possession and to enact that cultivators should only sell to the licensed monopolist, wholesale or retail or to a person licensed to trade in tobacco.

### Excise Proposals.

Their principal proposals as regards excise are for the most part of a technical nature and are summarised as follows:—

(1) In the case of country spirit, that a system of supply through a managed monopoly, such as that of contract supply, should be extended wherever possible, that the rates of duty should be raised in Bihar and Orissa and Assam, that where it is proposed to depart from the auction system of disposal of licenses, the sliding scale system appears to be satisfactory, if supported by a sufficiently large and efficient preventive staff and that the rationing system to be successful requires an efficient preventive staff, absence of easy facilities for illicit distillation and a certain amount of effective public opinion in its support. (2) In the case of foreign liquors, that in lieu of vend fees being imposed in the shape of additions to the tariff rate, as is now being done in certain provinces, a definite increase should be made in the tariff itself. (3) In the case of country-made foreign liquors, that the tariff rate of duty should be levied and that to avoid further difficulties in this connection, arrangements should be made as part of the division of the proceeds of taxation, to credit the duty on imported liquor and country-made 'foreign' liquor to the same head. (4) In the case of country fermented liquors, that the tree-tax system should be extended wherever possible, but only under rigid and systematic control, and that experiments should be expedited in the direction of bringing the brewing of country beers under control. The fact that every increase in the rate of duty on spirits increase the resort to alternative intoxicants makes the control the more urgently necessary. (5) In the case of hemp drugs, that a system of contract supply or managed monopoly should be introduced where it does not exist, that enquiries should be made as to the proportion of the intoxicating principle in the bhang consumed and that experiments should be made in making up ganja in a more uniform and consistent form. (6) In the case of opium, that the cultivation should be restricted, the stock should be reduced, the duty made uniform, the auction system abandoned and experiments made in making up the drug into pills of a fixed size. (7) Finally, that a special enquiry should be instituted into the results of prohibition of ganja and partial prohibition of opium in Burma, and a special force employed to deal with the inter-provincial smuggler.

### Taxes on Incomes.

The Committee regard the introduction of progressive direct taxation through a modern income-tax during the last decade as one of the most important changes in modern times in the Indian taxation system, and consider it advisable that, for the next few years at any rate, attention should be concentrated in the task of organising a very efficient machinery for the assessment and collection of the tax in preference to the making of any further large change.

Subject to this proviso, they compare the systems in force in England and in India, and find that, while the exemption limit is comparatively speaking much higher in India, there is the less need for giving family allowances, or in other words, for enhancing the taxation on the bachelor, for the reason that the practice of marriage is almost universal. Accordingly they recommend that the higher exemption be set against the absence of the allowances. Nor do they find that a sufficient case is made out for the differentiation of earned and unearned income in view of the absence of any large class of rentiers in India and of the fact that, so far as there is such a class, the greater part of its investments is in land, the income from which escapes taxation altogether.

In respect of the system of graduation, for the reasons above given, they do not recommend any change. As regards the actual rates, they find on comparison with England, Austria, France and Japan that the Indian rates are comparable with these in the other countries in the case of the smallest and the largest incomes, but that they are decidedly low by comparison in the case of incomes from £1,000 to £15,000. Accordingly they recommend a modification of the scale between Rs. 10,000 and Rs. 25,000 as follows :—

| Rs. | | | | Pies. |
|---|---|---|---|---|
| 10,000 to 15,000 | ... | ... | ... | 9 |
| 15,000 to 20,000 | ... | ... | ... | 12 |
| 20,000 to 25,000 | .. | ... | ... | 15 |
| Above 25,000 | ... | ... | ... | 18 |

They further recommend that the limit for super-tax be reduced to Rs. 30,000 and a new rate of Super-tax of 6 pies on the first 20,000 or part thereof in excess of that sum be introduced.

A recommendation of a more technical nature is the amendment to article 42 (1) of the Income-tax Act dealing with the income of non-residents on the lines of the English law, and the adoption of the English practice in respect of refunds to non-residents. They also urge that where the judgments given by the courts on important questions differ, steps should be taken to provide for appeal to the Privy Council, and they deal at length with proposals for combating the evasion of the tax by the creation of bogus companies and other similar practices.

A more important set of recommendations relates to super-tax on companies, which they declare to be in essence a corporation profits tax. They recommend that it should be definitely called by that name, that the exemption of the first Rs. 50,000 should be abolished and that the practice of charging super-tax on those parts of the profits of holding companies that represent dividends of subsidiary companies should be put a stop to.

Income-tax on Agricultural Incomes.

The Committee discuss the question of the levy of an income-tax on agricultural incomes from four points of view :—

(1) The point of view of history, as illustrating the reasons underlying the exemption ; (2) the point of view of the equitable distribution of the burden ; (3) the point of view of the yield likely to be realised and (4) the point of view of the administrative considerations involved in the levy of such a tax.

The Committee dismiss the fifth aspect of the question, the political aspect which might overshadow in importance all those that have been

mentioned above, as hardly one upon which it falls to the Committee to pronounce.

When the income-tax was first imposed in 1860, for five years, agricultural incomes were clearly included under it. In 1869-70, when the certificate tax was converted into a general income-tax, agricultural incomes were again brought under taxation. The tax continued up to 1873-74, when the income tax on all incomes was abolished. When in 1878 additional taxation became necessary for financing the Finance Insurance Fund, the Government introduced simultaneously a license tax on the non-agriculturists and a special cess on land for famine purposes. It was clearly explained at the time that the increased cess on land was to be regarded as the equivalent of the license tax on the non-agriculturist. When in 1886 there was introduced the Licence Tax Amendment Bill which ultimately became the Income Tax Act, the famine cesses were still in force and the consequent exemption of the agriculturist from the license or income-tax continued. The famine cesses, however, were abolished in all the provinces except Bengal in 1905, and in Bengal the cess was in 1914 converted into an item of local taxation. Thus there is no historical justification at present for the continued exemption of incomes derived from agriculture, nor are there any theoretical reasons to justify it.

There are, however, administrative and political objections to the removal of the exemption at the present time. Under the present conditions, the Committee state, the abolition of an exemption which has been in existence for so many years is inopportune and undesirable. They recommend, however, that incomes from agriculture should be taken into account for the purpose of determining the rate at which the tax on the other incomes of the same person should be assessed, if this measure should prove administratively feasible and practically worth while.

Taxes on Entertainments Etc.

Discussing taxes on entertainments, on betting, on advertisements and on railway tickets of the higher classes and the duties levied under the Stamp Act, the Committee consider that the existing entertainment taxes are appropriate and may be extended but that the power to levy the tax and the administration of it should be retained in the hands of the Local Governments, a share of the proceeds being made over to the local bodies concerned, that betting is recognised in many countries as a suitable object for taxation and that the form of the taxes levied in India is not objectionable. They also recommend that municipal bodies should be given discretionary power to levy taxes on advertisements, but condemn the proposal to levy a tax on railway tickets.

Referring to Stamp Duty, the Committee state that the Indian Stamp Law fulfils its purpose satisfactorily and that no drastic changes are necessary. As regards the specific duties levied on various classes of documents, the following are their principal conclusions :—

(1) The duty on bills of exchange and bonds is comparatively very high in India. (2) The duty on documents of indebtedness, such as bonds, and mortgage deeds, should be reduced as soon as circumstances permit. (3) In the case of companies an "advalorem" stamp duty on the nominal share capital at the rate of 8 annas per Rs. 100 might be levied and the duty on the articles of association and memoranda of association might be reduced to Rs. 10. (4) The penalties now levied in India are unduly severe and it is

recommended that for the existing maximum penalty on unstamped or insufficiently stamped documents, there should be substituted a penalty of twice the deficient duty plus a sum of Rs. 5. (5) From the point of view of the administration of the stamp law, uniform legislation and uniform rates of stamp duty throughout India are desirable.

In cases in which the purchase and sale of stocks and shares are effected stock and produce exchanges through broker on the stock exchange, two documents ordinarily comes into being :—

(1) a contract note, which is an intimation sent by the broker of the purchase or sale, and (2) a conveyance or transfer of stock or security.

In the stock exchanges in India no distinction exists between a broker and a dealer or a jobber as in England, and the note sent by the broker to his client escapes duty, especially as the issue of a contract note is not compulsory. It is therefore recommended that the issue of a contract note should be made compulsory both where the broker acts in that capacity and where he sells stock on his own account.

To present evasion of duty on transfers the Committee hope that it may be possible under the rule to be introduced under the Bombay Securities Contracts Control Bill to secure recognition of the English principle that a blank transfer is bad delivery and fur her to secure the co-operation of the stock exchange authorities in measures designed to secure the regular payment of stamp duties. Failing action on these lines, they recommend an increase in the duty on the contract note.

In the case of the produce exchange they consider that the taxation of future is not only practically impossible, but that on other grounds it would be undesirable to recognise these gambling transactions and to attempt to secure revenue from them. It may be possible hereafter to secure a revenue from contract notes on the lines indicated in case of the stock exchanges.

### Revenue-Yielding Fees.

The most important fees from the point of view of the revenue are those levied under the Indian Court Fees Act and the Indian Registration Act ; but fees are also levied under various other Acts, such as the Motor Vehicles Act, the Indian Petroleum Act, the Explosives Act, and the Indian Companies Act.

The principal conclusions of the Committee are as follows :—

Fees for the registration of vehicles should not be more than sufficient to cover the expenses of examining and registering the vehicles and testing the drivers.

The fees for possession of fire-arms might be increased in the case of weapons licensed for purposes of sport and display and in that of numerous weapons possessed by the same person.

A cautious experiment might be made in selected local areas in the imposition of a fee for the registration of marriages, provided it is made clear that the purpose of the registration is merely to afford superior probative value of the fact of marriage.

The fees charged for the registration of companies might be reduced if a stamp duty on the normal share capital is levied as recommended.

Recent increases in the fees for the registration of documents do not represent an increase in the element of taxation.

The fees for mutation of names in the revenue registers might with

advantage be made more uniform. 'Ad volorem' fees would not be appropriate in this case.

Under Court-fees the Committee discuss the question whether any charge for services rendered by courts of law is legitimate and come to the conclusion that the extreme theory that the litigant should contribute nothing towards the expenses of litigation has nothing to support it. They state that while the pitching of the scale of fees so as to produce a revenue just sufficient to cover all the costs of administration of civil justice is an ideal to be aimed at, financial considerations may justify the State charging something more, provided that the fees charged do not cause substantial hardship to any class. They emphasise the importance of determining the actual cost of the administration of justice and the amount of the fees levied in connection with litigation.

The more important of their recommendations as regards the administration and rate of fees are summarised below :—

(1) The fees levied in connection with the copyist and process services should just pay for them. (2) The system under which the fees are fixed on a graduated and progressive scale with reference to the value of the subject matter litigated is suitable, but effect might be given to the principle of measuring court fees by the cost of the service rendered to the extent of taking the fee in two instalments, the first being payable at the institution of the suit and the second on or immediately after the settlement of issues. (3) The Court Fees Act and the schedules thereto need thorough revision by an expert committee. (4) In the matter of court fees uniformity is desirable not only as regards general principles, procedure and methods of realisation but also as regards rates. (5) In particular it is desirable that steps should be taken to render the fees on the Original Sides of the Chartered High Courts so far as possible uniform with one another and not less than those in courts in the mofussil. (6) The fees payable on applications to revenue and other officers should be examined and abolished except possibly in the case of those which involve enquiries of a judicial nature. (7) An audit of receipts is desirable.

## Probate Duties.

Discussing probate duties, the Committee state that duties on inheritance are levied in most countries and constitute a large part of the revenue. They are not quite unknown in India and their introduction has been considered on several occasions by the Government. The principal reasons which have influenced the Government in the past to refrain from introducing a general inheritance tax in India are—

(a) that the duties would fall with undue severity upon the landholding classes ; (b) that there would be great difficulty in valuation of chattels ; (c) that the habit of investment was in its infancy ; (d) that there were no reliable figures of trading incomes with reference to which the capital value of business concerns could be determined ; and (e) that the law of the Mitakshara joint family introduced complication which could not be surmounted.

The first objection has lost much of its force by reason of the enormous increase in the value of land, accompanied in the ryotwari tracts by a progressive moderation in the land revenue assessment, and of the increase in the proportion of taxation borne by the industrial classes. The valuation of chattels is difficult in every country and is not a sufficient ground for not levying the tax. The habit of investment is growing rapidly as is indicated

by the capital of new joint stock companies, the deposits in the post office savings bank and the large number of life assurance policies. The reform of the income-tax machinery has to a large extent removed the fourth objection, while the difficulties presented by the Mitakshara law are, in the opinion of the Committee, not insuperable.

Duties on inheritances are commonly levied in two forms, namely, a transfer or mutation duty, of which the English estate duty is a typical instance and an acquisition or succession duty varying with the size of the shares received by the beneficiaries and with the nature of the relationship to the deceased. The latter is unsuitable to India owing to the complications of the law of inheritance, both among Hindus and Muhammadans: but a duty on the lines of the English estate duty is more practicable. For the satisfactory administration of such a duty, however, it would be necessary to recognise a representative of the deceased on whom the responsibility for the payment of the duty can be fixed. This is already required in certain cases, but the law is limited to particular communities, and in its application to them it is most inequitable. In other cases, it would be to the advantage of the parties.

The Committee recommend the modification of the existing probate law and its extension to all communities, and suggest the means by which this proposal can be given effect to. The scale of duties proposed by the Committee is as follows:—

| | Rs. | Per cent. |
|---|---|---|
| First | 5,000 | Nil |
| Next | 5,000 | ½ |
| ,, | 10,000 | 1 |
| ,, | 30,000 | 1½ |
| ,, | 50,000 | 2 |
| ,, | 1,00 000 | 2½ |
| ,, | ,00,000 | 3 |
| ,, | 5,00,000 | 4 |
| ,, | 10,00,000 | 5 |
| Amount in excess of | 20,00,000 | 6 |

The Committee also recommend that legislation dealing with the question should be undertaken by the Central Legislature.

Distribution of Burden of Taxation.

On the subject of the distribution of the burden of taxation, the Committee acting, on such general considerations regarding incomes and standards of living of typical class of the population as a prudent Finance Minister would examine in framing or revising a scheme of taxation, select certain typical classes of the population, and their conclusions as to the incidence of taxation on them are as follows:—

(a) The urban labourer—The burden on this class has increased during recent years. It will, to some extent, be reduced by the abolition of the cotton excise duty. It is not desirable to reduce the salt duty or the excise on intoxicants, and a decrease in the customs duties and in the municipal taxes on consumption is indicated as the more satisfactory course. (b) The landless agricultural labourer.—The burden on this class is very low. It would be benefitted by the abolition of the excise duty on cotton goods and by a reduction in customs duty on goods consumed by all classes. (c) The small landholder.—The difficulties of this class are not primarily the result of taxation. In order to afford it relief, it has been suggested that the land

revenue should be standardised at the flat rate not exceeding 25 per cent of the annual value. (d) The peasant proprietor.—The burden of this class is comparatively light. The only recommendations made that are likely to affect it are the extension of the probate duties and the raising of the rate of local cases. (e) The large landholder.—Except in individual cases, the burden of this class is comparatively light. The possible means of increasing its contribution are by the imposition of an income tax on agricultural incomes of the extension of the probate duties. (f) The village trader.—This class escapes certain taxes intended to affect it and should be brought within the scope of further taxation by a more general extension and a more efficient administration of taxes of the nature of the circumstances and property-tax and the profession tax. (g) The small trader in towns.—The contribution of this class is more than that of the previous one owing to municipal taxation, which may well be raised. (h) The larger trader.—This class escapes with a comparatively light burden, but would be affected by the extension of the probate duties, the steepening of the graduation of the income-tax and the increase in local taxation. (i) The big merchants.—Though this class bears a large portion of the tax revenue its burden is not as heavy as that of similar classes in other countries. It would be increased by the extension of the probate duties, by the abolition of the exemption limit in the case of companies. (j) The profession classes—lower grades.—This class has suffered under recent development, but its tax burden is comparatively small. (k) The higher professional classes.—The position of this class is similar to that of the largest merchants.

Table of Preference for future Taxation

Confining themselves to an examination of the tendencies that have operated to produce the present balance of taxes, of those that are now in operation, and of those that in their opinion it is desirable to encourage hereafter, the Committee summarises their recommendations in a table of preference to be given, on the one hand in the selection of existing taxes for abolition or reduction, on the other in the selection of those by which they should be replaced.

The table of past developments is of special interest.

Percentage to Total Tax Revenue.

| Tax head. | 1883-14. | 1893-94. | 1903-04 | 1913-14. | 1923-24. |
|---|---|---|---|---|---|
| (1) | (2 | (3) | (4) | (5) | (6) |
| Land Revenue .. | 53·15 | 46·71 | 42·76 | 35·42 | 20·75 |
| Customs .. | 2·98 | 3·27 | 9 21 | 12·99 | 24·30 |
| Excises .. | 25·07 | 26 51 | 24·97 | 22·92 | 21 07 |
| Income-Tax .. | 1·32 | 3 39 | 2·92 | 3·52 | 12 30 |
| Transactions and fees / Probate duties | 9·47 | 9·59 | 9·39 | 10 89 / ·18 | 9·03 / ·25 |
| Local Taxation (and Capitation tax etc. .. | 8·01 | 10·53 | 10·75 | 14·08 | 11.70 |

It will be observed that a change almost amounting to a revolution has already taken place in the proportions borne by the different taxes to the total revenue. The land revenue, which was the mainstay of the Government forty years ago and contributed 53·45 per cent of the whole receipts, now contributes only 20·75 per cent, while customs has advanced from less

than 3 per cent to over 24 per cent and the income-tax from 1·32 per cent to 12·30 per cent. The Committee consider that these tendencies in the past have been in the right direction.

As regards tendencies that are now in operation the Committee note—

(a) that a policy of real prohibition would involve a loss of revenue exceeding the return from any new proposals that can be put forward. (b) that the pledge given in relation to the cotton excise involves provision for its replacement, (c) that it is impossible to forecast the further effects of the policy of discriminating protection or of high customs duties for revenue purposes, and (d) that an increase in the import duties on imported liquors is desirable on special grounds.

Subject to these considerations, the Committee suggest the following order of priority in the case of Imperial and Provincial taxes, local taxation being left out of account as consisting more directly of payments for services rendered:—

(a) Reduction in the customs duties on conventional necessities, especially on sugar with a view to affording relief to the poorest classes. (b) The removal of the export duty on hides. (c) In the case of non-judicial stamps, a revision of the schedule in the direction of reduction, especially in relation to documents such as bonds and agreements. (d) Standardisation of the land revenue which will ultimately result in a further reduction of the proportion borne by the land revenue to the total taxation. (e) Reduction of Court fees, especially by the collection of the Court-fees on suits in two instalments and by the cessation of the practice of making a profit out of the fees for copying and for service of processes.

(a) Proper collection of duties on stock exchange transactions. (b) Conversion of the super-tax on companies into a corporation profits tax and the abolition of the exemption of limit. (c) Regarding of the income-tax and introduction of a super-tax on incomes from Rs. 30,000 to Rs. 50,000. (d) Enhancement in the rate of duty on country-made 'foreign' liquors up to the tariff rate and an increase in the excise duty on country spirits in Bihar and Orissa and Assam. (e) Increase in the license fees for fire-arms. (f) Taxation of patent medicines. (g) A general extension of probate duties. (h) Extension of the tax on entertainments and betting,

Distribution of Proceeds of Taxation.

On the question of the allocation of taxes between Imperial, Provincial and local Governments, the Committee opine as follows:—

(i) Imposition of taxation on tobacco by means of an excise on local manufactures or an increase in the import duty on unmanufactured tobacco, coupled with a system of licensing of sales of country tobacco. (j) Export duties on lac-oil seeds, bone and other manures. (k) An excise duty on aerated waters. (l) The imposition of income-tax on agricultural incomes is put in the last place for reasons which are explained.

(1) Certain taxes are essentially Imperial, namely, import duties; revenue excises; and revenue derived from the export of opium.

The revenue from non-judicial stamps is much more appropriate to the Imperial than to the Provincial head. It is desirable that the duty on country-made "foreign" liquors should be levied at the tariff rate and be credited to the same head as the import duty. The increasing restrictions that are being imposed upon excise opium suggest that it is desirable that this

item of revenue also should be credited to the Imperial Government, which undertakes responsibility for the restrictions.

(2) Certain taxes are essentially Provincial, namely land revenue and receipts from irrigation; taxes on transactions, other than those levied under the Stamp Act; fees including court-fees and revenue from the licensing of sale of tobacco. (3) The following taxes afford possible balancing factors; income-tax, export duties, restrictive excises other than on opium and probate duties.

The absence of an income-tax on agricultural incomes and the large proportion of the total revenue that is derived from the land make a division of the income-tax unavailable if the division is to be fair to industrial and agricultural provinces alike. If equilibrium can be secured by this means alone, it is undesirable to use the other balancing factors; in other words, it is desirable that the export duties should be entirely imperial and the restrictive excises other than that on opium, and the probate duty entirely Provincial.

The Committee then proceed to consider various methods of dividing the income-tax between the Government of India and the Provinces. After discussing several alternatives they come to the conclusion that the income-tax must continue to be levied by the Government of India, but that a definite proportion of the yield should be allocated to the various provinces on principles to be determined. The problem of division of these lines is not dissimilar in its main aspects from that involved in devising means for the avoidance of double income-tax as between two sovereign States. In this latter regard a Committee of 4 prominent European and American economists, after attempting to ascertain, as regards each category of wealth, whether the economic allegiance lay in a preponderating degree in the country of origin or in the country of domicile, ultimately came to the conclusion that "the reciprocal exemption of non-residents is the most desirable practical method of avoiding the evils of double taxation." The Committee suggest the following method as giving as much recognition to the principles laid down by the economists as is possible in the conditions obtaining in India.

There should be made over to the provinces the proceeds of a basic rate on personal incomes graduated proportionately to the general rate. The basis of the calculation would be the personal returns submitted under the Indian Income-tax Act, which provides for a statement of the income derived by the assessee from all sources, including dividends from companies wherever situated. Under this scheme the whole of the collections on incomes that do not appertain to residents in particular provinces, such as the tax on undistributed dividends of companies or on incomes of persons resident abroad or resident in places outside the boundaries of the province to which the allotment was made, and the whole of the super-tax would go to the Government of India. In addition to a share of the income-tax, the Committee recommend that in order to give a partial recognition to the principle or origin, a small portion of the receipts from the corporation profits tax should, following the example of Germany, be distributed among the Provinces. It seems to be practicable to secure equilibrium by these means, without making any other changes except as above indicated.

In conclusion the Committee point out that it is not within the scope of their functions to suggest a detailed revision of the settlement between the Government of India and the Provinces, and they therefore leave the

application of the principles suggested by them to some other body, and add that, while Devolution Rule 15 appears to have failed in its object, it does not appear practicable to revise it except as part of the general revision.

As regards the distribution of revenue between the Provincial Governments and the local authorities the Committee have in the course of their detailed examination of the individual taxes made various recommendations that the resources of local bodies should be increased—

(a) by conversion of the Thathameda and Capitation tax and the Chowkidari into sources of local revenue; (b) by standardising the land revenue so as to give greater scope for local taxation of land, and by the imposition of special assessments; (c) by transfer to local bodies of a share of the collections of Local Governments from ground-rents in town and by increasing the rates on non-agricultural land; (d) by giving municipalities the power to tax advertisements; (e) extending the imposition of taxes on entertainments and betting, and giving local bodies a substantial share of the proceeds; (f) by extending and improving the administration of the taxes on circumstances and property and the profession-tax; (g) by reducing the import duty on motor cars and enabling Local Governments to levy a provincial tax for distribution in lieu of tolls; (h) by grant of power to levy a fee for the registration of marriages in selected areas.

They point out, however, that when all these allotments are made, the resources of local authorities will still require to be supplemented by subsidies. The manner in which these should be distributed is rather an administrative question than one falling within the scope of the Committee's enquiry. They recommend, however, the following general principles for adoption:—

(a) Subsidies should ordinarily be restricted to services that are of national importance. (b) They should be granted on a system which will enable the Provincial Government effectively to enforce efficiency. (c) They should be granted on some uniform and easily comprehensible plan so worked out in advance that the local body can arrange its programme of expenditure in good time and provide for a due adjustment between that, its expected receipts and its scheme of taxation.

As regards the application of the canons of taxation to the land revenue the Committee consider that the canon of certainty is satisfied, but that convenience has in some respects been sacrificed to certainty. They also point out that the inelasticity of system arising from the fact that settlements are basted on average of prices and out-turns drives a large number of people to the money-lender during bad season. Other sources of inconvenience are the long period of the settlements and the meticulous and lengthy inquiries which the process of settlement involves. In the matter of economy they find that, if the collection of the revenue were only matter in issue, much cheaper means could be devised, and that the justification of the high cost of the establishments must be sought in the advantages derived from the record of rights, the avoidance of disputes and in other directions that do not fall within the scope of their inquiry. As regards the canon of ability, they consider that the land revenue, being essentially a tax on things and not on persons, is not a tax to which the doctrine of progression can be applied. They therefore confine their attention to the question of the burden of the land revenue on the land, in other words, the proportion which the Government demand bears to the economic rental or net profits

in the different provinces. Even in this respect they are unable to discover any acceptable basis of comparison. They give, however, an interesting table showing how, while prices have increased in 20 years by 117 per cent, and the area under cultivation by 7 per cent. the increase in land revenue collections is only 20 per cent.

### Customs Import Duties.

Import duties now form the largest single item in the revenues of the Government of India, yielding in 1924-25 a total of 41·5 crores of rupees. The growth of revenue is largely the result of the increase in the general rate of tariff duty from 5 per cent. before the War to 15 per cent. in 1922 and to the addition of higher rates on certain " luxury " articles. These revision of the tariff were due to the pressing need for additional revenue, but, as the Committee point out, some of the duties, such as those on sugar and matches, though not intended to be protective, are protective in operation, while certain other duties are exercising a restrictive effective on trade. So far as any conclusions can be drawn from the figures of incidence, there seems to have been a certain amount of shifting of the burden from the richer classes to the general population. The principal recommendations of the Committee on the question of import duties are as follows :—

(1) A higher rate of duty can safely be imposed on wine, beer and spirit. (2) A reduction of the duty on the conventional necessities of life, such as sugar, and on the raw materials of industry and means of production is desirable. (3) The Committee endorse the opinion of Dr. Gregory, who in his reply to their questionnaire has stated that the customs tariff should be the object of periodical survey, and they recommend that an expert inquiry should be undertaken forthwith. (4) Section 30 of the Sea Customs Act should be amended so as to make the charge on invoice price plus cost of freight the normal procedure and the charge on a price which includes the wholesaler's profit the exceptional one. (5) Conditions in India offer many facilities for smuggling operations. The Committee recommend that a skilled preventive officer should be deputed to compare and co-ordinate the arrangements in the different provinces not only at the main ports but also at minor ports along the coast and on the land frontiers. (6) An ideal arrangement for obviating the expense and the obstructions to trade caused by the maintenance of internal customs lines and for the apportionment of customs revenue between British India and the maritime Indian States on a more logical basis, would be the institution of a customs zollverein, but the Committee consider that any such solution is out of the range of practical politics at present.

### Export Duties.

The Committee endorse in general the recommendation of the Indian Fiscal Commission that export duties should be levied on articles of which India has a complete or partial monopoly, that the rates in any case should be low and that an export duty should not be utilised for the purpose of protecting an industry. Export duties are now levied on rice, jute, tea, hides and skins. The Committee do not recommend any increase in the rate of duty on jute, or any alteration in the rate of duty on rice. They consider that the duty on tea may continue for the present, but that it should be removed or reduced if and when the conditions of the trade indicate that it is having a prejudicial effect. The majority of the Committee

agree with the Fiscal Commission in considering that the duty on hides is wrong in principle and dangerous in its early abolition; they recommend that the duty on skins should be retained, but the matter should be examined by the Tariff Board at a suitable opportunity.

As regards new duties, one on lac, which is produced only in India, Indo-China and Siam and of which India enjoys a practical monopoly, is recommended. A duty on raw cotton was pressed by a number of witnesses partly as a revenue measure of protection to the Indian cotton mill industry. The majority of the Committee condemn such a duty as unsound, because it would fall upon the producers of Indian cotton and might do considerable harm to the export trade. They further endorse the opinion of the Fiscal Commission that, if the Indian cotton mill industry requires protection, the proper course is to increase the import duty on manufactured goods.

Three members of the Committee recommended that an export duty should be levied on oil-seeds and manures and that a part of the export duties should be applied towards educating the cultivator to make an increased use of artificial manures.

### The Salt Duty.

The duty on salt falls on a necessary of life, and to the extent that salt is essential for physical existence, it is in the nature of a poll tax, but the figures of consumption do not indicate that the duty has restricted the consumption below the quantity necessary for health. The Committee consider that, if it is desirable to impose any tax on the mass of the community at all, there is much to be said for the continuance of the salt duty. The present rate of duty causes no serious hardship and the retention of the machinery for collection makes it possible to secure additional revenue with ease in cases of grave emergency. They, however, recommend that the rate should not be raised except in such cases.

At present 35 per cent. of the salt required for India's needs is produced by or for sale to Government, 30 per cent. is imported and another 35 per cent. is manufactured by licensees subject to a payment of excise. The areas which are chiefly dependent upon imported salt are Bengal, Behar and Assam and a great part of Burma.

The Committee recommend that the obstacles to the supply of Indian salt to Bengal should be removed, and that India should be made self-supporting in the matter of salt supply, if this end can be secured by the grant of a strictly temporary advantage to the local manufacturers by means of a rebate of duty or of a differential duty on imports. An inquiry should be made into this aspect of the question by the Tariff Board. They also consider that every encouragement should be given to the manufacture in Madras and Bombay of salt suitable for consumption in Bengal and that among the means adopted to that end should be the pioneering of such manufacture by Government and the leasing of Government pans to capitalists who are prepared to develop such manufacture.

The rules regulating the issue of duty-free salt for use in industries are satisfactory and it is recommended that the present concession as regards duty free issues for purposes of fish-curing should be continued so long as it does not involve any cost to the Imperial Government in excess of the actual duty remitted. The concession should, however, be extended to all provinces and to inland fisheries.

### Petroleum.

The excise duties on petroleum are levied at the rate of 1 anna per gallon on kerosene oil and 4 annas per gallon on petrol, the corresponding rates of customs duty being 2½ annas and 4 annas. The Committee do not consider that any case has been made out for the immediate reduction of the duty on petrol. Should remission of taxation become possible, they would give preference to the tax on kerosene, which falls on all classes of the population.

### New Taxes.

The Committee next proceed to discuss the possibility of levying excise duties on matches, aerated waters, patent medicines and tobacco. The statistics available do not in their opinion indicate that the time for the introduction of an excise duty on matches has yet arrived, but the matter will require examination by an expert body sooner or later. An excise duty on aerated waters, to be levied by means of a tax on cylinders of carbonic acid gas issued for this purpose, is stated to be a comparatively unobjectionable way of raising revenue. A duty on patent medicines accompanied by the application of similar duty to imported patent medicines is recommended as a suitable form of taxation.

### Local Taxation.

The Committee next reviewed the principal local taxes under four groups:

(1) Taxes on trade. (2) Taxes on property. (3) Taxes on persons. (4) Fees and licenses.

The principal taxes on trade are the octroi and the terminal taxes, which are very ancient and primitive taxes. The Committee consider that, in the form in which they are levied in India, they offend against all the canons of taxation. They are uncertain in their incidence; they are imposed on necessaries of life; their collections and the system of refunds are highly inconvenient to the trader; and being indirect taxes their burden is not felt by the electors and they do not consequently encourage a sense of responsibility among them.

Four possible means of replacing these are:—

(1) A rate on land and houses. (2) A profession tax. (3) market dues and taxation of private markets. (4) A tax on retail sales.

The first is the most obvious substitute for the octroi and is by no means unknown in the provinces that place their chief reliance on it. Lands in towns pay very little provincial taxation and the local rates are very low.

The second and third are likewise in force in several provinces.

The tax on retail sales, which has found a place in the post-war taxation systems of many European countries and of Canada, is levied only on goods passing from the retail seller to the consumer. A new tax of this kind is not free from objection in India, but it has decided advantages as a substitute for the octroi.

If it is not possible to adopt any of these alternatives, the Committee consider that certain general principles governing the levy of octroi and terminal taxes in future should be laid down. They also recommend that the law should be amended so as to prohibit the introduction of the octroi in any Municipality in which it does not now exist and to empower the Government of India to issue rules governing the levy of the terminal tax.

### Tolls.

Tolls on district roads are undoubtedly an impediment to through traffic, but they have not been the subject of any general complaints except from motorists. In the case of motor vehicles, the Committee suggest that they might be abolished and replaced by a provincial tax on the vehicles, the proceeds of the provincial tax being made over to a road board for distribution to the local authorities responsible for the maintenance of the roads. In view of the political and economic advantages of the rapid means of transport in India, the Committee further recommend that the development of motor transport services should be encouraged by the Government and the import duty on motor vehicles should be reduced so as to give local Governments a greater scope for a provincial tax.

The charges levied at ferries are criticised as tending to become a pure tax on transit and it is recommended that the sums collected should be earmarked for expenditure on improving the means of crossing.

### Taxes on Property.

The Committee consider that there is considerable scope for increase in the assessment of town property. Another outstanding feature of the property tax in India is the inefficiency of the machinery for assessment and collection. The remedy for this state of affairs lies in provincial control.

Subject to their recommendations under the head of land revenue the Committee regard a 6 one fourth per cent. cess as suitable rate. They further recommend the addition of special assessments on the American plan to be levied in payment for works undertaken for particular areas.

### Taxes on Persons.

The principal conclusions of the Committee under this head are as follows :—

1. The assessment of the tax on circumstances on property has given rise to widespread complaints of unfair incidence, while, the levy of the profession tax has been found to be administratively difficult. It is recommended that the assessment and collection of these taxes should be entrusted to the general administrative staff of the districts. 2. A tax on pilgrims is theoretically objectionable, but the rate is so low that it involves little hardship or addition to the expenditure which the pilgrimage normally involves. 3. A light terminal tax on passengers may be appropriate in the case of a large city, but the tax of Rs. 2 levied in Rangoon on passengers departing by sea is difficult to justify.

### Inadequate.

The Committee conclude their review of local taxation with a few observations of a general nature. They emphasise the fact that the finances of local bodies all over the country are inadequate for the services which they have to perform. They point out that the incidence of local taxation in India is extremely low. They attribute this partly to the fact that local bodies have developed by a process of devolution and partly to the fact that taxation of real property, which should be the main basis of local taxation, has in a great measure in India been reserved for the State. In the case of local areas one chief check on the development of any taxation other than the rate on land arises, in the opinion of the Committee, out of the fact that the jurisdictions of these bodies are so large as to remove them from

effective touch with the tax-payers. They consider that the objections to the imposition of taxes on houses and persons would be to a great extent removed if the administration of these taxes were entrusted to bodies resident in villages on which the taxes fell. The Committee very strongly urge that, from the point of view of taxation the development of the future should be in the direction of restoring the influence of the village panchayat and limiting the functions of the bodies at present operating,

The Machinery of Taxation.

The Committee find, on an examination of the authorities, four main tendencies in modern tax administration, namely :—

(1) to divorce administration from politics ; (2) to entrust administration increasingly to experts ; (3) to centralise control ; and (4) to combine the staffs that deal with cognate subject.

They next examine the development of the tax administration in India. The Committee's principal recommendation is to restore the authority of the Collector, but in a capacity quite different from which he exercised it in the old days. In the case of the Imperial department he should be a *liaison* officer, that is to say, the officers operating in his jurisdiction should keep in touch with him ; he should help them with his local influence ; and should advise them on matters requiring local knowledge : at the same time he should keep them advised of matters relating to their departments that come to his knowledge through representations of the villagers or otherwise ; and should secure their help in such matters as, for instance, the assessment of local taxes on income with reference to income-tax records. In the case of the Provincial departments, it is desirable that he should be restored, so far as specialisation admits, to the old position of district local head, which he occupied before. In the case of local taxation the Committee emphasise their view that it is not the appropriate function of members of popularly elected bodies themselves to carry out the executive functions of collectors of taxes, or even to control their administration by the salaried staff. They therefore recommend the appointment of executive officers by whatever bodies can afford them and the enlisting of the assistance of the Revenue Department either through lent officers or by directly undertaking the work in respect of sundry taxes in the administration of which difficulties have been experienced. Finally they suggest that, except where provision is made for appeal to a court, the Collector or one of his assistants should be the appellate authority in all cases of appeals against assessments to local taxes.

## Notes of Dissent.

Dr. PARANJPYE in his note opposes the delay in the consideration of vested interests created by permanent settlement in Bengal, and favours the imposition of someting in the nature of a succession duty. He adds that full effect could be given to the recommendations contained in the report only under conditions of full political responsibility.

Sardar Jogendra SINGH holds that the recommendations regarding taxation must be taken or left as a whole.

The Maharaja of BURDWAN and Dr. Hyder state that both the direction of expenditure and the adequacy of the amount had to be determined by the people's representatives.

# The Rawlinson Committee Report

## On A Navy for India.

In view of the important announcement made by H. E. the Viceroy on the opening day of the Council of State on the 9th February, regarding the constitution of the Royal Indian Marine, the report of the Rawlinson Committee, on which the announcement is based, will be read with special interest. This departmental committee on the reorganisation of the Royal Indian Marine was convened by the Government of India with the concurrence of the Secretary of State for India and of the Admiralty. The following were the members :—

President : General Lord Rawlinson, Commander-in-Chief in India.

Members : Vice-Admiral H. W. Richmond, Commander-in-Chief, His Majesty's Ships and Vessels, East Indies Station ; Sir B. N. Mitra, Member of the Council of the Governor-General of India ; Mr. E. Burdon, Secretary to the Government of India, Marine Department ; Captain E. J. Headlam, Director of the Royal Indian Marine.

The Committee met at Delhi during February, 1925, and prepared their report, which was approved in Draft form by Lord Rawlinson before his death in March, 1925. The report stated :—

Generally the scope of the task entrusted to us is to draw up a scheme for the purpose of putting into effect a policy defined as in the following formula : The reconstruction of the Royal Indian Marine as a combatant force to enable India to enter upon the first stage of her own naval development, and ultimately to undertake her own naval defence. Our terms of reference, arranged for convenience in the order in which we shall deal with them, are as follows :—

Terms of Reference.

To prepare a scheme for the re-organisation of the Royal Indian Marine so as to form the nucleus of an Indian Navy, with special reference to,

(i) The functions to be ultimately performed by the Indian Navy and the methods of employment, with a view to its undertaking those functions.

(ii) The number and class of vessels that can be maintained with the available Budget allotment.

(iii) The recruitment, strength, training and conditions of service of the personnel.

(iv) The relations between the Higher Command of the Indian Navy, the Government of India and the Commander-in-Chief, East Indies, including the proposed appointment of a Chief of the Naval Staff, India.

(v) The provision for and maintenance of vessels, including the continuance or abolition of the Royal Indian Marine Dockyard.

The Committee observes : By far the most important aspect of the new force in its early stages will be its duty as a training squadron. The new personnel will need to be thoroughly trained in gunnery, mine-sweeping, harbour defence and seamanship. In this connection we cannot insist too

strongly on the ships of the Indian Navy becoming from the first a sea-going force. Efficiency and enthusiasm alike will melt away if the new Navy remains in port and practises nothing but harbour defence.

A valuable service which we think that the Indian Navy should be able to undertake in the near future, will be responsibility for policing the Persian Gulf in peace time, by which means the three vessels maintained in those waters by the Imperial Government will be set free for other duties at present performed by the Royal Indian Marine.

### Marine Survey.

We consider that the Marine Survey should be retained as its work in peace and war is essential to a fighting sea service. The control of station ships at Aden, Port Blair, Rangoon and in the Persian Gulf to attend to the conveyance of troops and officials, and to supervise the work of lighting and buoying in adjacent waters should not be a function of the new Navy. The retention of these responsibilities would not be in our opinion, compatible with the development of a fighting force. The work of carrying troops can be contracted for commercially, at rates which could hardly fail to be cheaper than the existing arrangement.

The new service should also be responsible for the Marine transport, at present carried out by the Royal Indian Marine. The cost of storage and maintenance in this connection will be a charge against the Indian Navy.

### Navy's Functions.

The functions of the new Indian Navy in peace time will therefore be as follows :

(a) Training of personnel for service in war (b) services required by the Indian Government in the Indian Ocean and Persian Gulf ; (c) organisation of naval defences at ports which are under the control of the Indian Government ; (d) survey work in the Indian Ocean ; (e) marine transport work for the Government of India.

We recommend that in accordance with its new functions the service should be known as the "Royal Indian Navy" and should fly the White Ensign, which is the recognised flag of the Naval fighting forces of the Empire.

### Strength of Force.

As regards the number and class of vessels the Committee say that on the assumption that these will be the functions of the Indian Navy, "we consider that a squadron of 4 sloops 2 patrol craft, 4 trawlers and 2 survey ships, together with one depot ship as already suggested, will suffice to begin with."

### Cost of the Scheme.

The Committee estimate that the net annual cost of maintaining such a force would amount at first approximately to Rs. 63 lakhs. This figure is exclusive of the following items :

(1) Rs. 12 and onefourth lakhs, cost of lighting and station ships which should be met from lighting fees and debited to other departments. At present Rs. 2 lakhs of expenditure is debited to the Political estimates and the remaining Rs. 10 and one-fourth lakhs to Marine estimates. (2) Rs. 4 lakhs for military launches, which will be included in the Military estimates. (3) Rs. 1,14,000 on account of transport establishment hitherto

debited to His Majesty's Government. (4) Pension charges for ratings, which will be a negligible figure for the first few years.

The Committee then refers to the estimates of the last two years under the Marine Department and observe that taking the present cost of the Royal Indian Marine to be the average of the years 1924—6, the annual cost of the proposed forces would compare as follows : Royal Indian Marine, total net cost Rs. 51,62,000 : net annual cost of the Indian Navy, Rs. 62,60,000. The cost of lighting and station ships and military launches would remain the same, namely, Rs. 16,50,000. Thus the excess of annual cost in respect of the Indian Navy over that of the Royal Indian Marine would be Rs. 10,98,000. This excess, however, is likely to be reduced to a considerable extent by the leasing of the Dockyard and still further, if as is contemplated, the Government of India institute a system for the levy of fees for lighting on shipping companies.

Apart from recurring expenditure the Committee estimate that there will be initial expenses, assuming that new stoops will be provided by the Home Government on loan to the Indian Navy costing Rs. 9 lakhs.

Personnel.

The following establishment of officers and warrant officers will be required :—Flag Officer Commanding, 1 ; Captains, 9 ; Commanders, 19 ; Lieutenant Commanders and Lieutenants, 42 ; Sub-Lieutenants, 8 ; Midshipmen, 8 ; Boatswains, 4 ; Engineer Captain, 1 ; Engineer Commanders, 5 ; Engineer Lieutenants and Engineer Sub-Lieutenants, 38 ; Assistant Surgeons 6. The figures for executive and engineer officers include provision for the following port appointments at Calcutta, Rangoon, Madras, Bombay, Karachi and Aden :—Captains, 5 ; Commanders. 6 ; Lieutenant-Commanders, 1 ; Engineer- Commanders, 3 ; Engineer Lieutenant Commanders, 10 ; Boatswains, 1. These officers, being employed by the Local Governments are to be paid by them and their salaries are not a charge on the marine budget. Although it seems anomalous that these appointments should still continue to figure in the cadre of a combatant service, we have thought it necessary to retain them for the following reasons :—Firstly in time of war or emergency, these officers will be the authorities responsible for definite naval duties in connection with the defence of their ports under the direct control of the Flag Officer Commanding. Secondly, without these port officers the service would not contain, in our opinion, sufficient number of senior appointment to maintain the requisite flow of promotion. Thirdly, these port officers will also be responsible as already noted for marine transport duties in peace, as well as in war.

Port Officers.

The Royal Indian Marine also provides port officers for Chittagong, Akyab, Bassein, and Moulmein, and a marine transport officer at Mandalay, but as no defence functions are required of these officers in peace or war, we consider that the Indian Navy should not provide them.

The nature of the commissions to be granted to officers in the Indian Navy is of importance. We recommend that King's commissions, similar to those now held by officers in the Royal Indian Marine, be granted to British and Indian officers alike—the commissions should confer an authority, limited to the force in which they are granted, namely the Royal Indian Navy. We strongly deprecate the use of any form of commission which

might convey the impression that officers of the Indian Navy hold a purely subordinate status, such as is held by the Viceroy's commissioned officers in the Indian Army.

With the proposed initial strength of the force, recruitment of executive officers will be required at the rate of about three a year. We agree generally with Admiral Richmond's recommendation that British and Indian boys should enter by competition at the age of 18, exactly in the same way as public school cadets are now taken into the Royal Navy. We also agree with the proposal that Indian cadets should be mainly recruited through the Prince of Wales College, Dehra Dun.

### Entrance Examination.

The examination for cadetships would be held simultaneously in England and India. One appointment, every year, should be reserved for an Indian either from Dehra Dun, or from an English public-school, subject to his reaching a minimum qualifying standard in the examination. For some time at any rate, the standard of education at Dehra Dun will be appreciably lower than at an English public school. It would, therefore, probably be necessary to raise the age limit for Indian recruited from Dehra Dun to the Indian Navy from 16 to 19 years on the analogy of a similar rule, which already obtains in the case of Indian cadets for the army. As the age of study at Dehra Dun is from 12 to 18 it is likely that several years will elapse before any Indian cadets enter the navy from that institution. We do not see how this can be avoided. Cadetships should, however, be open to Indian boys at English public-schools from the beginning. We understand that there is a considerable number of these, some of whom might be attracted towards service in the Indian navy. On passing the examination British and Indian cadets should undergo a course of two years' training in naval technical schools in the United Kingdom. On completion of their training, cadets would be given their commissions in the Indian navy, and would proceed to join a squadron in Indian waters.

### Sea Training.

We have considered the possibility of conducting initial technical training in India, but this would entail very great expenditure on establishments, and would reduce to vanishing point the funds available for ships. It occurs to us that Indian entrants into the navy via Dehra Dun will normally have no sea experience whatever, before passing their entrance examination into the navy, and that if they were then sent to the United Kingdom, and made to undergo sea training in small vessels in home waters there is a possibility of undue discouragement. We, therefore, propose that candidates for the Indian Navy in the last two years of their education at Dehra Dun should be given opportunities for short cruises, and some sea training in ships of a training squadron. For officers and warrant officers of the new service, we do not propose any departure from the rates of pay and pension now drawn by officers of the Royal Indian Marine. These rates were revised in 1920, and are in our view likely to prove suitable We need not, therefore, complicate our scheme for reorganisation by introducing any proposals under this head. Ratings will be drawn from some class, and in the same manner as lascars are at present recruited for the Royal Indian Marine. The rates of pay will also be the same; but provision will have to be made for pensions and for furlough. We are confident that this class will provide

a suitable material for manning a combatant force, and that if the terms of service are made attractive they will be forthcoming. At present there is only one source of recruitment, namely the coastal area in the vicinity of Ratnagiri. It might be found advisable to open up at Chittagong and elsewhere training of recruits, which will also include educational training which will be carried out in Bombay in the depot ship, and in the training squadron.

Gunnery Instruction.

It will be necessary, in the initial stages, to obtain the services of two specialist officers in gunnery and mine-sweeping, to supervise the training of recruits. We have considered the question of employing British petty officers and instructors, but in view of the language difficulty, we are doubtful whether their services would be of any value.

We recommend that engineer officers should be recruited for the Royal Indian Navy in precisely the same manner as they now are for the Royal Indian Marine, that is to say the appointments would be made by the Secretary of State for India. A candidate must have served at least 5 years as an apprentice in a recognised engineering firm, or a Government dockyard. A candidate must not be less than 21, or more than 25 years of age.

In order to facilitate entry of Indians into this branch of the service we recommend that the Government of India should give financial assistance to suitable Indian candidates, who are anxious to undergo the necessary training and quality for selection. This assistance might take the form 'inter alia' of passage concessions, and payment of premia to engineering firms, and the Government might also exert their influence to induce such firms to take Indians as apprentices. One vacancy in three, should also be definitely reserved for an Indian, if a suitable candidate is forthcoming. The terms of service should remain as at present. The port engineering appointments mentioned, will continue to be available for the promotion of these officers.

The report next lays down conditions of service, pensions and pay, and leave of ratings. Pensions are to be granted on the same scales as in the army.

The report then discusses the important question of command.

Command Appointment.

We propose that the command of the force should be vested in a Flag Officer Commanding. This officer should be appointed from the Royal Navy, but later on, the appointment should, normally, be held by an officer of the Indian Navy. We prefer the title of "Flag Officer Commanding," to that of "Chief of Naval Staff" as more descriptive of his status and duties. Chief of Staff implies an advisory position without executive powers. The tenure of office, in our opinion, should be for a minimum period of three years. In the early stages an Indian navy could be administered by a single commander, with a small staff. The simpler the organisation the more economically will it be controlled.

The responsibilities falling to the Flag Officer Commanding, in peace time, will be as follows: (a) Preparation of the annual estimates, (b) movements of ships, (c) recruiting, (d) training, (e) drafting appointments and promotion, (f) refitting, victualling, storing, fuelling, and ammunitioning, (g) designs of new ships, (h) maritime defence of ports under the control of

the Indian Government, (j) surveying service and (k) marine transport. In his relation to the Government of India the Officer Commanding should be in a position substantially analogous to that of the Air Officer, commanding the Royal Air Force ; that is to say, he should be subordinate to the Commander-in-Chief in India, in the latter's capacity of Minister of Defence, and he should be responsible to him for the administration and efficiency of the navy. Like the Air Officer Commanding, he should also have the right of personal access to the Viceroy for the purpose of consultation on important questions concerning the navy.

His headquarters should be in Bombay, but we propose that he should be at liberty to pay periodical visits to the headquarters of the Government of India, in order to confer with the Marine Department. This practice is at present followed by the Director of the Royal Indian Marine, and has been found eminently satisfactory.

We do not consider it desirable, or necessary to retain an officer of the Indian Navy at headquarters of the Government of India in the capacity either of secretary or liaison officer. The Flag Officer Commanding will be official adviser of the Commander-in-Chief in India, and through him of the Government of India on all matters relating to the internal administration of the Indian Navy including harbour defence, and the work of sea-going squadrons of the navy.

### Government Adviser.

The adviser to the Government of India on matters of strategic importance will continue to be the Naval Commander-in-Chief of the East Indies, subject to a clear understanding of their respective spheres of authority. The closest co-operation in all matters should be maintained between the Naval Commander-in-Chief and the Flag Officer Commanding the Indian Navy.

In war time unity of command is essential, and we therefore recommend that the warships and personnel of the Indian Navy, should automatically come under the direct control of the Commander-in-Chief, East Indies. For this reason, as well as others, we think it desirable that the post of Flag-Officer Commanding, should never be held by an officer senior on the navy list to the Naval Commander-in-Chief.

### War Responsibilities.

In war, the responsibilities of the Flag Officer Commanding should be (a) Naval defences at ports which are under the control of the Government of India, (b) marine transport at the same ports, (c) control of merchant shipping at the same ports, (d) recruitment for ships of the Indian Navy, (e) where required, refitting, victualling, storing, and fuelling of ships on His Majesty's service calling at Indian ports and (f) administration, and supply of ships employed in harbour defence.

### R. I. M. Dockyard Disposal.

In regard to the maintenance of vessels, etc., the committee state :—We have considered very carefully the question of the dockyard. There are three possibilities open to the Government of India. Firstly to sell the yard outright, secondly to retain it under their own management, and thirdly to lease it for a term of years to a private firm. We have no hesitation in rejecting the idea of sale.

After examining all the suggestions, the committee state :—We are led to the conclusion that the retention of the yard, under Government management, would be an unjustifiable expense and we proceed to consider the third possibility, namely the leasing of the yard for a term of years to a private firm. For this course there is much to be urged. In the first place it provides the only means, other than direct sale, by which the Government can make its due profits out of the high capital value of the site. Secondly, it will relieve the Government of all expenses and difficulties of administration ; thirdly, it will bring the cost of maintenance and refitting of vessels, to a true economic basis ; fourthly, it will enable the Government to resume control of the yard at a future date, should it desire so to do, and fifthly the saving effected will be available towards the provision of more ships for the navy.

The dockyard by reason of its situation, size, arrangement, and fitting, offers, we believe, considerable attractions to engineering firms, and we see no reason to doubt, if it is put up for lease, that tenders will be forthcoming. We therefore recommend that the dockyard be offered for lease, and we consider that the lease should be for a period of 15 years. In the first instance, an essential condition should be that work for the Indian Navy should be given priority whenever required.

The refitting, however, of ships of the Indian Navy should not be a pre-requisite of this yard, but should be open to competitive tenders. The existence of other yards in Calcutta and Colombo, and of the Mazagon dockyard in Bombay itself should act as a safeguard against monopoly and the consequent inflation of charges. At the time of lease, the disposal of existing machinery will require consideration.

It may be necessary to make purchase of the machinery a condition of the lease. The stores required for the marine transport department, and for the Indian Navy at present warehoused in the dockyard, can without difficulty be transferred elsewhere.

A portion of the dockyard and premises adjoining Campbell Park would have to be retained by the Government for offices and official residences.

### Miscellaneous Items.

At the conclusion of the report the Committee deal with a number of miscellaneous matters. In regard to the disposal of surplus officers the Committee observe that on inauguration of the change a certain number of officers of the Royal Indian Marine will become surplus to requirements. The present establishment exceeds the cadre which we propose for the Indian Navy by 5 Commanders 2 Lieutenants and Lieutenant-Commanders, 4 Engineer-Commanders, and 6 Engineer Lieutenant-Commander. We propose that these 17 officers should be retired on the usual terms for surplus officers, unless employment under other Government departments can be offered to them, and they are willing to accept such employment. It may be found possible to transfer some of them permanently to the lighting service under the Commerce Department.

The Committee next suggest the transfer of Royal Indian Marine ratings into the Indian Navy, in such cases where there is a reasonable period of effective service still before them.

The Committee then discuss arrangements for carrying on lighting, and other services performed by the station ships Lawrence, Clive, and

Minto. These ships, which are almost entirely engaged upon civil duties, could not form part of the new Indian Navy, and the various departments concerned would have to take over the responsibility for the work, in which these ships are engaged.

### Transfer of Command.

On the question of transfer of command the Committee observe:—"We consider it important that when the new Flag Officer Commanding arrives in India and hoists his flag, the Royal Indian Marine should cease to exist from that moment, and the Royal Indian Navy should come into being. It is essential, therefore, that before the new Commander is appointed a scheme for the creation of an Indian Navy should be definitely sanctioned, and the necessary financial provision made for its introduction. If circumstances permit, as much work as possible connected with the winding up of the old service should be done before the new Flag Officer Commanding arrives in India. On the other hand we consider it indispensable to the success of the new venture, that the first flag officer commanding should have, as his right hand during the initial stages of his tenure, an officer of proved experience in all Indian marine matters.

We therefore recommend that Captain Headlam, the present Director of the Royal Indian Marine should remain after the charge for such a period as may be found necessary, in the capacity of Chief Staff Officer, and adviser to the Flag Officer Commanding.

Finally, the Committee touch on the contribution of £100,000 to His Majesty's Government and observe: "In dealing with the financial aspect of our proposals we have deliberately refrained from touching upon the question, whether the creation of the Indian Navy should affect the continuance of the payment, at present made from the Indian revenues, as a contribution towards the Imperial Navy. We have taken this course because we feel that it is not a matter which falls precisely within terms of reference to us, as an expert Departmental Committee. We also think that it would be premature to discuss this question until, at the earliest, the new Indian Navy is in a position to perform an appreciable portion of these services, which are rendered to India by His Majesty's Navy and in respect of which contribution is paid.

Appendices are attached giving details of the total cost of the proposed Indian Navy organisation, of the command cadre, of the officers' proposed course of training, of officers' pay and pensions, the scales of ratings, and the dockyard estimates including the cost of refitting the Royal Indian Marine.

## Comments of the Indian Press.

"The creation of a Navy for India is as much in the interest of India as of England. England's commitments in Europe on the self-governing Dominions is appreciably diminishing. It is doubtful if the help that was rendered to her by the Dominions during the Great War would be rendered again on the outbreak of another War. In Asia also England has not the prestige she had. A great power is rising in Angora. In Persia also she is regarded with no friendly eye. China is not very friendly towards her. And Japan is an elusive friend. It is therefore in the interest of England that she should have a strong and friendly India. She can hope to maintain her position in the world only with India's assistance.

"The responsibilities of the Grand Fleet, already great, will not diminish despite the talk of disarmament. Then there is the question of cost. The burden is already too

heavy for the British tax-payer. Could not a portion of the burden be shifted to India? There is a widespread desire on the part of the Indians to participate in the defence of their country. Why not exploit the sentiment? There is the army in India the cost of which is met from the revenues of India, but which is maintained mainly for the Imperial purposes of England. Why not also have a Navy?

"We do not believe that the Conservative Government has given the fiat that the "first step" towards the creation of a Royal Indian Navy should be taken out of an altruistic motive. In fact generosity has very little scope in high policy. And the creation of an Indian Navy is high policy.

"But we do not at all grudge England any benefit that she may derive by creating a Navy for India. We shall be satisfied if she honestly tries to reconcile her interests with those of India. And if her statesmen can persuade themselves to take a broad view of things they will find that it is not yet too late to reconcile the interests of their country with those of India.

"British statesmen have so long been moved by deep distrust in their policy towards India. The Army, the rank and file of which are mainly Indian, but which is officered by Britishers, bears eloquent testimony to the presence of deep distrust. But can an empire long rest on the foundation of distrust? The testimony of history is to the contrary.

"Foreigners as such have seldom been considered interlopers in this country. In this respect the traditions of India offer contrast with the passion for exclusiveness that blinds many of the white Colonies and Dominions of England to the real interests of the Empire. Were English statesmen gifted with far-sighted wisdom they would harness the aspirations of Indians to their own benefit as well as to the benefit of India.

"The Indians desire that India should have a Navy. They realise that unless they can participate in the defence of their country in land and sea, they would not really be entitled to the position which England has theoretically secured for her as a member of the League of Nations. But what has been given to India? A perusal of the report of the Rawlinson Committee on which the only Indian was Sir Bhupendra Nath Mitra leaves no doubt in anybody's mind that instead of bread for which our countrymen clamoured they have been given stone. We do not mind the contemptible outburst of the *Morning Post* which says that "Indians are not sailors and lascars, are not fighters." It is historically untrue and the *Statesman* has the fairness to say that "to the argument that Indians are not sailors it may be answered that in every age large numbers of them have been, and fighting sailors too." Only "they have had no opportunity of taking part in the scientific naval warfare of recent times, from which one fact different men may honestly draw different conclusions." There is no question of "conclusions," the fact being that the British Government, assuming from the very beginning the role of an anti-national foreign Government, has denied the opportunity.

"England can no longer continue the policy she has pursued towards India. World conditions have changed and are rapidly changing. She cannot possibly bear the burden of her commitments and world-wide interests unaided. The white Dominions will not render her any assistance India can and will render it because it will promote her own interests. We believe British statesmen are already having a glimpse of future possibilities. The willingness to create a Navy for India, the project of an Indian Sandhurst, the desire to meet the political aspirations of the Indians—all indicate the dawn of statesmanship. But unfortunately fear and suspicion still possess our rulers and they cannot do all that statesmanship would point to them as the right course. The very grudging nature of the concessions they make instead of producing a favourable impression, only irritate public mind. The suspicion of the Government reacts on the people and a vicious circle is established.

"The Army and the Navy are the touchstones on which the people will test the sincerity of the British Government. The Rawlinson Committee's scheme which the Government has accepted has been condemned by almost the whole Indian Press whose desire for an Indian Navy is well-known. The prevailing feeling is that the object of the whole scheme is to add to the shackles of India. The scheme will have to be recast if it is to inspire the confidence of the public.' (*A. B Patrika, Calcutta*).

REPORT OF THE

# Punjab Jails Enquiry Committee

Considerable changes in the administration of the Punjab jails were contemplated by the Punjab Government as a result of an enquiry which was conducted by a committee specially appointed for the purpose.

The Committee was constituted in November 1925 to enquire into allegations of corruption, unauthorised punishments and unauthorised indulgences in the jails, special attention being paid to the question of the prisoners' diet in its bearing on the alleged malpractices. The Committee consisted of Mr. O. F. Lumsden, I.C.S., President, Mr. Justice Jailal and Sheikh Abdul Qadir, Barrister, members. The report is unanimous. The Government have given consideration to the more important recommendations while other points are still under consideration.

In a resolution published along with the report, the Government accepted most of the recommendations of the Committee and further announced that at the meeting of the Punjab Legislative Council in June the necessary legislative and financial provisions will be put before it to give effect as far as available funds permit to as many of the decisions as can be worked out in time for the meeting. The most important of the Committee's general conclusions from which the Government found reason to differ were that unauthorised punishments were awarded not infrequently and that there was ample evidence as to the existence of unauthorised indulgences. The Committee on this point gives some instances in which such unauthorised punishments had been awarded, but before doing so the Committee mentions that it visited no less than nine jails, examined 245 witnesses, of whom 198 were actually inside the jails. The public response in making suggestions to the Committee was disappointing, but the Working Committee of the Punjab Provincial Congress associated itself with the enquiry and assisted the Committee by collecting written statements and suggesting witnesses.

## Unauthorised Punishments.

Dealing with unauthorised punishments the Committee says that the evil has not been altogether eradicated. A common form of such punishment is shoe-beating on the slightest provocation, sometimes under the orders of Jailors and assistant Jailors and sometimes without orders. Another form of punishment is for several prisoners to join in concert in an attack on a prisoner and beat and kick him mercilessly. This method is resorted to sometimes in order to extract money from newcomers and sometimes for the purpose of bringing recalcitrant convicts to their senses. Still another form is to make a man bend double to pass his hands through his legs and touch or hold his ears. This offence is enhanced by the administration of blows and kicks. This form of punishment appears to be well established and frequently made use of by unscrupulous subordinates.

As regards unauthorised indulgences, the Committee finds ample

evidence and says high prices have to be paid for articles that are smuggled into the jail. Cash is received by prisoners from their homes for their requirements in the jail by means of money orders to warders and their subordinates. The Committee understands that system of money-lending also is well established inside the prisons, there being, however, a strict code of honour among the prisoners to return the money. Gur (jagree) is in great demand and there is such a craving for it that the prisoners are prepared to pay for it many times its real price. Other luxuries, such as "ghee", tobacco, butter, fruits and liquor are also obtainable. Gambling is conducted under the patronage of the minor jail officials, who, no doubt, are not forgotten by the winners. Discipline is merely superficial, for one witness, whose evidence there is no reason to distrust, assured the Committee that sovereigns were plentiful inside the Lahore Central Jail, though unprocurable outside. He had himself seen a prisoner in possession of £80 and had kept in his box a sum of £40 for another.

The Punjab Government find no reason to differ from the general conclusions arrived at by the Committee in respect of unauthorised punishments and indulgences. They have issued through the Inspector-General of Prisons a warning against these offences, but the Government recognise that radical measures for improvement of the supervising and executive agencies are necessary in order to improve this aspect of prison administration.

### Income per Convict.

Referring to the Committee's finding that the income of the Jail Department works out at Rs. 10 per annum per convict, a figure incompatible with the theory that each prisoner is doing his fair share of a day's work, the Government quote statistics of prisoners doing various kinds of work and point out that the number engaged on manufactures was 36 per cent. of the total and the proceeds during 1924-25 showed a profit of just under Rs. 60 per prisoner employed. Moreover, the prisoner is a less willing workman than the free agent. It is a principle of jail administration that jail labour is to be employed first on jail requirements and next on requirements of other departments of the Government. Notwithstanding all these and other factors the Inspector-General has been asked to consider the introduction of new and economically advantageous employments in consequence of the opening given by relaxation of the old rule regarding machinery. Now machinery may be used for certain industries. These facts show, according to the Punjab Government, that the Committee had not been placed in full possession of the whole case on this point.

### New Jail for Frontier Convicts.

Referring to overcrowding of jails, the Committee points out that the provision of further jail accommodation is imperatively necessary. The Committee understands two new jails are under contemplation and, therefore, urges that one of them should be specially reserved for Frontier convicts whose segregation in a separate jail is highly desirable.

The Government says that financial pressure, only now relieved, has up to the present time made it difficult to contemplate remedial measures on an effective scale. Funds have now been provided by the Punjab Government for the commencement of the new Central Jail outside Lahore and arrangements are contemplated for the rebuilding of the existing group of jails in Lahore in a modernised form. It is understood, says the Punjab Government

that the Government of India intend to construct a Central Jail at Ferozepore for the accommodation of the prisoners of the North-West Frontier Province, of whom some 700 or 800 now occupy space in the Punjab jails.

The committee has expressed adverse opinions on Central Jails, except for habitual offenders, on the ground that their size is unfavourable to supervision and to reformative influence and has advocated the confinement of non-habitual offenders in district jails with the maximum accommodation of 500, but the Punjab Government, for the reasons given by the Indian Jails Committee, has decided not to accept the advice of the Punjab Committee and are quite satisfied that it is undesirable to have more than 1,500 prisoners in any jail and will, as opportunity presents itself, erect additional buildings and make constructional changes.

Deputy Inspector-General of Prisons.

The Committee then lays stress upon the importance of the appointment of a Deputy Inspector-General of Prisons so that the Inspector-General might be free for important duties and particularly for inspection.

The Government agrees that at a time when large changes in the department are being considered and carried out it is not possible for the Inspector-General unassisted to combine his heavy headquarters duties with sufficiently frequent and detailed inspection. They have therefore decided on the creation of a post of Deputy Inspector-General for two years, at the end of which period the necessity of the continuance of the appointment will be further considered. Similarly, the Government think that it is desirable to appoint whole-time Superintendents to each district jail and to limit the duties of the Civil Surgeon to medical charge. The Government is taking steps to provide for the appointment of Civil Superintendents and hope that during the current year at least six District Jails will have such officers.

In regard to the Central and Borstal institution, the Government is under an obligation to employ officers of the Indian Medical Services as Superintendents. This obligation, however, does not extend, in the opinion of the Government, to additional institutions as and when created, and subject to the agreement of the Government of India, the Punjab Government contemplate after the existing obligation to employ a certain number of I. M. S. Officers has been met to appoint whole-time Civil Superintendents to the Central Jails and institutions which it is not necessary to earmark for the purposes of that obligation, with whole-time assistant surgeons for medical charge.

The Government are sure that the appointment of whole-time Superintendents must not be made a ground for reducing the strength of the executive staffs under them. The Government do not therefore contemplate any reduction in the strength of executive staff subordinate to Superintendents. On the other hand the Government recognise the necessity of extensive changes in the personnel and of bringing under reduction those jailors, deputy jailors and assistant jailors, who are not definitely held to be fit for promotion. The manner in which it is proposed to ascertain the object in view is to introduce a Bill for the amendment of the Prisons Act for the abolition of jailors, deputy jailors and assistant jailors and their replacement by Deputy Superintendents and Assistant Superintendents of a better status and somewhat higher pay than the class which they are to supersede. Those who are not found fit for promotion to the new rank will retire under the provisions of Sections 426 and 436 of the Civil Service Regulations.

## Convict Officials.

The Committee then turns its attention to the system of appointing convict officials and concludes that the system has become a great source of corruption and that the best interests of jail administration demand its total suppression. The Government say they have given anxious thought to this question because the quality of paid warders who must replace convict officials must be beyond doubt but the Government conclude that in principle the employment of convicts should be brought to an end and have already given orders for the reduction of a number so employed to the figure of March, 1919, as soon as arrangements for replacing the number reduced have been worked out.

The Committee, dealing with the arrangements for inspection by non-official visitors, points out that the existence of non-official visitors is valuable as supplying a training ground where numbers of the public can obtain an insight into jail problems. No doubt there have been instances in which visitors grossly abused their position by going to the extent of persuading Sikh prisoners to refuse conditional release offered by the Government, and also lecturing them on political matters, but there should be no wholesale condemnation because of the faults of a few The Government generally agree with these observations and have no doubt that many non-official visitors seek to do their duty conscientiously and have therefore impressed on the authorities concerned the desirability of making satisfactory selections. It is important that all officers of jails should treat non-official visitors with courtesy and considerations. The non-official visitor is an ally of the Superintendent in keeping the administration of jails pure and above reproach. The Government have given orders for the preparation of schemes in all jails for the substitution of animal or mechanical traction for manual labour on wells.

The Committee has put forward an interesting proposal for the adoption of a system under which the profit arising out of the performance of tasks is credited to the worker as a reward for good work, coupled with exemplary conduct. The Government had already decided on crediting a portion of these earnings to prisoners in habitual jails and provision was made for this in the budget of the current year. It has been decided, however, that payment should be made to the prisoners only upon release, whereas the Committee's proposal is to allow those who have earnings at their credit to make small purchases of certain articles from time to time. This principle could no doubt be extended to allowing them to make remittances of money to their homes. The Inspector-General is in sympathy with this proposal.

The Committee makes several recommendations regarding diet and cooking, and points out the desirability of having separate kitchens for Mahomedans and Hindus. The Government have given instructions to the authorities concerned regarding the history ticket, etc, and point out that modern rules have already been incorporated in the jail manual for specially constructed interview rooms at the gate in every jail and the Government have reason to believe that the period of 20 minutes laid down for interviews is not infrequently extended in practice.

# B. & O. Administration Report 1924-25

"When the political history of India for the year 1924-25 and the three preceeding months comes to be reviewed, much that is hopeful and gratifying will emerge from the record of Bihar and Orissa during that period." In these words the official year book 'Bihar and Orissa in 1924-25" records the political events and activities of the different branches of administration in the province.

"At a time when the very foundations of the new constitution were being loosened in other parts of India," says the report, "this province may claim to have kept its head. Elsewhere some of the newly-elected Legislatures were exercising their considerable powers with the avowed object of bringing the Government to a standstill; in Bihar and Orissa, although the extreme section of political opinion was not unrepresented in the new Council, a different atmosphere prevailed, and that element of mutual goodwill which is essential to the working of dyarchy has not been lacking. Thus the Ministers have retained the confidence of the majority of the council, and at the same time there has been a notable absence of friction in their relations with the other members of the Government and with the permanent officials working under them.

"The trend of public opinion during these fifteen months has been no less significant. Hysterics and fireworks are out of favour, and it is no longer easy to arouse popular enthusiasm by the wholesale condemnation of Government officials and "the sham Reforms." Sanity is returning to public life, and with it a growing disposition to take full advantage of the opportunities offered by those same Reforms, and to work for a further advance on constitutional lines. The political developments of this period have not been without their disquieting symptoms; but, viewed as a whole, they make for encouragement."

## Influence of Congress.

Describing the influence of the Congress on local bodies it says: "It was inevitable that this widespread capture of the local bodies by the Congress Party should be attended by far-reaching consequences. Further remarkable letters soon made their appearance in the anti-Government press, indicating a general alarm, no less at the type of politician who was thus returned to local power than at the methods by which his success had been achieved. The number of old members who had secured re-election was very small, and few indeed of their successors had any administrative experience. Immature youths fresh from college, paid lecturers of the Swarajist Party, "national" school masters, and persons who had been convicted under Criminal Law Amendment Act or bound down to keep the peace—all these were included among the personnel of the new District Board."

"Under these circumstances it is not surprising that a tendency soon became apparent to use these local bodies for the furtherance of political propaganda, rather than for the diligent promotion of the interests which had been committed to their charge. The same process was evident in those municipalities also which had come under the control of the Swarajists in the autumn of the previous year. Several instances occurred of addresses of welcome to extremist leaders and of congratulatory addresses presented to

politicians on their emergence from jail. Office-bearers in municipalities and district boards have made objectionable speeches during the course of public business. Attempts have been made to fly the Swaraj flag over municipal offices and the substitution of "national" holidays (such as the anniversary of Tilak's death) for those now observed (including the King-Emperor's birthday), has been gravely discussed. The employees of local bodies have been directed or "advised" to clothe themselves in 'khaddar,' and public money has been utilised to spread the cult of the "charka" in a manner which cannot possibly be reconciled with legitimate requirements of education or any other public interest."

### Hindu-Moslem Question.

"Another most disquieting feature which must be recorded here is the recrudescene of ill-feeling between Hindus and Mahomedans, particularly during the latter half of 1924. Bihar and Orissa was probably no worse off in this respect than the other provinces of India, but the state of affairs was such as to give constant anxiety to the Government and to call for unremitting vigilance from their subordinate officers. To some extent this question is connected with Congress politics. A good deal of resentment was felt in Mahomedan circles at what was regarded as an attempt to convert the Congress into a Hindu organisation. The tension was increased by recriminations which passed between the two communities regarding the alleged misapplication of Congress funds. Mahomedans were keenly disappointed at the results of the District Board elections, in which hardly any of their candidates were successful."

### Industries.

After recording the sound financial position of the province the review passes on to the activities in the domain of industries. "The predominance of agriculture in the economic life of the province has perhaps tended in the past to divert attention from its industrial potentialities. Yet in Chota Nagpur is to be found one of the most important industrial areas in India. Now-a-days thousands of young men are emerging from schools and colleges every year, many of whom are compelled, while not a few are animated with a strong desire, to seek other avenues of employment than the Government service and the law. Indeed it is manifestly impossible for these two spheres of activity to absorb the growing number of the educated middle classes; and the search for a career often grows desperate. In these circumstances the increasing provision of technical and industrial education is both a political and an economic necessity. The Department of Industries was created as recently as 1920 to supervise this work more effectively, and at the same time to assist directly in the industrial development of the province. Critics are apt to complain that this department has little to show for all the money that it spends. They probably overlook the fact that about three-fourths of its expenditure is accounted for by educational institutions, and would have to be incurred under some other head, if this department were not in existence. The total disbursements during 1924-25, were not much more than rupees seven lakhs; so this does not leave much for the actual development of industries. Nor is it reasonable to look for sensational results in this direction, while the department is still in its infancy."

# C. P. Administration Report 1924-25

The annual Administration Report of the Central Provinces Government for 1924-25 remarks that the period marked a further stage in the return of the Province to normal conditions and has witnessed in the field of politics a gradual return from the blind alley of obstruction to sanity and sobriety. The period as a whole indicated a fundamental disagreement between the Berar and Central Provinces Marathi and Hindi sections of party leaders of the various groups of the Swaraj Party, and many of their followers desired to accept office, but no group was powerful enough to command the support necessary for the formation of a stable Ministry. The tendency in Berar and Central Provinces Marathi districts and in Chhattisgarh was in favour of accepting office, while the northern Hindi districts were the focus of opposition to this policy.

Obstruction has never been popular in Perar, which has favoured the policy of working the Reforms for what they are worth. The next move accordingly came from Berar in the announcement of the acceptance of a membership of the Executive Council by Mr. Tambe, ex-leader of the Berar Swaraj Party.

Inside the Legislative Council the Swarajists have in other ways shown a very notable change from their obstructionist policy of 1924.

## Financial Position.

The year under review was another year of continued improvement in the finances of the Province. The budget, as finally passed by the Local Government, provided for a total revenue of Rs. 531·81 lakhs, an expenditure chargeable to revenue of Rs 521·00 lakhs, and a balance in the Famine Insurance Fund of Rs. 111·05 lakhs. The main factor that contributed to this improvement was a remarkable rise in revenue from excise, which amounted to Rs. 150·44 lakhs. The main difficulty in the financial situation is the present position as regards the working of the financial settlement between the Central Provinces and Berar. It is now decided that expenditure be divided between the two provinces in the same proportion in which they contribute to the revenues ; that is in the proportion of 60 to 40.

There was a revival of communal tension, which was more acute than for many previous years culminating in riots in 14 districts of the Province. In Jubbulpore the situation was so serious that troops had to be called out, while in the town of Arvi a serious riot occurred with several losses of life. In the town of Akola communal feeling had been hardening during the preceding 12 months, and two riots took place. The immediate cause of each disturbance was dispute concerning the playing of music before places of worship.

## Co-Operative Movement.

Commenting on co-operative credit the report points out that there could be little doubt that the root of the troubles which nearly wrecked the movement in the Province is the lack of education in co-operative principles. In order to infuse in every member of every society the spirit of co-operation, the Federation Congress appointed a committee which recommended the starting of primary societies with their own share capital. The Berar Institute has arranged for training classes and co-operative rallies, and for co-ordination of the activities of local industries.

# Bengal Administration Report 1924-25.

The Bengal Administration Report for the year 1924-25, in narrating the events and conditions prevailing in the country during the year, reviews in detail the activities of the Swarajya party and the alleged revolutionary movement in Bengal along with other questions. Referring to the political situation the Report states that at the commencement of 1925 the relative strength of the parties in the Council, in spite of individual fluctuations, showed no substantial change from the positions won by them at the last election. The Independents, who differed from the Swaraj Party only in owing no allegiance to Mr. Das and in not being pledged to refuse office, formed with the Swarajists the permanent opposition. The Ministerialists apt to be swayed by their personal attitude towards individual Ministers, had not been, even when there were Ministers in office, consistent in their support of the Government; and the eventual abolition of the Ministry tended still further to weaken the ties which bound this group.

In the contest for supremacy the Swarajists had the great advantage of being the only force in possession of a highly developed organization backed by party funds and capable of keeping its ranks united, of procuring the attendance of its members on the occasion of all important votes, and of exercising influence over the members of other groups. The Government and Opposition forces still, however, remained very evenly balanced and voting on most issues was very close. In this situation the Mahomedan vote, capable of weighing the scales on their side, bore much the same relation to politics in Bengal as the Irish vote used to bear to English politics in the House of Commons.

*Referring to the revolutionary activities the Report says :—*

The activities of the revolutionary conspiracy had necessitated the promulgation of the Ordinance in the previous October, and several revolutionaries had been arrested and detained under its provisions. The Ordinance was, however, a temporary measure due to expire in April, 1925, and the Bill, which was to remain in operation for five years, was designed to take its place.

In order to make clear the full gravity of the situation with which Government was faced, it is desirable at this point to recapitulate in the barest outline the main overt activities of the revolutionaries which had led to the adoption of drastic measures for their suppression. There were two murders, two attempts at murder, the creation of a bomb factory, the issue of inflammatory leaflets announcing a campaign of ruthless assassination of police officers and the condemnation to immediate death of all who in any degree helped Government.

At the opening of the session, His Excellency the Governor addressed the Council and explained to the members the urgency of the necessity for suppressing terrorist crime in the Province. The impossibility of dealing with this menace by means other than those proposed in the Bill was clearly demonstrated, and solemn stress was laid on the truth that it was better that the ordinary processes of law should be suspended for a few individuals than that a secret organisation should be left free to threaten the lives of those whom it saw fit to call its enemies.

In introducing the Bill the Hon. Sir Hugh Stephenson adduced irrefutable proofs of the existence of highly organised, well armed and well financed conspiracy, against which almost all attempts to set the machinery of the ordinary law in motion had signally failed in the past. Finally, it was pointed out that the cases of those who had been arrested under the Ordinance had been placed before Judges, who had in every instance agreed with the view of Government regarding their complicity in the conspiracy.

Such a weight of argument produced no effect on the stolid front of the Swarajist Opposition, in whose eyes the issue was but another contest between the Council and the Government. They had already made certain of victory. At a meeting of Mahomedans, held on the previous day, Mr. Das had employed all his powers as a rhetorician to win over the wavering representatives of that community. Simultaneously an intensive campaign of intimidation against members of Council had been instituted in the Press and other means resorted to in order to procure either their unwilling support or their abstention from voting.

### Leaders Removed.

Strengthened by these devices the Opposition refused even to discuss the Bill which was thrown out by a majority of nine. As there could be no doubt of the necessity of such a measure, the Bill was subsequently certified by His Excellency the Governor.

The preventive action taken by Government under the Ordinance achieved its object in so far as it removed the known leaders of the conspiracy from the sphere of their activities; and the cessation of overt revolutionary crime which followed in the wake of this action was the true measure of the urgency of the need for suppression.

The movement had, however, been merely scotched and not killed; but time was required to recover from the blow which had been dealt, to replace the old leaders by new chiefs, to refill the ranks that had been depleted. For this end propaganda was essential and the old campaign of recruitment in the Press and elsewhere was pursued with unabated energy. A flood of revolutionary articles was let loose in the regular newspapers and periodicals, accompanied by a stream of pernicious books and pamphlets. The books and pamphlets were drawn up on much the same lines as the Press articles, which will be dealt with in the second section of this summary, and took the form of denunciations of the economic oppression of the British in India, appeals frequently in the form of poems in mystic language extolling freedom, bloodshed and self-sacrifice, and accounts in eulogistic language of the exploits of the old revolutionaries.

Some of those publications were printed locally while others were imported from places outside the jurisdiction of the Government of India. In several instances recourse was had to proscription, seizure and prohibition of importation; but the majority of the pamphlets were so written that they fell just outside the definition of sedition. The object of those publications was to represent Government as satanic, oppressive and barbarous. On occasions quotations from or references to Hindu religious writings were made with a view to justifying violence and bloodshed. Appeals were addressed to the women of Bengal exhorting them to follow the example of the heroines of Rajputana and to instil into their sons and husbands a spirit of self-sacrifice on behalf of the mother-country.

Pamphlets of mischievous intent with a dangerous under-current of suggestion were published setting out in laudatory terms the deeds done by students in the movement for freedom in Russia and calling upon the young men of Bengal to do likewise. A pamphlet of this type was sold at the Conference pandal at Faridpur, and this was one of the few instances in which prosecution could be sanctioned and a conviction procured.

### Traffic in Firearms.

A concise manifesto of the revolutionary party was widely circulated in pamphlet form throughout India. It contained a direct incitement to revolution giving as the immediate object of the party the establishment of a Federal Republic of the United States of India by an organised and armed revolution. The extensive method of distribution of this pamphlet was in itself ample proof of the widespread organisation of the conspiracy.

The unsettling and deleterious effect of this stream of poison on the immature minds of the students of Bengal, for whose benefit it is chiefly concocted, may easily be imagined. The results produced thereby are at least as bad as those of open revolution and as a means of spreading the contamination of sedition, it has proved itself an insidious and very potent force.

Instances of illicit traffic or of attempts at illicit traffic in arms were of disquieting frequency. A consignment of German bayonets, this time under the guise of "wood-cutters," was discovered, and there is evidence that two cargoes of arms and ammunition from Continental sources, which were intercepted at intermediate ports, were ultimately destined for Indian purchasers.

The profit to be gained by this trade owing to low Continental prices and high local demand is tempting, and there is proof that the weapons found with revolutionaries were imported by illicit means. Two persons were caught in the act of selling an automatic revolver and ammunition in Calcutta; two Indians were convicted for conspiracy to obtain illegal possession of arms from Chinamen, and an attempt was made to purchase arms from a Calcutta firm by means of a bogus order. Those weapons were clearly not intended for any lawful purpose. The dangerous character of this traffic as a method of arming revolutionaries is fully realised and every effort is being made to check it at its source.

## Recruiting Campaign.

It must regretfully be acknowledged that during the year under review there has been no noticeable improvement in the language and tone of the Indian Press which, with few exceptions, shows as little sign as ever of appreciating at its true value the gift of free speech or of realising the responsibility that devolves upon it as the preceptor and mouthpiece of the people That the castigation of Government is looked upon as the "raison d'etre" of journalism in this Province is borne out by the fact that of all the papers now in existence not one purports to support Government, and that the majority do their utmost to vilify it on every opportunity. One or two of the newspapers have extended their columns to include topics of general interest; but most of them still remain narrowly political in their outlook. The advantage to be derived from the newspaper as weapon in the political arena is being fully realised and each of the parties in Council except the Independents is now in possession of organs in which they can give public expression to their views. The accessions of strength in this direction have been particularly numerous in the case of the Swarajya party which now has many papers under its control.

The Swarajist journals advocate Council entry and on this question are opposed on the one hand by the "No-changers" who favour non-participation in the proceedings of the Council, and on the other by a third group which is in disagreement both with the Swarajists and No-changers. These differences of opinion have led to much mutual criticism and acerbity of feeling between these sections of the Press.

At the beginning of the year the discussion of the Criminal Law Amendment Bill reopened in its full force the chorus of denunciation which had lulled a little after the excitement caused by the Ordinance had subsided. On this topic there was no difference of opinion and the Press was unanimously hostile, even the hitherto moderate "Sanjibani" remarking that, thanks to their sin, the British nation would be expunged for ever from the civilized world. The "Forward" gave expression to the general journalistic opinion in the passage. "The contemplated measure is a perpetual menace to our liberty, a ban on our patriotism and a carefully prepared attempt to destroy the whole morale of our movement for freedom. He will be a traitor to the country who supports it." The "Amrita Bazar Patrika" demanded to know whether the members of the Bengal Council would "share with the Government the responsibility of passing such a monstrous law utterly subversive of personal liberty."

As the Indian Press is almost entirely representative of the "intelligentsia" and the "bourgeoise," it is not surprising that expressions of sympathy with Bolshevik theories and activities found room in papers not definitely communistic in policy, much less frequent than in the past. There was still, however, a tendency to quote Russia as a fitting example for India to follow and to refer to Sovietism as the final manifestation of Socialism. One expressed the conviction that Lenin was "a man of wonderful deeds, an intensely religious man, one of the great minded men who seek the deliverance of humanity." The Riff revolt was acclaimed both by the Hindu and the Moslem Press as the effort of an Eastern race to free itself from the Western yoke, and it was suggested that England in her desire "to wipe the Moslems of the face of the earth" would welcome the downfall of the insurgents. In spite of the emphatic declaration of neutrality by Parliament in connection with the dispute in Arabia, England was accused of secret collaboration with France and Italy in assisting Amir Ali to retake Hedjaz from Ibn Saud. England's policy towards Mosul was attributed to motives of more self-interest, and the foreign powers viewed with open sympathy.

## Procedure Justified

The "Sarathi" set forth the justification of Bengal's procedure (in connection with the activities which have been discussed in the foregoing quotations from the Administration Report) in these words: "The distrust of the people must be removed. To give them such a training, the life-stories of self-sacrificing patriots must be recited to them. We may not adopt their methods. But are we not, on that account, to respect their renunciation, their heroism and their patriotism?" An account of the revolutionary movement in Bengal published in the "Basumati" contains the observation: "In Bengal of all countries the strength of mind required for unavoidable murder for the welfare of humanity or of the country is most lacking ..... I believe that a different atmosphere has to be created and training for generations in that new atmosphere has to be undergone in order to enable Bengalis to overcome such weakness".

Enough has been written to show that contemporary Indian journalism is confining its efforts to the inculcation of a spirit of discontent, while its activities in certain directions actually constitute a dangerously powerful influence for evil.

### Ministers' Salaries.

The good impression produced by the Council in its treatment of other demands was doomed to be nullified by its vote on the most momentous issue of all. On the refusal of the Council in August, 1924, to allow the demand for the salary of Ministers, His Excellency the Governor had been obliged to assume temporary charge of the training of Ministers. As, however, the training of Ministers and the testing of their capacity to administer transferred subjects are essential features of the new constitution, which, without Ministers, must to all intents and purpose cease to function, it was considered desirable that some effort should be made to bring home to the Council the real significance of the issues dependent upon its decision.

At the same time there was reason to suppose that the adverse vote on the question of salaries had been aimed not so much against the Ministry as an institution as against the Ministers then in office. In order, therefore, to procure an unequivocal expression of opinion on this question, the Government, in January, without proposing the name of any person as Minister, moved that provision for a Ministry should be made in the budget for the ensuing financial year. This motion was carried by the substantial majority of 24. When however, it came to the voting on grants, the Council, swayed by the great personal influence of Mr. Das, rejected the provision for the pay of Ministers by majority of six. The Government had therefore no other alternative than to conclude that the Council had no desire to work the Reforms.

### Council President.

The immediate result of the refusal of salaries was the resignation of the two Ministers then in office, accompanied by the temporary assumption by the Governor of the administration of transferred subjects and followed, when sanction had been obtained, by suspension of transfer with effect from June, 1925, till January, 1927, when the period of the present Council is due to expire. From this it did not follow that the work of the Government was rendered impossible by the refusal to co-operate. Provision had been made for such a contingency, and the only results of obstruction are that Bengal, by the vote of her elected representatives, has for the present ceased to participate in the powers and privileges conferred upon her by the new constitution, and that this achievement will add little to the credit side of her account when her claims to further concessions come to be considered.

The next trial of strength between the parties in Council came at the election of a new President in place of the nominated President whose term of office was due to expire in August. Many candidates were in the field, several of whom, from doubt whether their chances of election would be advanced or retarded by declaring themselves Swarajists, gave rather nebulous definitions of their creed; but the real contest lay between the Swarajya nominee and a representative of the Independent party. The Swarajists used all the means at their disposal to procure support for their representative but the Independent candidate proved successful by a small majority.

### Weakening Tendency.

In spite of the victories gained by the Swarajists in the vote on the Ordinance Bill and on the salaries of Ministers, this party gave signs of being less powerful than it once had been. In the general budget debate it had been defeated on most of the issues. The campaign against the Ordinance had failed to rouse any widespread interest. Intervention in the Tarakeswar dispute had accomplished little, while it had definitely alienated the sympathies of orthodox Hindus. The long-delayed village reconstruction scheme had gone no further than the collection of funds, and had been successful only in rousing the suspicions of the landlords. All these external forces were combining to sap the strength of this group, and there were also within itself symptoms of a disease that might eventually prove fatal.

Faced by these weakening tendencies and met with a steady resistance to its demand by the Government both in India and in England, the party found it essential to make a stand against the revolutionary left wing and to attempt to win the confidence of the Government and the public by making it appear that the methods of force advocated by the extremists did not have the approval of the party.

To understand all that this decision implied it must be remembered that the strength of the revolutionaries still remained great in spite of the Ordinance, that they were well represented, although not in a majority, on the Provincial Congress Committee, and that the loss of their support would be serious. At this juncture Mr. Das opened the contest by explaining in the Press that he was prepared to adopt a constructive policy

and to co-operate with Government on honourable terms. This in itself was not only a departure from but an actual reversal of the policy adopted by Congress in 1920, and the significance of this step was still further emphasised by an almost simultaneous denunciation of political assassinations.

### Faridpur Conference

These antagonistic forces were destined to come into open conflict at the meeting of the Provincial Congress held at Faridpur in May. The first blow was struck by the revolutionaries who, at the opening of the Conference, distributed a pamphlet in which the futility of the policies both of Mr. Gandhi and of Mr. Das were exposed, with the implication that nothing could be effected except by force. In marked contrast to the violent tone of some of the speeches delivered, the address of Mr. Das gave a reasoned exposition of the creed of Swaraj and openly offered co-operation under certain conditions, even although it did carry an inconsistent sting in its tail in the shape of a threat of civil disobedience in the event of refusal of his terms. The speech met with only a cold reception (?) and it was evident that it was not to the taste of the orthodox non-co-operator. The resignation of Mr. Das and the dissolution of Congress were averted only by the personal intervention of Mr. Gandhi. Mr. Das thus succeeded in asserting his authority but his position was far from enviable. He still commanded the respect of a majority of his party, and, although his future was fraught with difficulty, there was no one of sufficient influence to challenge his position as leader.

As at Serajganj in the previous year, Mahomedans held aloof from the deliberations of the Provincial Congress at Faridpur and preferred to attend the District Conference which was held as a counter-attraction at the same time and place. The Congress was thus representative of only Hindu opinion and, although resolutions were carried advocating Hindu-Moslem unity the discussions on this, the erstwhile main plank of the Swaraj platform, elicited little or no enthusiasm. At the Moslem Conference the trend of the debate was rather in the direction of the airing of communal grievances than the establishing of mutual good-will.

### Death of Mr. C. R. Das.

At this crisis in its fortunes the Swaraj party was deprived of the guidance of its powerful leader by the death of Mr. C R. Das in June. Bengal lost in him her most outstanding figure in the field of politics, and the display of respect for his memory was by no means confined to his political followers His death left the Swaraj party without a head, and there was no one amongst his followers likely to have general recognition as his successor. It was at such a time that Mr. Gandhi came to the rescue and maintained some semblance of unity in its ranks. From the various candidates in the field choice eventually fell on Mr. J. M Sen Gupta who was elected both as leader of the Swaraj party and as President of the Bengal Provincial Congress Committee. To those office was subsequently added that of Mayor of Calcutta, although the new leader had had no connexion with the Corporation, Mr Gandhi frankly admitting that he looked upon the Mayoralty as a mere adjunct to the office of party leader.

The diminution of violent political agitation, apart from the activities of the revolutionaries, and the return to more normal conditions of political tranquillity which marked the year, were unfortunately accompanied by a growth of Hindu-Moslem distrust which at times resulted in breaches of the peace. Mutual hatred of the ruling power had been the only cementing force of non-co-operation and the considerations which led to discontent on the part of the Mahomedans eventually ceased to operate.

### Khilafat Movement.

The Khilafat movement, which had been the mainspring of Mahomedan agitation, achieved its object by procuring the favourable terms granted by the treaty of Lausanne. The abolition of the Caliphate by the Turks, the action of the Wahabis in seizing Mecca, and the disputes resulting therefrom tended to undermine Mahomedan ideals based on Pan-Islamic conceptions and to divert attention from foreign affairs to internal politics. The suspicions of Mahomedans had been roused by the non-acceptance of the Hindu-Moslem Pact and by the removal of their Ministers from office. Although attempts at proselytising, a fruitful source of trouble in other provinces, were of rare occurrence, disputes regarding religious observances, which often ended in blows, were only too common.

During the 'Bakr-Id' a serious communal riot occurred at Kidderpore in which one Mahomedan was killed and many injured. At Tittagarh in April a similar disturbance took place resulting in the injury of many persons and necessitating the calling in of the military to quell the riot. In the thickly populated industrial area on the left

bank of the Hooghly further outbreaks were prevented only by the elaborate precautions taken by the police.

Instances of mutually provocative conduct during the Durga Puja were also reported from the Noakhali and Pabna districts. The question of finding a suitable grave for the body of the so-called Mahomedan 'pir' which as the result of the threatening attitude adopted to Corporation officials by certain Mahomedans, had been buried in the New Market, continued to embitter communal relations in Calcutta.

Enmity has indeed led to mutual suspicion with the result that Hindus in East Bengal and Mahomedans in West Bengal, realising the disadvantages and disabilities, inherent in their positions as numerically inferior communities, are becoming more and more sceptical of the fair promises held out by the advocates of Swaraj and are beginning to ask whether the continuance of stable Government would not be more conducive to their interests.

Referring to Indian newspapers and periodicals the report states that during the year there has been no noticeable improvement in the language and tone of the Indian Press which, with few exceptions, shows as little sign as ever of appreciating at its true value the gift of free speech.

The advantage to be derived from the newspaper as a weapon in the political arena is being fully realized and each of the parties in Council except the Independents is now in possession of organs in which they can give public expression to their views. The accessions of strength in this direction have been particularly numerous in the case of the Swaraj party which now has many papers under its control.

On occasions when communal animosity led to breaches of the peace the more responsible papers, realizing the true danger of the situation, did not hesitate to unite with the authorities in their efforts to restore calm; but others, with an abuse of privilege which cannot be too strongly deprecated, showed themselves only too willing to add fuel to the flames by indulging in attacks of a communal nature.

Several newspapers and periodicals continued to keep within the law while they did their utmost to sow the seeds of sedition by publishing appreciative accounts of revolutionaries, poems with bloodshed and self-sacrifice as their text.

In short, contemporary Indian journalism, far from seeking to emulate the standards of restraint set up by the Press in American and European countries, is confining its efforts to the inculcation of a spirit of discontent, while its activities in certain directions actually constitute a dangerously powerful influence for evil.

# Madras Administration Report 1924–25

**The Administration Report for the year 1924-25 of the Government of Madras was issued in February 1926. Describing the Political Situation in the country, it states :—**

The political situation has been generally calm. Non-co-operation for practical purposes has ceased to exist and interest has centred on the Swarajists, whose campaign, which has been attended by a certain amount of success, has compelled other parties to take stock of their position.

### Swarajist Success.

The year opened with the compromise arrived at between the No-changers and the Swarajists at Belgaum. The Andhra Provincial Congress Committee, the Tamil Nadu Provincial Congress Committee and the Kerala Provincial Congress Committee all held meetings in January and agreed to the spinning franchise. Nevertheless, the enthusiasm for khaddar was not sufficient to make the spinning franchise workable and the membership of the Congress commenced to decline. The chief interest of Congressmen began to centre in the capture of local bodies. This paved the way for the Swarajists to press their propaganda. Early in March, Mr. V. Ramadas, a Swarajist, was elected to the Council of State. In April, a campaign was started to capture the Madras Corporation for the Congress. Numerous meetings were held in different parts of the City and in spite of counter propaganda by the Justice Party and the Independents, eight seats out of ten were secured at the elections. In November, a Swarajist councillor was elected President of the Corporation and three Swarajists have been appointed Chairman of Municipalities in the mofussil. In furtherance of the policy of capturing local bodies and the Legislative Council, the Andhra Swarajya Party met in April and resolved to organise parties in each district with this object. In May, the Tamil Nadu Swarajya Party met and decided that the Swarajya Party in the local Legislative Council should form a separate group with the proviso that it might co-operate with other parties if such a step was found expedient. In July, the Tamil Nadu Swarajya Party again met and adopted the resolution passed at the General Council of the All-India Swarajya Party at Calcutta that, granted certain conditions, the Swarajists were prepared to co-operate with the Government. In September, the All-India Congress Committee met at Patna and further altered the Congress franchise and decided that Congress should henceforth function in accordance with the policy of the Swarajya Party. As a result, the Swarajists took advantage of the tide in their favour and launched propaganda to capture the seats in the local Legislative Council at the next elections.

### The "Justice Party."

Sir P. Thyagaraya Chetty, who had been the acknowledged leader of the Non-Brahman or Justice Party ever since the death of Dr. Nayar in 1919, died in April. His commanding influence may fairly be said to have had considerable bearing on the cohesion of the party. After his death, efforts were made to unite the Ministerialist and oppositionist Non-Brahmans. At a public meeting, the Chief Minister made an appeal for the re-union of the party. Other leading Non-Brahmans protested their readiness to sink their differences in the common cause of Non-Brahmans. The party was recognised with a new programme of work and the Hon'ble the Raja of Panagal was elected leader of the party.

### Communal Feeling.

Signs of a recrudescence of strong communal feeling in the Presidency have not been wanting. There is a nationalist school (Gurukula) at Sermadevi in the Tinnevelly district. Agitation was raised because Non-Brahman boys were not allowed to dine with Brahman boys. Dr. P. Varadarajulu Naidu, President of the Tamil Nadu

Congress Committee, toured the country delivering speeches and at some of the meetings there were disturbances. Meetings of protest against his action were held. Some of the Congressmen rebelled and refused to send their quota of yarn to the Provincial Congress Committee. The question came to a head in April, when the Tamil Nadu Congress Committee met at Trichinopoly and decided that the shibboleth of merit based on birth should have no place in Indian social life and appointed a committee to deal with the matter. The result was a distinct split in the Tamil Nadu Congress camp. Some of the leading members of the Congress Committee resigned. However, the death of Dr. Varadarajulu Naidu's chief opponent in June eased the situation.

## Press and Periodicals.

During the year 1924, there were 116 newspapers published in Madras City and 171 in the mufassal, making a total of 287 for the Presidency. Eight newspapers were published in the French Settlements of Pondicherry and Karikal. More newspapers were published in Tamil than in any other language.

The circulation of most of the important dailies published in English remained the same as in 1924. Of these, *The Hindu* has a larger daily circulation (11,000) than any other newspaper, whether printed in English or in a vernacular. Its entire circulation (including tri-weekly and weekly editions) in 1924 was more than double what it was in 1917. It is a severe critic of the Government and a vehement supporter of Indian interests, where racial questions are involved, but, apart from any question of politics, it has an excellent news service and always reports a *cause celebre*, regardless of the space involved. The *Madras Mail*, a paper largely read by Europeans, had a daily circulation of 7,000, next largest to the *The Hindu*. Since 1917, when it was at the height of its anti-Government crusade, with a circulation of 10,000, there has been a steady decrease in the circulation of *New India*. It fell from 3,000 in 1923 to 2,000 in 1924. The circulation of the *Daily post* fell from 1,600 in 1923 to 750 in 1924.

The circulation of the majority of the Tamil newspapers remained as it was in 1923. The *Swadeshmitran* continued to be the leading Tamil daily, with a circulation of 7,000. *The Ananda Bodhini*, a Tamil monthly, dealing with general news had a circulation of 2,000

Among the Telugu newspapers, the *Andhra Patrika* continued to have the largest circulation, 7,000, including daily and weekly editions. Two of the new Telugu papers, *Gandhi Gita* and *Satyagrahi*, published weekly and both of advanced political views, each had a circulation of 2,000.

There has been little change in the tone of the Press during the year. In the following matters, amongst others, the actions of the Governments and officials concerned met with much hostile criticism both from papers published in English and from those in a vernacular :—The Reforms Enquiry Committee, the Public Services Commission and its recommendations, the situation in Bengal and the Bengal Ordinance No, I of 1924, the re-settlement in Tanjore district, the O'Dwyer Nair case, the *Bombay Chronicle* case, Jaito Jatha, Vaikom Satyagraha campaign, the action of the British Government with reference to the murder of Sir Lee Stack in Egypt, the floods of 1924, the position of Indians in the Colonies.

The number of publications declared forfeited under the Code of Criminal Procedure fell from 182 during 1923 to 71 during 1924. This fall is no doubt due to the fact that communist literature is stopped to an increasing extent by the use of the Sea Customs Act. The editor and publisher of the Telugu weekly newspaper *Congress*, published at Rajahmundry, East Godavari district, was prosecuted for sedition. He was convicted and imprisoned.

# CONGRESS & CONFERENCES

January-June 1926.

NINTH SESSION OF THE

# All-India Hindu Mahasabha

*OPENING DAY—13TH MARCH 1926.*

The ninth session of the All-India Hindu Mahasabha commenced at Delhi on the 13th March 1926 in the afternoon. Unfortunately, just when the Mahasabha met, the weather which was inclement since morning, became worse. It began to rain, with the result that, though the pandal was very spacious and could accommodate 15,000 men, the attendance hardly exceeded 4,000, most of whom were visitors. The majority of the delegates' enclosures were not filled and visitors were permitted to occupy these.

The decorations were simple. Mostly Khaddar was used. Numerous mottos were hung. One of these said "Keep a brave spirit and never despair." Another said, "Honor the Women." The programme was printed in Hindi and the proceedings were also conducted in Hindi. Punctually at one the presidential procession entered the pandal. It included Pundit Madan Mohan Malaviya, Lala Lajpat Rai, Swami Sradhanand, Mr. Vijiaraghavachari, Raja Sir Rampal Singh, Lala Ramsaran Das, Bhai Parmanand, Mr. Acharya, Mr. Rama Iyengar, Mr. G. P. Singh, Mr. A. N. Dutt, Pundit Neki Ram, Pundit K. K. Malaviya, Lala Hansraj, Dr. Choitram, Mr. Jairamdas, and a number of other Hindu leaders and Pundits. Just when the proceedings started with songs and prayers it began to rain harder.

At this stage Mr. Jamnadas Mehta, Mr. Rangachariar, Dr. Moonji and Mr. D. P. Sinha arrived. Two minutes later Pundit Motilal Nehru arrived accompanied by Mr. Ranga Iyer. When Pundit Motilal got up to the dais there were cheers from all quarters. A fairly large number of ladies were present in the special enclosure.

## Welcome Address.

Rai KEDARNATH, retired Sessions Judge and the principal founder of Ramjas College, Delhi welcomed the delegates and visitors in his capacity of the Chairman of the Reception Committee. He read his address in Hindi. Rai Kedar Nath dwelt at length on the past glory of the Hindus and emphasized the need for regeneration of the community and said if child marriage were given up there would be no girl widows. He urged proper treatment and education of widows to prevent their conversion to other religions. He next touched on the position of untouchables and said that at one place the Hindus would not permit an untouchable to get on a well, the Mahomedans would ask him to accept Islam whereby he was able to use the same well. The Hindus must give up this right and treat the untouchables properly. He drew the picture of dangers facing the Hindu community and strongly appealed amidst applause that every nerve of the community should be strained to make Sangathan and Suddhi move-

ments successful. He recalled how the Hindus assisted the Khilafat movement by sending hundreds to jails and by displeasing Government and yet what was the result—Malabar, Multan, Saharanpur riots culminating in Kohat tragedy. He was emphatic in his opinion that if their Sangathan became successful and the community became organized the Muslims would themselves woe the Hindus for friendship (applause). The speaker said that his personal opinion about the attitude the community should take towards Government was that, while he would not go out of his way to side with Government, he felt that the community could not afford to do without Government assistance. They had seen that they had to depend upon Government for protection in Delhi and other places. During the last Bakr-Id ten Hindus were murdered. I ask has a single culprit been brought to book? As regards Council elections he observed that if Muslims put up candidates on communal tickets the Hindus would sooner or later have to do the same but he admitted there was fear of division among Hindus themselves and he was satisfied that for the present their purpose would be served if they confined themselves to protecting Hindu interests only where those were threatened by putting up Mahasabha candidates. He concluded amidst loud cheers.

Raja Narendra Nath, President-elect, then came to the rostrum and read his address in Hindi. At this stage Moulana Mahomed Ali entered the pandal and was cheered. Swami Satyedev also followed soon and was cheered.

## Presidential Address.

RAJA NARENDRANATH, in his presidential address. urged that the united voice of 220 millions should be raised to protect Hindu rights which are nowhere protected. The Mahasabha is as much an advocate of free and democratic institutions for the country and as eager to obtain Swaraj as any other body. But it notices with regret that so far constitution have been suggested and framed without due regard to the Hindu interests. We are told that political and civic interests of the Hindus and Muhammedans are the same. It should be so, but it is not so in fact owing to the defect in the constitution. The Muhammedans' interests are being treated as a separate class by itself and this has forced upon us the consideration of Hindu interests as a separate class. We cannot refrain from devoting serious thought to the consideration of those interests simply out of a fear that such a course will give rise to controversy and may delay our achievement of the goal of Swaraj. True Swaraj will be achieved where justice is done to the communities.

The President urged that the Sabha should put in strenuous fight against what has now become an acknowledged and admitted principle everywhere of determining the civic rights on the basis of caste and creed and should do whatever it can to make its voice heard by those to whom the duty of framing the constitution for India is assigned, whether it is a Statutory Commission or any other body. The Commonwealth of India Bill which is already in Parliament should be examined by a committee to be appointed with a view to ascertain whether the rights of the Hindus in every province are adequately protected by it.

### Suddhi.

Regarding Suddhi the President said proselytism is not a modern conception in the land of Aryavarta. Buddhism was the first reform movement

amongst the Hindus. The religion which Buddha preached was for the whole of human race. Kabir and Guru Nanak followed him, preached in the same strain and Guru Gobind Singh gave an organised shape to the religion which sprung from Hinduism and which is based on the same cardinal principles as Hinduism. The idea of Shuddhi has, therefore, no connection with the recent political movements, and I do not see why those who stride for political advancement should call upon us to give up a moment based on the idea first conceived in the land of Aryavarta more than 25 centuries ago, before Christianity or Islam came into existence and before any religious preacher in the world thought of laying open the path of salvation to every human being, who sought it. Shuddhi is nothing else but proselytism, and it passed my comprehension why the right of conversion enjoyed by all other religious communities in the land should be denied to the Hindus who, in the history of the world, were the first to originate the idea. It is unnecessary to give a comparative numerical table of conversion. I would, however, lay stress on the fact that the idea of proselytism is pre-eminently our heritage, revived in different shapes by our religious reformers, who appeared from time to time.

### Military Career for Hindus

Raja Narendranath laid a great stress on the military career and said: The Sabha should act as a protagonist to induce the people to overcome their reluctance to join the Army. There will be hopeless confusion, if military prowess is allowed to remain in the hands of select classes. The Brahmin and Vaisya should be as ready to wield sword as the Rajputs.

The Raja said that the fissiparous tendency is the bane of India and that tendency is manifested in pre-eminent degree by the Hindus. Organization will lead to disorganization, if smaller groups begin to organize themselves with objects conflicting with those of the larger group. Such a course would weaken instead of strengthening the Hindu society. The liberal section of the Hindus, so far as social reform is concerned, should carry with them conservatives and the conservative section should realize that liberals of former generation are conservatives of the present. Let not the ship of the Hindu consolidation be wrecked on squabbles as to the manner in which the cause of social reform has to be advanced.

The President urged the removal of untouchability and education of women and solidarity of all sections of the Hindus. He aimed at nationalisation by cultural assimilation. "There is much in the Islamic culture which I admire and we have, at certain stages of our history, imbibed much that is useful in the culture of Islam, though I regret to observe that the Muslims have not imbibed our culture which has much to teach them."

### Frontier Problems

The President referred at length to the frontier problem and the condition of the Hindus. The communal vote, as usual devised the protection of minorities, is not looked on with favour by him, for a council constituted on communal basis naturally wishes to extend the principle to the various spheres of activity, to services and educational institutions. The only remedy for this state of things is to apply the rule of proportional representation through single transferrable votes and the question is whether the electorate in N. W. F. Province is sufficiently advanced to

understand the rule and to work it. The President made clear that the Hindus want no special protection for the Hindu minority anywhere which we do not want. On the contrary our grievance at present is that greater solicitude is shown for the protection of the interests of the Muhammedan minority than for the protection of the interests of Hindu minority, wherever it is found to exist. We cannot agree to any measures of protection which we do not want for ourselves and which are subversive of the essantial principle of democratic Government, founded, as it is, on the maxim that all human beings are equal. So far as the acquisition of civic rights is based on the State-made laws, we complain that what the majority community may concede to the Muhammedan minority solely on the ground that they are in a majority in some places is claimed by our Muhammedan friends as the privilege and prerogative in the provinces, in which they are not in a minority. But the problem which the N. W. F. Province presents is a different one. It is not merely that of protection of the empire and security of life and property of the minority at the hands of those outside the province over whom our Muhammedan fellow citizens of the Province have no control. Is there any part in India in which the Muhammedan minority is exposed to the risks and dangers to which the Hindu minority in the N. W. F. Province is exposed? The constitutions are guides for the exercise of the judgment; they control human passions.

Raja Narendranath's address took over an hour to deliver. His remark desiring Hindus of all castes to take to military career and those regarding Shuddhi and Sanghthan movement were particularly cheered.

## Proceedings and Resolutions.

After the Presidential Address was over Raja Narendranath put from the chair the condolence resolution which were passed all standing.

## 2.—The Sewak Association.

Bhai PERMANAND then moved the following resolution regarding the formation of the Hindu Sewak Association :—

In order to defend the rights and interests of the Hindu Community and to further the growth and development of Hindu unity on lines laid down by the Hindu Mahasabha and also to serve the cause of protection, the establishment of an order of Hindu Sewaks is necessary who will devote the whole of their time and energy to the service of the Hindu Nation. Resolved further that in order to give practical shape to the resolution a fund be raised with interest whereof the above objects may be carried out.

Bhai Permanand said the idea of combining all religions was conceived by the Brahmo Samaj at the sacrifice of Hindu religion but the movement failed. Swami Dayanand, the founder of the Arya Samaj, conceived the idea of unity of all Hindus, but fortunately or unfortunately his followers in the beginning devoted most of their attention to carrying a raging propaganda against certain beliefs and practices which made the Sanatanists organize themselves in opposition. Though the speaker was an Arya Samajist he now firmly believed that the community was faced with the danger of extinction and it was the duty of all Hindus to sink their differences and join on a common platform to save them from extinction. He said it might be asked why it was that they did not leave this work of unity to the National Congress. "For forty years we have left this to the Congress but we find that the

Congress had failed to bring about unity. I tell my political leaders and the President of the Congress, Mrs. Naidu, (who had just then arrived) that you will not attain unity as you have tried hitherto by sacrificing the Hindus. (Cheers). You can get unity only by strengthening the Hindus (cheers) and that is why Sangathan is a vital necessity. (Cheers). I ask the Hindus to suspend all other activities for five years, whether political or otherwise, and to concentrate their attention on Sangathan only (Cheers). But to do this we must have organized workers and life members devoted to the cause of the Mahasabha. We want Swaraj but it cannot be achieved so long as Hindus do not unite and become a strong united community. Let us protect our rights and stand against their sacrifice by the National Congress (cheers). What is happening in the Punjab to-day will happen to the people in Bengal and elsewhere".

The resolution was seconded by Mr. Jagat Narain and was passed amidst acclamation. The Mahasabha then adjourned till next day.

*SECOND DAY—14TH MARCH 1926.*

The Mahasabha was originally timed to meet at eleven on this day, but owing to the prolonged session of the Subjects Committee on the election issue, the Mahasabha could not meet till 1 P. M., when the weather cleared up and the pandal was fairly full, over ten thousand being present.

The Compromise arrived by the Subjects Committee against the policy of running the general elections and confining the Mahasabha's activity in this respect was only to the putting up of candidates in cases where a particular candidate was not considered to be such as would safeguard the community's interest. This settlement and decision of Bhai Parmananda, leader of the party in favour of running the general elections, made the day's proceedings calm.

On this day not only a large crowd of visitors and delegates constituted the audience, but the number of distinguished visitors and Hindu leaders also increased. Distinguished among those present were the Maharaja of Burdwan, the Hon'ble Mr. Patel, Mrs. Naidu, Mr. Birla, Raja Sir Rampal Singh and Dr. Gokul Chand Narang, besides those present the day before.

## 3.—Removal of Untouchability.

Dr. CHOITRAM moved the following resolution for the removal of untouchability, liberalising last years's proposal on the subject.

This session of the Hindu Mahasabha appeals to the Hindus in general to remove all restraints which are at present imposed on the so-called depressed classes called untouchables in the way of their use of public schools, public wells and public roads and in their attendance at public meetings. This Conference appeals to the authorities of the Hindu temples to provide facilities for 'devadarshan.'

Dr. Choitram said that he read in the newspapers the day before that Sir Ramanathan, Lady and Miss Ramanathan were refused admission to a Madura temple, but when, next day, they accompanied the Governor of Madras they were received with special welcome (cries of "shame"). With what face could they ask South Africa and the Colonies to treat Indians better so long as they maintained untouchability. This blot must be removed. Otherwise the Muslim and Christian Missionaries would take advantage of the weakenss of their social system.

Mr. Bihari LAL, supporting the resolution declared, amidst cheers, that he was the son of a "chamar" (untouchable class). He made a moving appeal to the audience to listen to the request of the untouchables which was nothing more than a request to "live and let live" (applause). If they did not take this warning then their ship would sink and nothing would save it.

Mr. Ganga Vishnu SASTRI spoke in the capacity of a Sanatanist. He did not disguise that the resolution had caused some stir in the Sanatanist camp and that the Subjects Committee of the Sanatanist Conference was already having a heated discussion on the subject. His opinion was that, unless the Hindu Mahasabha took up the question of the removal of untouchability, it had no business to exist (applause). But at the same time, they must not proceed at a pace as would divide their ranks bitterly and must, therefore, act cautiously. He strongly believed that the Shastric injunctions did not stand in the way of the removal of untouchability. It was said that they mixed with Mahomedans because they could not help it. Why could not a similar condition apply to the untouchables? He deprecated the squabbles over the terms of the resolutions and asked all Sanatanists to accept Pundit Malaviya's lead in this respect.

Swami Sachchidananda VEDANTI did not believe that religion gave sanction to four castes, and not to five. But even if the 'Shastras' did give sanction to such a practice, the speaker maintained that the shastras, which stood in the way of the advancement of the community, should not be acted upon. All the rights that the Brahmins had enjoyed should be enjoyed by all castes (applause).

Dewan Bahadur RANGACHARIAR, Deputy President of the Legislative Assembly, said that it gave him great pleasure to support the resolution at the great gathering collected to devise measures to see that their community once again became supreme in this land as it had been for centuries. The South was the worst sinner in respect of untouchability. Intellectuals as the Southerners pretended to be, it was their attitude towards the untouchables that had made the problem so acute. He narrated two anecdotes very common in the South, which told them that their two religious leaders were born untouchables. It was said that these were exceptions, but he asked why did an untouchable became touchable the moment he became Christian or Muslim? This was shameful. The problem was however such as required patience, for there were many difficulties to be got over. They must, therefore, proceed cautiously. Some progress had already been made in this presidency. The Depressed classes were admitted to public schools and wells and sat in local bodies and local Councils, but much more was needed. He heartily commended the resolution for acceptance.

## Disorderly Scenes.

Hitherto it seemed plain sailing, but when the time came for putting the resolution to the vote and the President declared it carried by a majority, considerable sensation was created by the opposition. One of them shouted from the audience that he would never agree to admit the untouchables to inter-dining and wearing of the sacred thread. This opposition was acclaimed by a section.

The President said that Swami Prakashanand informed him that he had sent in a notice signed by twenty other members to oppose this resolution and move an amendment. The President said that he had received no such notice.

This was the signal for some outburst and shouts of denial from the Sanatanists. Confusion arose and the orthodox wing got up to walk out in protest. One Sanatanist was seen waving his flag, being the signal for his followers to walk out.

Pundit Malaviya, Lala Lajpat Rai and other leaders repaired to the raised platform but were powerless. For some minutes confusion continued. In the meantime some Sanatanists were seen leaving the Pandal. The Sanatanist leaders and reformers immediately held conversations. Pundit Malaviya did his best to restore calm with the result that after fifteen minutes, the feelings subsided and the Sanatanist leaders took their seats on the dais. Pandit Malaviya succeeded in securing a calm hearing for the President, Raja NARENDRA NATH, who explained that two hours ago he received a letter but handed it over to the Secretary, and he did not know what it contained. He said that the opposition wanted to move an amendment opposing some parts of the resolution. He had only declared that the resolution was passed by a majority and suggested that it should be left to the Working Committee to keep both last year's and this year's resolution in giving effect to the proposals. He did not call on the opposition speaker because he had been informed that Pundit Malaviya was trying to secure a compromise.

Pundit MALAVIYA said that his efforts for a compromise had failed, but he wanted the audience to understand that, while the oppositionists were prepared to go further than last year's resolution, they were not prepared to go as far as the present resolution went, particularly in respect of the use of wells. He, however, appealed to the audience to accept the President's ruling that the resolution had been passed by a majority, and not unanimously, and he hoped that they would work for unanimity in future.

Lala LAJPAT RAI now came to the rostrum and was heard in pin-drop silence. He began to dissect the resolution in order to ascertain how far there was dissent. He asked whether there could be any difference of opinion regarding the use of public wells, public schools and public roads (Cries of "No, no) for these were maintained at public expense. As regards private wells, schools and roads their owners had the liberty to act as they liked and no one could force them to act otherwise (applause). As for the temples, the resolution did not have any mandatory character. It was permissive. It did not force the temple authorities to admit the untouchables, if they did not wish to. It only wished that proper arrangements for worship be made Was there anything objectionable in this? (Cries of "No, no"). Thus, the resolution was not materially different from last year's. Only it altered the language, because the religious missionaries of other societies, finding some loop-hole in last year's resolution, had distributed leaflets in lakhs among the untouchables to prevent the Hindu Sabha organisation making progress with them. He was not disappointed at the feeling in the house. If they had quarrels it showed that they were alive, and not asleep. It showed life in the community.

Confusion in the Sabha

Pandit DINDAYAL next repaired to the rostrum to explain the point of view of the orthodox section. He said that 150 leading 'pundits' from all over India were invited by Pandit Malaviya last year at Benares and the resolution framed then represented their considered unanimous opinion. He himself felt as much for the untouchables as any other and would do his best to see that no untouchables left them. But he felt that last year's resolution sanctioned the removal of untouchability "according to shastric injunction and as far as possible." These words had, however, been omitted now. He asked why?

While Pandit Dindayal held the platform over, confusion arose three times and numerous members from the audience shouted contrary opinions.

Pandit Malaviya now came to explain that the quarrel was merely one of words, for Lala Lajpat Rai's speech should leave no ground for quarrel. He assured his Sanatanist friends that, as one of them, he would not let any resolution be passed which was against 'dharma'. The resolution was not against 'shastric' injunctions. They were there to form Sangathan and must not precipitate a crisis over words. The views of the opposition had been fully explained by Pundit Dindayal and had been recorded and the proceedings should be continued.

It appeared as if calm had finally been restored, when Pandit Dindayal and Swami Dayanada again came over to the platform. Pandit Dindayal asked that now that they had been told not to be introduced (?) what should they do? There was general response from his followers who said, "Let us walk out." A number of them rose and the house again fell into confusion.

Pundit Malaviya again came to the rostrum and said that they had assembled on that day to enhance their prestige, but their quarrels were having a contrary effect. They would repent their action if they walked out. There was nothing in the resolution against their Dharma, and if there was, he would take the whole course on his head (applause).

He had hardly gone back to the dais than Swami Dayanand and Pt. Dindayal again rose to speak. This caused another outburst of shouts, asking them to sit down. Lala Lajpat Rai came to explain the position and was cheered, but by this time the house was again in a state of pandemonium.

Pandit Malaviya came and made a final appeal, asking those who differed either to quietly walk-out or to remain in the house and bow to the President's ruling, for the resolution had been passed by a majority. The walk-out would cause them pain, but it could not be avoided if a party was determined on it. If, however, quiet was not restored, he would be obliged to leave the pandal.

Pandit Dindayal announced his acceptance of Pandit Malaviya's appeal and quiet was restored after two hours' stormy session.

The Shuddhi programme was passed unanimously and the Mahasabha rose till next day.

*THIRD DAY—15TH MARCH 1926.*

The Mahasabha assembled again on the 15th March in the morning with a thin house and accepted two resolutions moved from the Chair. One effect-

ed some verbal changes in the constitution of the Sabha and the other re-affirmed the resolution passed at the last annual session regarding the education of children, promotion of fraternal relations with other sister communities, use of swadeshi goods in general and of hand-spun and hand-woven cloth in particular, formation of volunteer organisations for social and religious work and the promotion of cow protection.

## 4.—Resolution on Sangathan.

Mr. VIJYARAGHAVACHARI of Salem then moved his resolution on Sangathan. He said that the movement of Sangathan had two objects, one of defending Hinduism against outside attacks and, secondly, to promote harmony and good-will between the different communities in India. The Hindus should do justice to their communities as was to themselves. The object of Sangathan was to find out the causes of the disintegration of the Hindus and remove all such cases, thereby bringing about unity amongst all communities of Hindus. All persons professing Hinduism should be brought within one fold.

Swami Satya Dev said that the Sangathan had been started with the object of infusing a national spirit in India. The quarrel with the Muslims and Christians was not of religion, but of culture, because Indian culture had been so far identified with Hindu culture.

Bhai Pramanand said that the Congress had been changing phases and had undergone considerable change from the time when Mahatma Gandhi was at its head. To-day men and money of the Congress were to be used for running its own elections. The way adopted by the Congress of uniting the Hindus and Muslims had failed and Sangathan was the only way to achieve it. The protection of Hindu interests required that politics should be a part of the Sangathan and that the Hindu Sabha should run its own candidates for the next general elections unless the Congress undertook to protect Hindu interests. He supported the resolution.

Lala Lajpat Rai said that the one object of the resolution was to sail clear of politics. The Mahasabha had liberals, conservatives, radicals and even anarchists among its members. It was, therefore, impossible to give a common political programme. If the Hindus would send their best men to the Councils the Sabha and Sangathan work would suffer. He asked whether there was any Hindu in the Councils to-day who acted against Hindu interests. (A voice: Pandit Motilal Nehru). Lala Lajpat Rai refuted the allegations and said that Pandit Motilal was one of the few patriotic Indians who had given their all for the country. In conclusion, he exhorted the Hindus not to treat other communities contemptuously.

The Rajkumar of Amethi and Pt. Hari Har Sarup also supported the resolution, which was unanimously adopted.

A number of resolutions were then put from the Chair protesting against the judicial intervention in Hindu processions and separation of the North Western Frontier Province from the Central Government's control, and were adopted.

## 5.—Reforms for Frontier Province.

The following resolution was also passed :—

"Whereas the administration of the N. W. F. Province was separated from the Punjab with the express object of bringing it direcly under the Government of India, and, whereas the safety of India from foreign aggression and also protection of non-Muslim inhabitants, require that the administration of that province should continue to be an All-India concern, and whereas there is a large deficit in the finance of that province, which is made good by the Central Government, this Maha Sabha is strongly opposed to the proposed scheme to convert the administration of that province into a separate province under the Government of India Act, and is of opinion that it should continue to remain under the direct administration of the Central Government".

## 6.—Resolution on Council Entry.

The question of Council entry was then taken up. The following is the text of the Resolution :—

"This session of the Hindu Mahasabha confirms and adopts the resolution of the Working Committee passed at Simla on the 23rd August 1925, to the effect, for the protection of Hindu interests, that Hindu Sabhas should not put forward candidates for election, but, in case of an apprehension that any candidate is undesirable for and will be harmful to Hindu interests, it should be the duty of the Hindu voters to oppose such candidate.

"This Mahasabha empowers the committee appointed at Belgaum for the purpose of ascertaining and formulating Hindu opinion on the subject of Hindu-Muslim problems in relation to the question of further constitutional reforms to watch over Hindu interests in the coming elections to the legislatures and authorises that in consultation with Provincial Hindu Sabha, and having regard to the conditions obtaining in different provinces, it should take all proper steps which include the running of its own candidates where necessary to safeguard Hindu interests.

"This Mahasabha requests and expects all political parties in the legislatures to so arrange their party programme and work as to leave the members of different religious committees free to vote on matters affecting their own particular community.'

Rai Kedar Nath in lending his support to the motion said the resolutions was so worded that it would be acceptable to both sections of Hindus, namely, those who stood for controlling election and those who were opposed to it.

Pandit Nekiram Sharma declared that the resolution embodied a warning to all Hindu members to keep the interests of the community their principal concern in all legislative and municipal institutions.

## A Confusion.

Lala Duni Chand said that he was not in agreement with the resolution. The speaker wanted to proceed when the President asked him to read the statement of Pandit Motilal Nehru. This resulted in much confusion. Lala Duni Chand said he would not budge an inch from the rostrum unless he was dragged bodily and that he should be allowed to reply to the points raised by Bhai Permanand. At last, however, the speaker consented to read the statement of Pandit Motilal after Mrs. Naidu came and sat near him. The following is the text of the statement:—

## Pt. Motilal's Statement.

"I was given to understand that there was a proposal to move the Hindu Mahasabha to run elections to the Assembly and provincial Councils in opposition to the Indian National Congress. Swarajists had no business in the Assembly after the 8th March, but having regard to the far-reaching consequences of this proposal, I made up my mind to prolong my stay in Delhi so as to be present at the Mahasabha session, which was advertised for the 13th and 14th March. I attended the Sabha on both these days, but the question of running elections was not taken up. I am informed that it will come up for discussion to-day. I am sorry I have to leave Delhi this morning to keep a long standing engagement and cannot be present at to-day's meeting. I am therefore leaving this note with my friend and colleague Lala Dunichand to be read before the Mahasabha, as my considered opinion on this question. The time at my disposal will not permit me to set down in this note all that I should have liked to have said if permitted by the President to speak at the Mahasabha, of which I am not a member. I beg therefore to be pardoned for giving my opinion without going fully into the reason on which it is based. I am constitutionally incapable of entering into the communal aspect of the question and can only speak from the Nationalist points of view. But it seems to me that in this particular instance it coincides with the communal point of view. The Hindu Mahasabha has laid itself out to accomplishing the very desirable object of bringing about solidarity of the Hindu races inhabiting India, and I beg the Sabha to approach the question from that standpoint alone. The Mahasabha claims Congressmen, Swarajists, Liberals, Moderates, Loyalists, and even anarchists among its members, and is thus supposed to represent all shades of political thought in the country. It has not only no political programme of its own, but brings together under its banner political parties as wide apart as the poles. How then can it possibly perform the functions of a political caucus. The eligibility of candidates for election is not to be judged by their political convictions, but by degree of solicitude they show to protect communal interests. It is obvious that an extreme non-co-operating Congressman may have it in the same degree as an ultra Loyalist. The Sabha will have to adopt both as its candidates. Would it be possible for these two to go together on any question that may come up before the legislature? It may and will in all probability happen that where the interest of Hindus as such is jeopardised, a non-co-operating Congressman will by reason of his convictions resort to a line of action diametrically opposed to that which will suggest itself to an ultra Loyalist. To put an extreme case, the non-co-operator might resort to some kind of civil disobedience, while the ultra Loyalist might content himself with petitions, memorials, and deputations. It is difficult to conceive how a political caucus can possibly run candidates with such divergent views. The Hindu Sabha, if it undertakes to run elections, can only do so as a caucus. It is no use concealing the fact that the Indian National Congress is predominantly a Hindu organization. It started and developed as such. In spite of the revival of independent Muslim organizations and all the vicissitudes of fortune that it has passed through, the Indian National Congress remains, and will always continue to be the premier national institution of the country. Why is it at all necessary to usurp its functions and confer them on a newly started Hindu organisation? What is there to prevent the Hindu Mahasabha as a whole to enlist itself in the ranks of the national institution? I have heard complains that the Congress does not look after the interests of Hindus. Does the true remedy lie in opposing your great national institution for communal advantages, or is it to be found by supporting it for the good of all communities? It is impossible for me to give adequate expression to all that I feel on this question within the time at my disposal. I am dictating these lines shortly before I have to leave Delhi. I cannot wait even to examine the transcript of the shorthand notes; but I must utter a note of warning before I finish. Your efforts at strengthening and unifying Hindus of all castes and classess, will be entirely frustrated if you adopt the proposal to run elections to the Council. Besides the numerous castes and sub-castes that you are already afflicted with, you will be creating further divisions on political grounds. You will be estranging from each other men of the same caste and sub-castes, by forcing them into hostile political camps, and it will be beyond your power to reunite them even to an extent to which they stand united to-day. You have started to bring about a Sangathan of Hindu races, but you will end with total disruption of Hindu society. After dictating the above, I must say a word on the proposal to constitute a committee to decide whether a particular candidate is, or is not qualified to protect the interests of Hindus in the Councils. This proposal is, I make bold to say, based on a total misapprehension of the true nature of

democratic institutions. We have special electorates under the existing system, and only such Hindus can be elected by Hindu electorates as enjoy their confidence. Those Hindus who contest a particular election, have to satisfy their Hindu constituents of their fitness to protect their interests, and no extraneous genius is required to help them in their selection. It is the privilege of the constitution to call upon him to resign, and if they do, he cannot resist the call for any length of time. The one thing which is necessary, is to instruct the electorates of these rights from the members who represent them. I am sure that the Congress will only be too pleased to invite the assistance of the Hindu Sabha for imparting such instructions to the electorates, but as I have said before, the true remedy lies in a Hindu Sabha as a body joining the Indian National Congress and thereby influencing the whole programme of work in the Councils "

After Lala Dunichand has finished reading the statement, Pandit Madan Mohan Malaviya came to the rostrum and said he was rejoiced that the Mahasabha's move in regard to Council entry, had attracted the members of the Swaraj Party to attend the present session. The Hindus, said the Pandit, were not asked to talk about Mahasabha, whereas Muslims stood firm in their Muslim League. It was a wrong pessimism to think that Hinduism would disintegrate if elections were run on a Mahasabha ticket.

The resolution on being put to vote was carried by an overwhelming majority, Swami Shradhananda and a few Swarajists present dissenting.

After a brief speech by Raja Narendra Nath the session concluded.

SPECIAL SESSION OF

# The All-India Khilafat Conference

*DELHI—8TH & 9TH MAY 1926.*

The special session of the Khilafat Conference opened at Delhi on the 8th May in the morning in a pandal specially erected on the Maidan near the Delhi Fort. About three hundred delegates, representing practically all the provinces, and over a thousand visitors attended on this day. Distinguished among those present were the Ali Brothers, Moulana Abul Kalam Azad, Hakim Ajmal Khan, Haji Hasan Nizami and Moulana Suleman. The proceedings commenced with recitations from the Quran.

## Welcome Address.

Hakim AJMAL KHAN, Chairman of the Reception Committee, then rose to welcome the delegates and in the course of his address declared that the Khilafat Conference was not an organisation like the Hindu Mahasabha. It had never adopted a communal programme, though the Hakim Sahib admitted that some of the Khilafat workers had taken part in comunalism. He regretted that the present state of Hindu-Moslem dissensions had overhadowed the national idea of freedom which was the birthright of every Indian.

Continuing, Hakim Ajmal Khan asserted that the affairs in Malabar and Kohat had excited the Hindus, infused a new life in Hindu communal activities and made the Mahasabha adopt measures like Sangathan and Shuddhi. He asked whether such happenings did not occur at Arrah and Katarpur a few years ago, where a very large number of Mohamedans were the victims, but the Moslems took no action over it. He deplored that while they had no communal organisations, Hindu organistions were jeopardising the very existence of Islam. Concluding, the Chairman of the Reception Committee appealed to all Hindus to reconsider their programme and not to push the Moslems into the ditch of communalism.

## Presidential Address.

Moulana Syed SULEMAN NADVI (Leader of the Khilafat delegation to the Hedjaz Muslim Conference) was then formally elected president amidst loud cheers of "Allah O Akbar." He delivered his presidential address extempore in Urdu for about two hours.

He traced the history and aims and objects of the Khilafat movement from its inception to the present date and referred specially to its pro-national actives. He said it had worked for Islam abroad and it must protect their religion when it was in danger owing to the highhandedness of their neighbouring communities in India. Prominent Hindu leaders had openly incited the Hindus against the Moslems and yet advocated national unity at the Con-

gress platform. But if the Hindus, he said, really wanted Swaraj, peace and brotherly good will to prevail in India they should abandon their present mentality.

The Muslims in India did not mind Sangathan but they were strongly concerned about Shuddhi. The Shuddhi movement was started in recent years at the instigation of a third party with financial help from even Hindu Native States like Kashmir and Baroda. The Sangathan, said the Maulana, had not been instituted for accelerating the attainment of Swaraj but for dragging back the Moslems who were progressing forward for the attainment of Swaraj. The Khilafat workers, who were staunch supporters of Swaraj, did not deviate from their course even when their co-religionists accused them of anti-Muslim activities.

Proceeding the speaker said that the question now was how long could they allow the Muslims to be victimised by the Government on the one side and the Hindus on the other. The Mahomedans had in the past forfeited their riches, their lands and even their Empires but they had stood firm by their religion and would not tolerate interference with their religious rights and love for Islam. Inspite of all these hardships on them they felt it was not a courageous step to have a strong enemy and lay hands on unarmed Hindus. The times, however, had come when they should extend their hand to the Hindus who might accept it in friendship or as opposers in a wrestling field.

He reminded the audience that after the breakdown of the Muslim Empire the Hindus of Maharashtra and Bengal replaced their swords with pens and were poisoning the minds of the Hindus by writing anti-Muslim literature and dramas. He challenged the Hindus to prove if any Mahomedan writer had done so.

Concluding the speaker said the Muslims must not depend upon the help of either Englishmen or Hindus, but must live by their own strength and appealed for unity amongst all sections of Mussalmans.

Call for 10,000 Volunteers.

Mr. Abdur Rahman DOJANWE, who was to leave for Haj on that day, was allowed to address the Conference. He said that they had gathered together to deliver funeral orations on Hindu-Muslim unity. He deplored that slavery was ingrained in Hindu blood and they (Hindus) could not tolerate to see the Muslims free.

Sangathan and Suddhi were movements to divert the Muslim mind from Swaraj and enchain them for years to come. By their slavery of the last twelve hundred years, the Hindu mentality had been altogether changed. To them Swaraj did not mean freedom as was evident from their recent activity.

The Maulvi, proceeding, said that whatever religion was against freedom, should be crushed and annihilated. For this they had to send out many fighters. Every Muslim should be exhorted to bear in mind that he had no respect or companion for a "kafir," and even to extend the hand of friendship towards the Hindus would be construed as a sign of weakness on the part of Musulmans. They should tell the Hindus to do what they please while they themselves should do what was necessary. They should, for instance, organize 10,000 volunteers under the leadership of Maulana Mahomed Ali in Delhi to safeguard Muslim interests against the repetition of Calcutta riots. If the Muslims in India come out in the field with an effective force, the Lalas would come forward with folded hands and make peace in two hours.

The Conference dispersed at 12 o'clok and reassembled at 9 P.M. in the evening. Attendance improved considerably, the Pandal being fully packed. The proceedings were very lively and deliberations continued till the small hours of the morning.

Two resolutions were passed, one regarding change in the constitution of the Khilafat Committee enabling it to undertake work for the amelioration of conditions of Moslems in India, Tanzim, Tabligh, education etc., and the other dealing with steps to be taken to help Muslims before and after disturbances, before in form of efforts for peace, after in helping accused on trial etc., widows and orphans.

Maulana Shirajuddin of Rowari made a short speech denouncing the new move. With what force, he asked, could they, who had all along been condemning the Hindu Sabhas, now adopt its method? No good would come out of it. Only those who had so far kept out of the Hindu Sabha would join it, and further strengthen "Sangathan", while the Ali Brothers would be enjoying Haj.

Maulana Mohamed Ali in supporting Tabligh said it was the duty of every Muslim to convert non-Muslims to Islam. He prayed for the day when he would convert Mahatma Gandhi to Islam.

## Khilafat Committee's Creed.

Maulana MAHOMED ALI moved the first resolution which runs as follows :

This conference resolves that the following shall be the creed of the Central Khilafat Committee .—

(*a*) There shall be formed one great Khilafat Central organisation.

(*b*) It shall make all efforts for the freedom of Zariat-ul-Arab and for the betterment of the Hedjaz and holy cities and the introduction of reforms in those places according to circumstances.

(*c*) It shall struggle for the attainment of Swaraj in India.

(*d*) It shall always strive to safeguard the religious, educational, social, economical and political interests of Indian Musalmans and to reform and organise them.

Maulana Mahomed Ali, in moving the resolution, referred to certain Hindu celebrities who were creating new Indian histories which reflected adversely on the past Muslim rulers. The allegations contained in these histories, he said, stood self-condemned as the Muslim empires existed for over six hundred years. The Muslims were the advocates of Indian Swaraj, and not of the Afghan rule in India as was alleged by the Hindus. He deplored the disorganised state of the Muslims and appealed for men and money with a right to kick out those workers who misappropriated their funds.

Maulana Hussain AHMAD KHAN alluded to the Hindu activities for creating an alliance with foreign communities like the Budhists, inviting the Maharaja of Nepal to preside over the Hindu Mahasabha and such other deeds the like of which was not attempted by the Muslims.

Md. Saddique of Kadian also supported the resolution which on being put to the vote was carried, one delegate dissenting.

## Communal Dissensions.

Maulana Zafarul MULLICK proposed the following resolution —:

The Special Session of the Khilafat Conference, having regard to and after considering the existing state of affairs that has been created by dissensions and disturbances and

by the increasing frictions between Hindus and Mussalmans and having regard to the fact that not much action has so far been taken that could put a stop to these disturbances or check them effectively and bring the prevailing state of affairs under complete control, considers that wherever it might be necessary to safeguard the interests, life and property of Indian Muslims, all action should be taken that may be found necessary to meet local conditions. The conference, therefore, directs all Khilafat Committees as follows: Wherever there may be a possibility of tension between Hindus and Muslims or wherever a disturbance has actually taken place owing to communal feelings, the Khilafat Committee should do all to get the matter setttled amicably, compose the differences, remove the tension and achieve an honourable compromise between the parties through prominent Hindu and Muslim leaders of the province.

If the efforts at compromise fail the Khilafat Committee should do all to protect the political, social, economical and religious rights of the Muslims and render every moral and material support to the Moslems whose rights, interests, lives and property might have been endangered or suffered owing to communal dissensions or disturbances.

Everywhere before any disturbance has occurred, for the purpose of self-defence and in order to protect the Muslims and maintain peace volunteers of the Khilafat Corps should, under responsible workers and having full regard to the principles of the Khilafat Committee, be present at the places of the disturbance to render all possible help and service.

Whenever innocent Mahomedans have to be protected from the grip of the law court and tyranny of police the local Khilafat Committee should, after keeping in view their creed of non-co-operation take all necessary and urgent defensive action.

Every Khilafat Committee, which has to remove communal dissensions or protect the Muslims during or after the disturbances, should be authorised to raise special funds and spend the necessary amounts from their general fund. The committee may also require and get further aid, if necessary, from the Provincial and Central Khilafat Committees.

All Provincial Committees shall have to see that their subordinate committees act with full vigour upon the directions of this Conference, and whenever men, money or advice was needed the Provincial Committees should render every possible help.

In the course of his speech Maulana Mullick pointed out that the resolution was essentially a defensive measure in case communal disturbances occurred. He however, still hoped that unity could be effected with their Hindu brethren.

### Uproarious Scenes.

At this stage a number of voices shouted against the speaker's using the word "brethren" for the Hindus. Uproarious scenes followed, a number of delegates standing up and demanding the withdrawal of the objectionable word. Some of them suggested that the Quran should be consulted on the subject. Calm was however, restored, but not until fervent appeals for tolerance by the President and Maulana Shaukat Ali were made.

Concluding the speaker emphasised that the resolution aimed at peaceful negotiations on honourable terms with the Hindus, but if their feelings were not reciprocated by the Hindus they knew their duty to Islam.

Maulana Mazhuruddin Khwaja Hassan Nizami and some others supported the resolution while Mr. Surajuddin opposed it. The resolution being put to the vote was carried, only four voting against it. The Conference then adjourned.

*DELHI—9TH MAY 1926.*

### Sangathan Movement Condemend.

Four resolutions were passed at the resumed session of the Conference on the next morning. After recitations of poems, specially composed for the

occasion exhorting Muslims to organise and sacrifice themselves for their religion, Mr. Mohammad SHAFI proposed a resolution condemning responsible members of the Hindu Mahasabha for their Sangathan activities, which he characterised as a wrong and short-sighted policy, prejudicial to the prosperity and liberation of the country, and exhorting the Muslims to keep their feelings carefully under control and spend all their energies on the constructive programme of purification, improvement and strengthening of their community. The course of events in the country, said Mr. Shafi were gradually leading them to a crisis. The situation, he emphasised, was serious and required a speedy settlement. As before, the two communities were to live in India indefinitely. They could not afford to be always up in arms against each other. These inter-communal tumults were not only extremely injurious to the participants themselves but also stood in the way of attainment of self-government.

Maulana SHAUKAT ALI, supporting the resolution, eulogised the Khilafatists for furthering the national cause, inspite of the Hindus. England, said the Maulana, had misled the Hindus from national activities to inter-communal strife and aggression. He advised the Mussalmans not to commit the same blunder. Both the communities should try to live in a state of friendship towards each other. If the Hindus or any other community attacked the Muslims, he would always advise them to pay back in the like manner.

Mr. SURAJUDDIN opposed the resolution, as he was against the Khilafat organisation undertaking such programme which he said, should be left to other bodies. The resolution was eventually carried by an overwhelming majority.

## Economy in Expenditure.

Maulana Mohammed ARFAN next moved a resolution requesting Muslims to give up all unnecessary expenditure at times of festivities and funerals. He pointed out how the Muslims in India were handicapped, chief of them being their poverty and lack of organisation. This resolution, too, was carried unanimously.

## Other Resolutions.

Maulana Abubakkar moved the third resolution exhorting Muslims to perform regular prayers in congregations five times a day. Khawaja Hassan Nizami vehemently supported the resolution, which was carried.

The last resolution appealed to the Muslims to keep intact their religious interests, to bring about necessary reforms among themselves and to extend mutual toleration and avoid calling others "Kaffirs" on trifling differences.

The meeting then adjourned to meet again in the evening when the conference concluded after the adoption of resolutions sympathising with the Mussalman victims in the Panipat riots, condemning the anti-Moslem literature, defining the Khilafat policy towards the attainment of Swaraj and appointing a committee to formulate the rights and claims of the Moslems and put them forward before the country.

# The Central Sikh League

*LAHORE—3RD APRIL 1926.*

Before a gathering of about 4,000 visitors and delegates, the fifth session of the Central Sikh League was opened on the 3rd April at the Bradlaugh Hall, Lahore amidst scenes of enthusiasm and repeated shouts of "Sat Sri Akal."

Besides the prominent Sikh leaders there were present well-known Congressmen, including Lala Lajpat Rai, Lala Dun chand, Dr. Satyapal and a few Mussalmans. The Hall was profusely decorated. There was a life-size portrait of the ex-Maharaja of Nabha with his children.

After the Chairman of the Reception Committee's speech was over, Baba Gurdit Singh of Komagata Maru fame, read his Presidential address in Gurmukhi; and it was received with applause from all parts of the Hall.

## The Presidential Address.

Baba GURDIT SINGH, in his address, said that they would not be able to work the Gurdwara Act unless the Akali prisoners were released unconditionally. He referred to the deaths of C. R. Dass and Sir Surendranath Banerjee, and urged the Government to recognise the rights of Sikhs in the Punjab consistently with their political status and martial importance, and condemned communal representation, characterising it as the direct cause of the Tanzeem and Shudhi movements.

He emphasised the importance of unity of all communities in India, and characterised the Reformed Councils as impotent giving no real power to the representatives of the people. He then referred to the recent Babbar Akali Conspiracy Cases, and expressed his sympathy, with those executed or imprisoned, and suggested the raising of a fund of Rs. 1½ lakhs for the maintenance of their families and of those of other Akali prisoners. He thought that the Babbar Akalis were patriots, and had suffered for love of country and appealed to the audience to generously subscribe towards the fund. He said that the Sikhs were soldiers in the battle for India's freedom. The attainment of Swaraj would be an impossibility if Hindus, Mussalmans, Sikhs and Christians did not join together and express their sympathy towards their brethren, who had courage to suffer for the cause of the country.

He made a feeling reference to the sacrifices made by the Akalis for the Gurdwara Reform Movement, and thanked the press and publicists throughout India for their continued support and sympathy with the Sikhs.

Referring to the abdication of the ex-Maharaja of Nabha and the consequent agitation amongst the Sikhs, Baba Gurdit Singh said that they would not rest content until the Maharaja was restored to the Gadi, as he thought his only fault was love of the Sikhs, the Panth, and the Motherland. He said that the Sikhs had set an example of true Satyagaraha to all other communities. While enjoining upon his community to continue the policy of non-violence, he exhorted them to gird up their loins and press forward to the two-fold goal of religious freedom, and freedom for the motherland.

After the Presidential Address the Subjects Committee was elected, which sat in the evening to dicuss the draft resolutions. The League then adjourned.

*LAHORE—4TH APRIL 1926.*

## Resolutions Passed.

The Central Sikh League met again the next day in open session to discuss the resolutions adopted by the Subjects Committee last night. The attendance of delegates and visitors was large

### Condolence Resolution.

The first two resolutions were put from the Chair and were carried unanimously. One referred to the loss the country sustained by the death of Deshabandhu Das and Surendranath Benerjee.

### The Babbar Akali Prisoners

The other, while completely dissociating the League from violence, viewed with horror the punishment meted to the Babbar Akalis, and expressed heart-felt sympathy with the families of those who had been executed or imprisoned in connection with the Babbar Akali case.

There was some opposition to this resolution from a section of the audience, who said that the resolution, being controversial, ought not to have been put from the Chair, but eventually the objection was withdrawn, and the resolution adopted.

### Communal Representation Condemned

The third resolution, which was moved by Sardar Singh, ran as follows :—" That the Sikh League strongly condemns the principle of communal representation after their experience of it during the last six years of Reforms. That the Sikhs are of decided opinion that communal representation has proved quite ineffective in safeguarding the interests of the Sikh minority in the Punjab. (b) That, instead of allaying the tension, the introduction of communal representation in the elected bodies and in the Services, has most deplorably embittered the feelings between the various communities inhabiting the Punjab. (c) That the Sikh League strongly appeals to other communities to give up communal representation in the best interests of the country."

The resolution which was debated for over two hours was carried by an overwhelming majority, after an amendment had been moved and rejected. The amendment demanded that, so long as the principle of communal representation existed in the Indian Constitution, representation should be conceded to the Sikhs in the various legislatures and local bodies, on the same basis as in the case of the Mussalman minority in other provinces and Anglo-Indians in Bengal.

The League then adjourned to meet again in the evening when after three and half hours' further discussion of the resolutions, the League concluded its sessions and the delegates and visitors dispersed amidst great enthusiasm.

### The Coming Elections

When the League met in the evening a number of important resolutions were passed, there being little difference of opinion amongst the delegates. The following are some of the important resolutions passed :—The League ratified the resolution of the General Committee, passed in 1923, and further resolved that the forthcoming elections for the various legislatures should be run in co-operation with the Indian National Congress. The League called upon the Sikh Community to issue a clear mandate to the candidates to demand full responsible Government for India. The League regretted that there was no change for the better in the attitude of

the Government in dealing with political questions and op'ned that there could be no peace between the people and the Government unless full responsible Government was introduced.

To compel the Government to yield to the National demand for full responsible Government, the League strongly recommended village organisation, use of Khaddar, promotion of inter-communal unity, national education and arbitration in private disputes and boycott of titles and intoxicants.

### Release of Gurdwara Prisoners Demanded

The League while admiring Sirdar Khaddar Singh and other Gurdwara prisoners for not giving any under-taking to the Government to secure their release, strongly condemned the attitude of the Government in not releasing the remaining Gurdwara prisoners unconditionally, when the Gurdwara Act had been passed and the S G. P. C. had begun to work it.

Resolutions were also adopted appreciating the sacrifices of the persons sent to jail in 1914 sympathising with their families and strongly condemning the repressive policy persisted in by the Government during the last five years.

### S. African Issue

The League whole-heartedly supported the position taken up by the Indians in South Africa, and strongly condemned the unjust and inhuman laws proposed to be enacted in that country, and regretted that the Government of India had not done all that lay in its power to bring to their senses the White settlers.

### The Nabha Abdication

Resolutions were passed regarding the Nabha question, holding that the Maharaja's abdication was not voluntary, and condemning the Government of India for not taking steps in the right direction to undo the great injustice done to a popular Prince, and sympathising with all the Nabha State subjects who had suffered for the sake of the Maharaja, and with the Maharaja and his family in his present tribulation and expressing anxiety at the proposal to remove the Tikka Saheb from His Highness, and severely criticising the action of the present Nabha administration in recklessly selling and auctioning His Highness' property inside and outside the State.

Baba Gurdit Singh gladly consented to personally convey the Nabha resolutions to the Maharaja at Dehra Dun.

### President's Closing Remarks

In closing the session, Baba Saheb exhorted the Sikhs to continue to agitate for the triumph of the just cause of their community and country in co-operation with the other communities. He warned the Government against the results of losing the goodwill of subjects by continued flouting of popular wishes and demands. Such indifference on the part of the Government he said, brought harm equally to the Government and the governed.

# The Bengal Provincial Conference

*KRISHNAGAR—22ND & 23RD MAY 1926.*

The session of the Bengal Provincial Conference at Krishnagar commenced on Saturday the 22nd May at 2-30 P.M. The proceedings in the open conference, as well as in the Subjects Committee meetings were marked by animation throughout and uproarious scenes at times gave expression to the high tension of feeling. For days before the conference met it was known throughout Bengal that the only issue before the conference would be the Hindu-Moslem Pact adopted by the Serajgunge session of the conference three years ago at the instance of the late Deshbandhu C. R. Das. Notice of resolutions to rescind the Pact had been given by many delegates, among whom were some prominent Swarajists. As the delegates arrived and views were exchanged it was found that overwhelming majority of them were in favour of rescinding the Pact. The leaders of the Swarajya Party, feeling that the situation was hopelessly against them, were busy devising means to shelve the issue. Fortune favoured them. The issue was complicated by the conduct of the President himself (who by the way was a pro-pactist and expressed himself so in the Presidential speech). The President had in his speech made some uncharitable and unwarranted insinuations against certain Congress workers, describing them as "marked people" and advising them to withdraw from the Congress organisations. He had also made serious reflections on persons whom he described as the party of violence, imputing to them cowardliness, dishonesty and worst vices. These expressions of opinion, as soon as they came to be known on the eve of the conference provoked a great outburst of feeling and for the moment the Pact issue was side-tracked.

The President began to read out his speech and was heard with attention. Curiosity rose to the highest pitch as to what would happen when he should reach the offending portion of his speech. It had been passed from mouth to mouth that a protest would immediately be made and a large number delegates would leave the Hall. The President, however, stopped short as he reached the paragraph and addressing the House said that it had been reported to him that many of the delegates did not like the views he had expressed in the para he should read now. If it was so, he would leave it out of his speech. "Yes; yes, we object"—came the reply from all parts of the House. "Well then, I leave it out." "Apologise"—shouted some and a confusion ensued. The President was heard making the remark that since the delegates did not want him, he would leave the Conference. So saying he left the rostrum. Pandemonium reigned in the Hall for some time till Mrs. Sarojini Naidu rose from her seat and immediately there was hushed silence to hear her. "Shall I ask the President in your name to come back"—she concluded after a fine short speech. "Yes, yes"—the reply went forth. Mrs. Naidu stepped down and a minute or two afterwards Mr. Sasmal was seen again on the rostrum and was greeted with thunderous applause.

The speech was a long one covering 34 closely printed foolscap pages. Many of the delegates began to leave the Hall among them being the oppositionists. The latter were absent when Mr. Sasmal read certain other portions of the speech to which objection was raised at the meeting of the Subjects Committee next morning. It was half past five when he finished reading his speech which had taken full three hours.

## The Subjects Committee Meeting—22nd May.

The first meeting of the Subjects Committee to consider the resolutions that would be placed before the Conference began at 7 P.M., on Saturday the 22nd May. The Pact was virtually the one subject that was discussed and debated with considerable animation. The division was taken at about midnight. Votes were counted twice. The President declared on the second time that the House was equally divided. He gave his casting vote against the abrogation of the Pact, and refused to accede to the demand for a poll amidst cries of "shame, shame."

## The Subjects Committee Meeting—23rd May.

The Subjects Committee met for the second time on Sunday the 23rd May in the morning. Mr. Suresh Chandra Majumdar moved a resolution expressing the opinion of the House that the Congress organisations of Bengal are not in any way influenced or controlled by any party of violence and this Conference dissociates itself from the opinion of the President expressed in his speech and respectfully request the Reception Committee to expunge the portion from the Presidential Address. Mr. Upendra Nath Banerjee, Mr. Sham Sunder Chakravarty, Mr. A. C. Banerjee and many others supported him.

A point of order was raised as to whether such a motion could be brought forward before the House. The President without giving a ruling left the matter to be decided by the House which favoured a discussion.

A general discussion followed and the motion was opposed by several Swarajists. At this stage Mrs. Naidu addressed the House and said that a greater partition of Bengal was being enacted before their very eyes as a result of which disunion and bitterness would prevail in Bengal and tarnish her fair name.

Claiming to know more of the temperament of the Bengalees, Mr. Shamsundar Chakravarti assured Mrs. Naidu that just as they unsettled the settled fact of Lord Morley inspite of difference of opinion, so would they succeed this time too to bring about unity amongst themselves inspite of temporary differences.

Mr. J. M. Sen Gupta moved as an amendment that this Conference dissociates itself from the opinion of the President expressed in connection with terrorist methods.

Mr. A. C. Banerjee moved as an amendment to add "and deprecates" after the words "dissociates itself from." Mr. Sen Gupta accepted the amendment. The mover of the resolution also accepted the amendment.

Mr. S. N. Biswas moved to delete the word "deprecate." Mr. B. N. Sasmal at this stage stated that if this motion was passed, he would treat it as a vote of no confidence in him and would resign the presidentship.

Mr. B. K. Lahiri tried to persuade the President not to interpret the motion as a vote of censure. He said they had allowed their President his right of freedom of expression and they claimed the same freedom for themselves.

After nearly two hours' discussion the amendment to delete the word "deprecate" was put to vote and lost and the motion of Mr. Sen Gupta was carried by an over-whelming majority.

The President then vacated the chair.

Mr. Upendra Nath Banerjee moved that Mr. Sasmal do take the chair. But somebody pointed out that the Subjects Committee could not, under the rules, elect its Chairman. An uproarious discussion followed. After the first excitement had subsided, Mr. Hemanta Sarkar pointed out that under the rules the Subjects Committee could not elect a President which is the function of the Bengal Provincial Congress Committee. The meeting then dispersed.

## Meeting of the Delegates.

There was some uncertainly whether in view of the resignation of the President, the Conference would meet at all. Some persons went about saying that the Conference would not meet. Eventually however it was decided that the delegates should meet at the pandal at the time appointed for the Conference to consider the situation. Accordingly the meeting began at 2-30 P.M.

At the outset Mr. B. K. LAHIRI, the Chairman of the Reception Committee, made a statement. He stated that a certain resolution had been adopted at the morning's meeting of the Subjects Committee which was treated by the President as a vote of no-confidence in him and he (President) thereupon said that he would not continue to preside over the proceedings of the Subjects Committee as well as of the Conference and that he had withdrawn from the meeting of the Subjects Committee. Thus a deadlock had been created and it was for the delegates to decide as to what should be done under the circumstances. He requested the House to elect a chairman for the time being for the purpose of discussing what should be done.

Mr. J. M. SEN GUPTA was elected chairman. He said he saw Mr. Sasmal after the morning incident and what he gathered from him was that Mr. Sasmal might come to the Conference at their request to explain what happened in the Subjects Committee and if after hearing his statement the delegates passed a resolution disapproving of the Subjects Committee's decision he might preside over the Conference. He invited definite suggestions in the shape of resolutions from delegates.

The discussion was initiated by Sj. Mrinal Kanti BASU who moved the following resolution :—

That this meeting of the delegates is decidedly of opinion that it is the duty of the President to come and preside over the Conference and place before it for consideration any resolution or resolutions that may have been passed by the Subjects Committee. That the Secretary of the Reception Committee do immediately send a message to the President with a copy of the above resolution and request him on behalf of the delegates to come and preside over the Conference. That this meeting of the delegates adjourns for half an hour to wait for the arrival of the President.

In moving his resolution Mr. Basu said that he had seen the President immediately after the dissolution of the Subjects Committee meeting and had pointed out to him that he (the President) was not entitled to resign to the Subjects Committee and the Subjects Committee could not also accept his resignation, that it was open to the delegates assembled in the Conference to reject the resolution passed by the Subjects Committee which the President had considered as a mark of want of confidence in him and that the President should not deprive the delegates assembled in Conference an opportunity to express their own opinion. Mr. Basu said that Mr. Sasmal had refused to come inspite of the legal position thus explained to him and had said that he would be satisfied if the delegates met informally and rejected the resolution of the Subjects Committee, in which case he would come to preside over the Conference. In regard to the suggestion that a vote of confidence in the President should be passed by that meeting of the delegates, Mr. Basu said he was opposed to the idea, inasmuch as the delegates had no materials before them on which they could pass that vote, the proceedings of the Subjects Committee not being known to them.

Two other resolutions were also moved for passing a vote of confidence in Mr. Sasmal and for proceeding with the election of a President of the Conference. A debate lasting several hours ensued. Several speakers contended that according to the Rules it was only the Bengal Provincial Congress Committee that could elect a President of the Conference in the place of the President-elect in case of emergency due to the illness or resignation of the latter or otherwise. The opponents of this view pointed out that the rule covered only the situation before the meeting of the Conference as the word "President-elect" in the rule shows. There was nothing in the rule to cover the situation that has arisen due to the resignation of the President who had already presided for one day and was not therefore "President-elect." Mr. J. Chaudhury, Bar-at-Law, strongly supported this view.

An appeal was made to the Chairman, Mr. Sen Gupta, to decide on the point. He refused to take the responsibility but allowed speaker after speaker to harangue the House. He omitted also to put the resolutions moved to the vote. Mr. Amarendra Nath Chatterjee said that the manner in which the proceedings were being conducted would suggest only one conclusion, namely, that the object was to shelve the issue about the Pact. Mr. Sen Gupta paid no heed to the suggestion. It was now clear that obstructionist tactics were being adopted by those who wanted to retain the Pact After several hours of desultory discussion as a Mahomedan gentleman under cover of speech-making was talking at random and making gesticulations, Mr. Sen Gupta suddenly dissolved the meeting saying that it was disorderly.

## Mr. J. Chaudhury Elected President.

Several Swarajists and pro-pactists headed by Mr. J. M. Sen Gupta then left the place, but the major section of the House continued the meeting with Mr. J. Chaudhury as President and declared the meeting to be the Conference.

The Conference passed resolutions of condolence on the deaths of Deshbandhu Chittaranjan Das, Sir Surendra Nath Banerjee, Rai Yatindra Nath Chaudhury, and Maharaja of Natore.

The second resolution was passed by the Conference with three dissentients and ran thus :—

This Conference while deploring communal differences that have broken out in different parts of the country is of opinion that Swaraj is impossible unless unity between Hindus and Moslems is established and both forgetting communalism work together inspired by Nationalism. Therefore the Conference rescinds the Bengal Pact entered into at Serajgunj as it is of opinion that that pact is based on communalism. With a view to bring about better understanding between the two communities this Conference requests the B. P. C. C., to form a committee consisting of Hindus and Mussalmans for the purpose of touring about in the mofussils to re-establish good-will and amity.

The last resolution passed by the Conference ran as follows :—

This Conference is decidedly of opinion that Congress organisations of Bengal are not in any way influenced by any party of violence in Bengal. Therefore this Conference dissociates itself from and deprecates the opinion expressed by the President (Mr. Sasmal) in his address beginning with "those who believe in violence ought to keep aloof from the organisation. Those who have become notorious for any reason should also keep aloof from the Congress and above all the Congress must be weeded of those who have entered it in order to destroy it by treachery."

The Conference then adjourned 'sine die.'

## Mr. Sen Gupta's Statement.

Subsequently Mr. J. M. Sen Gupta, the President of the Bengal Provincial Congress Committee, issued the following statement to the Associated Press :—

Having regard to the fact that the session of the Bengal Provincial Conference held at Krishnagar under the presidency of Sj. B. N. Sasmal could not finish its deliberations I consider it my duty to make a statement for the information of the public and the members of the Congress. It is a matter of regret that Sj. Sasmal used certain expressions in his presidential address which appeared to a large number of delegates to cast an unwarranted aspersion on certain members of the Congress. One of these passages was deleted by the President while reading his speech. The proceedings of the Subjects Committee are ordinarily private but as I find that reports of what is supposed to have happened at the Subjects Committee meeting at Krishnagar have already appeared in the Press, I am obliged to refer in brief to some parts of the proceedings :—

On Sunday morning at the Committee meeting, the President was requested to delete another passage from his speech but he found himself unable to comply with the request. Thereupon a resolution dissociating themselves from and deprecating the sentiments expressed by the President in that passage was passed by a large majority of the members present although the President had made it clear that he would regard the passing of it as a vote of censure on him. The President resigned his office and left the meeting and did not subsequently take any further part in the proceedings. As no meeting of the Bengal Provincial Conference

could be held without a President a meeting of the delegates was held in the afternoon of Sunday over which I was elected chairman to consider what should be done in the circumstances. After a resolution recommending adjournment of the Bengal Provincial Conference 'sine die' had been negatived the meeting proceeded to consider the several ways by which they could hold the session under a proper and constitutional president. Several proposals, the substance of which is noted below, were discussed at the meeting :—

1. That a vote of confidence should be passed by the delegates and Sj. Sasmal should be requested to come back and preside.

2. That a new President should be immediately elected by the delegates present.

3. That the question of the fresh election of a president should according to a rule of the Bengal Provincial Conference be referred to the Benga-Provincial Congress Committee for final decision.

4. That since the Bengal Provincial Conference had no knowledge of what had happened at the Subjects Committee, the President should be requested to come and preside over the Conference.

5. That the resolution passed in the Subjects Committee concerning the President should be placed before the delegates' meeting and a voto taken thereon.

A few other similar proposals were also discussed.

As the discussion proceeded the meeting became so uproarious and uncontrollable and feeling ran so high that after repeated appeals for order I had no other alternative but to dissolve the meeting. No one in the circumstances questioned the propriety of my action at that time.

At a later stage, after the meeting had dispersed and most of the delegates had left, I understood that a meeting was held under the Chairmanship of Mr. J Chowdhury. This meeting however had nothing to do with the Bengal Provincial Conference and the resolutions passed therein, if any, were unauthorised.

Under the Rules of the Bengal Provincial Conference in case of emergency arising due to vacancy occurring by reason of resignation, death or otherwise in the post of the President of the Bengal Provincial Conference, the matter should forthwith be referred to the Bengal Provincial Congress Committee whose decision should be final.

In view of the references in certain section of the Press as to the alleged "Decent Burial of the Bengal Pact at the Krishnagar Conference" I ought to say one word. This matter of pact was brought before the Subjects Committee on Saturday last and the following resolution was passed :—

"That having regard to the present state of feeling the Committee should not recommend any resolution on the Serajgunge Hindu-Moslem Pact to the open Conference."

In conclusion, I wish to make it perfectly clear that after the dissolution of the meeting of the delegates over which I presided there were no proceedings of the Bengal Provincial Conference held at Krishnagar on Sunday, the 23rd May and any resolution passed at any meeting subsequent to the dissolution of the delegates, cannot be accepted as the authoritative pronouncement of the Bengal Provincial Conference.

# The Presidential Address.

Mr. B. N. Sasmal, who presided, delivered a very lengthy speech in Bengali, in the course of which he explained the meaning of Swaraj as he understood it. We give below a very brief summary of his presidential address. First, he referred to the spiritual Swaraj, the attainment of which was not practicable. Political Swaraj meant the acquisition of full independence for the people of India to protect the land from greedy eyes or alarming intrusions.

He next referred to the ways suggested for its attainment. Co-operation would never lead to their goal. Sweet reasonableness and speech-making would never help them. Even Civil Disobedience would not lead to political freedom. Civil Disobedience would lead to riot and even to revolution.

The only way to freedom, according to Mr. Sasmal, lay in what was commonly called revolution in its ideal way. By this he meant revolution without bloodshed or hatred. The addition of strength, moral, mental and physical, that would come on as a matter of course incidental to the preparation for the revolution, would go to solve many a problem which would follow in the train of the revolution. This method was far more constructive than other ways which were destructive.

As for Responsible Government Mr. Sasmal said changes in the administration would be in no distant date a matter of compulsion rather than option. His reasons for making this statement were based on the situation created in the East. Considerations of the Soviet menace, the greed of Japan, and the Yellow Peril on the one hand, and the change of mentality among the educated people and awakening of the masses in India on the other, would force the Britishers to grant full self-government to this country, for that was the only means for preserving the position of England in the East intact.

As regards constructive work, the President suggested the establishment of schools and colleges for imparting education on national lines and the improvement of health, removal of untouchability and elevation of the labouring classes.

Touching the question of the Congress and Council work, the President urged that until and unless their demands were fully realised they should not agree to accept membership of the Council.

## The Communal Problem.

He next referred to the recent riots and observed that, if the affair had not been exaggerated by Mussalmans, it would probably have ended in an hour or two. Enumerating the causes of the riots the President said that the present administrative machinery was mainly responsible for all internal dissensions in the country. If the Government were in the hands of the people they could have already rooted out the causes of those disturbances by legislation. Some self-seeking mischief-makers were on the watch for an opportunity to cause quarrels between Hindus and Moslems. This event presented itself to them as a golden opportunity for fulfilling their nefarious

end. He suggested that the electioneering activity of the people had much to do with these riots. Had there been no talk of Ministerships before the submission of the report of the Royal Commission, he was emphatically of opinion that the things which had happened and were happening would never have taken place.

In conclusion the President said :—

From this very moment should go forth earnest appeals to all parts of the country for stopping for ever the barbarous practice of the exchanging of the names 'Mlecha' and 'Kafir' by Hindus and Moslems respectively. For this noble purpose books should be written by able writers which should be distributed broadcast free of charge so that they can reach every hearth and home. Some compromise between Hindus and Mahomedans with reference to the Services should also be made for the present. I humbly beseech leaders of both the communities and the press to avoid unpleasant truths at this critical time of the nation's life. They would perhaps agree to tolerate to some extent the evils of to-day for the sake of future good. None of the communities will be able to advance steadily on the way of nation-building unless we impress on the mind of one and all in this country this notorious fact that the administrative machinery, above all, is the fountain-head of all communal dissensions.

# The Commonwealth of India Bill

## The Karachi Conference.

Over 350 delegates and as many visitors were present on the 14th February at the Commonwealth of India Bill Conference at Karachi over which Dr. Besant presided. Delegates, belonging to different political parties, attended and they came from all important centres in Sindh. Among the visitors was Sir M. Visveswariah.

### Mr. Vishindas's Welcome Address.

Mr. Harchandrai VISHINDAS, as Chairman of the Reception Committee welcomed Dr. Besant to the conference in terms of warm praise. He observed that the Home Rule League and its propaganda, started by her, created a political consciousness in the people and instilled in them ideals of self-respect and independence. The people in England constantly asked, What did India want? The Commonwealth of India Bill furnished a reply in clear and precise language. The Right Hon'ble V. S Sri ivasa Sastri and several eminent men had worked in the National Convention, and the Bill must be considered as having the support of the best brains in the country. It had also the support, he declared, of persons like Mrs. Sarojini Naidu, Moulana Shaukat Ali and Mr. Jayakar. Though the report of Swaraj Sub-Committee of the all Parties' Conference was not considered by the whole conference, at least the Bill introduced in Parliament bore traces of the report. He urged every lover of India to do his best to support the latest effort of Dr. Besant for the deliverance of India.

After pointing out some of the important features of the Bill, which commended as specially noteworthy, such as the preamble, the abolition of the India Office, the revival of the ancient village system and the system of graded franchise, Mr. Vishindas concluded: "All that remains for me to add is that, whatever fate may be in store for the Bill at the hands of the present Conservative Ministry in England, Dr. Besant is entitled, to the lasting gratitude of India for the years of silent, patient labour which she and her colleagues have bestowed upon drawing up this, the first charter of India's liberty. As to our attitude towards the Bill, I cannot do better than quote the words of that noble son of India, the late Dr. Subramanya Iyer: "Simple reason and commonsense demand of such and everyone of us to ensure all the support possible to that latest and most promising outcome of her arduous labours, the preparation of a Constitution for adoption by the British Parliament."

Dr. BESANT on rising was greeted with prolonged applause. She spoke for more than one hour. She referred at the outset, to the curious manner adopted by the hostile critics of the Bill. At first it was called Besant's Bill, and the Calcutta "Statesman" gave its authorship to Sir Henry Slessor, Solicitor General of the late labour Cabinet. He was undoubtedly the best man for drafting Parliamentary legislation; but as a matter of fact, the changes made by him in the draft submitted from

India were very few, and did not touch either the principles of the Bill or the important details, expect in one matter however, regarding Defence, Refusal to accept the modification would have meant wrecking the Bill: but except for that, the Bill provided that changes in the Constitution could be made in India without further reference to Westminster. Mr. Slesser called it an admirable Bill, and would have willingly backed it up in Parliament.

Referring to Mr. Harchandrai's remark, that it was a step on the road, she observed that it was a step which took the whole road, for it made India absolutely free in her own land. In one respect the Bill went further than Dominion Status, for no provision had been made for the power of veto or reservation for the Crown over legislation. She defended it on the ground that India could not trust England to use such a power, which no doubt existed in the Dominions, with fairness, and instanced the case of South Africa, whose Anti-Asiatic legislation was being permitted on the plea that it was a Self-Governing dominion and interference was impossible. If India were a Dominion, she would have penalised the American residents in the country, as Indian residents were by the decision of the American Supreme Court.

Dr. Besant asked the Conference to realise how complete the Bill was in giving freedom short of independence. She had never questioned India's right to independence. In England she had declared that the price of India's loyalty to Empire was freedom. But England and India together, would assure peace between the White and Coloured races, and safeguard the future of the world's Civilisation. She denied that it was her Bill, though she had a share in it, It would be folly to throw away the years of labour spent in drafting it. It was the first time a Bill for freedom for India had been introduced in Parliament, and it had been officially adopted by a party, which was in opposition and would form the next Government.

After detailed reference to local government which was, in her opinion, the Bill's most important feature, Dr. Besant proceeded to outline the course of action which the Conference should carefully consider if the Bill was rejected by Parliament. She thought it might come for discussion in the Lords, where it was sure of being rejected. She would appeal to the members of the Legislature to lead the people in a nation-wide agitation and also to reject budgets "If the Legislature were dissolved would you" Dr. Besant asked, "return the same men to the Councils?" Refusal of supplies was a perfectly constitutional step and it was the only way of winning freedom except by force. In the fight before them only one end was possible, because no nation had yet struggled for freedom without ultimate victory. She was visiting America in the Autumn, and hoped to place India's case before its public. Britain was sensitive to American opinion. The speaker might be away from India for a few months, but she would carry India in her heart, and where the heart was full lips would be able to speak.

## Resolutions Passed.

After her address, the following resolutions were adopted :—

'The National Congress of 1914 having declared that, in the reconstruction following the War, India should be placed on a footing of equality with the Self-Governing Dominion, this Commonwealth of India Bill Conference accords its whole-hearted support to the Bill, which embodies this demand and urges on the people of India to insist on its being made an Act of the Realm."

The resolution was moved by Mr. Pahlajani, Deputy President of the Bombay Legislative Council, and seconded by Mr. Gopaldas and supported by Principal Shahabi.

The second resolution, moved by Mr. Jethmal Parasram, expressed the profound gratitude of the Conference to the Labour Party for its sympathy with India in her struggle for freedom, and particularly for its official acceptance of the Commonwealth of India Bill.

The third resolution thanked Major Graham Pole for his sacrifies and strenuous work for India and Mr. Shivarao for his able presentation of India's case in England

The last resolution was as follows: "This conference tenders its most cordial thanks to Dr. Annie Besant for her devoted services in the cause of India's freedom and assures her of its determination to carry on an unceasing propaganda in favour of the Bill until its passage into law."

All the resolutions were unanimously adopted.

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# The Bombay Conference.

Another Conference of the Commonwealth of India Bill met at Bombay on the 7th May, with Mrs Naidu in the chair. There was a large attendance. Among those present were Messrs. B. S. Kamat, Jayakar, D. G. Dalvi D. V Gokhale and Bhopatkar.

## Messages of Sympathy.

A number of messages expressing sympathy with the principles of the Bill were read including those from Sir Tej Bahadur Sapru, Mr. Hasan Imam, Sir C. P. Ramaswami Iyer, Mr. Chintamani, Pandit Hridaynath Kunzru, Sir Harising Gour and others.

Mr. N. C. KELKAR, Chairman of the Reception Committee, wished "Au Revoir" to Dr. Besant, and paid a tribute to her as the "only influential and active advocate of the cause of India in England." He welcomed the signs of reaction from the aversion to foreign propaganda that prevailed during the days of Non-co-operation.

Referring to the Bill, he said it should not be looked down upon, because it took the form of constitutional agitation. None except a mere dreamer could hope for an immediate accident which might give them Self-Government without the agency of Parliament. The Bill was, after all, a token demand and they should welcome the Bill for two special reasons, firstly, because it gave a stunning reply to the objection that the demand of India for Self-Government was a vague one, and seconuly, because the Bill opened up a vista of constructive thought in the wilderness of non-co-operation through which they had passed.

Mrs. NAIDU, in the course of her address, said that she presided over the Conference in her personal and private capacity. The Bill, in her opinion embodied the essence of the Indian demand and that was why she supported it. She emphasised the necessity of international propaganda. Mrs. Naidu drew pointed attention to Dr. Besant's speech at Ahmedabad in which she had declared her willingness to compromise with Indians with regard to the details of the Bill. Mr. Naidu concluded by wishing "Bon-voyage" to Dr. Besant, and appealed for support to the Bill.

Mr. B S. KAMAT moved a resolution according the whole-hearted support of the Conference to the Bill now before the Commons and urging upon Parliament the necessity of securing its second reading as rapidly as possible, so as to relieve the tension in India by securing to India, the Dominion Status she demanded.

The resolution also requested that any amendments desired by organisations approving of the principles of the Bill be forwarded to the Amendments Committee of the National Federation.

Mr. Kamat said that the Bill represented India's demand in many respects It made clear that India wanted a Representative and Parliamentary Government with full financial control.

Mr. JAYAKAR, supporting, said the Bill dispensed with Dyarchy, which had been unanimously declared to be unworkable. It provided for the abolition of communal representation gradually within five years. It went to the very root of the Indian civilisation, namely the village and aimed at revitalising it. He wished that the Congress had supported the Bill,

Dr. Moonjee thought the Bill would counteract the effects of isolation in which India had so long stood.

After a few more had spoken giving their support to the Bill, Dr. BESANT appealed to Britain to give India complete power within the country. She was sure that nothing could be refused by England, if the same spirit was once again roused in India as was prevalent in 1914. She was going across the Atlantic in order to counteract the propaganda carried on by Lord Sydenham and others. England had a heart which could be touched and it would be her endeavour to touch it by her work in America and in England.