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QUARTERLY REGISTER**

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OF INDIAN PUBLIC AFFAIRS**

**In matters Political, Social and
Economic, Etc.**



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H. N. MITRA, M.A. B.L.**
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TABLE OF CONTENTS

	PAGE
INTRODUCTION	10
Historical—India in 1924	11
Events of First Six Months	12
Sir Sankaran Nair's Analysis	13
CHRONICLE OF EVENTS—JULY—DEC. '24	15
The Lee Proposals Accepted	21
New Legislative Rules	22
The McCardie Judgment	23
Govt. of India Resol. on Same	25
COMMUNAL DISTURBANCES	25
The Delhi Riot	25
The Gulberga Riot	25
The Kohat Riot	26
Govt. of India Resol. on Same	27
The Lucknow Riot	29
The Shahjahanpur Riot	29
The Allahabad Riot	30
The Calcutta Riot	30
The Jubbulpore Riot	31
The Kohat Settlement	31
Hindu Moslem Entente	31
Report of the Indian Mercantile Marine Committee	33

CONTENTS

	PAGE
Report on the Indian Steel Industry	38
THE REFORMS ENQUIRY COMMITTEE	
Summary of Evidences	40
Evidence of Mr. S. M. Chitnavis	40(i)
Evidence of Mr. N. K. Kelkar	40(ii)
Memo. of the U. P. Liberal Association	41
Evidence of Lala Harkishen Lal	43
Evidence of Mr. C. Y. Chintamani	46
Evidence of Mr. Pradhan	53
Evidence of Mr. Barkat Ali	53
Memo. of the Deccan Sabha	56(i)
Evidence of Mr. Jamnadas Dwarkadas	56(ii)
Evidence of Mrs. Deep Narayan Singh	56(iii)
Evidence of Sir Frederick Gauntlett	56(iii)
Evidence of Sir P. C. Mitter	57
Evidence of Sir P. Thakurdas	58
Evidence of Sir Chimanlal Setalvad	60
Evidence of Mr. Fazl-ul-Huq	62
Evidence of Sir Abdur Rahim	63

THE CENTRAL LEGISLATURE.

THE LEGISLATIVE ASSEMBLY—SEPTEMBER SESSION 1924

Table of Resolutions of the Previous Session	64(a)
Summary of Proceedings	65
List of Legislation during the Session	66
Resolutions passed during the Session	67
Proceedings of the 3rd & 8th September	71
Proceedings of the 10th & 12th September	72
Debate on the Lee Report	
Sir Alexander Muddiman's speech	72
Pt. Motilal Nehru's Amendment	74
Sir Charles Innes' speech	78
Col. Gidney's speech	79
Sir Narasinha Sarma's speech	80
Sir Sivaswamy Aiyar's speech	80
Mr. Rangachariar's speech	81
Col. Crawford's speech	82
Sir P. Thakurdas's speech	83
Sir Chimanlal Setalvad's speech	84
Mr. Jinnah's speech	84
Mr. Patel's speech	85
Pt. Malaviya's speech	87
Pt. Motilal's Amendment Carried	88
Proceedings—15 Sep. Official Bills	89
Proceedings—16 Sep. Non-official Bills	90
The Bar Committee's Report	90

CONTENTS

	PAGE
Hinda Religious Trusts Bill	90
Criminal Law Amendment Bill—Dr. Gour's Motion ...	91
Sir A. Muddiman's speech	91
Pt. Nehru's speech	93
Mr. Jinnah's speech	94
Interpellation on Allegations Against Swarajists ...	95
Debate on Separation of Railway Finance—17th Sep. ...	98
Sir P. Thakurdas's Amendment	99
Other Amendments	102
Debate on the Taxation Enquiry Committee—18th Sep. ...	104
Mr. Rama Iyengar's Motion	104
Mr. Goswami's Amendment	107
Mr. Jinnah's Amendment	109
Proceedings—23 Sep. Non-official Bills	110
Criminal Law Amend. Bill	110
Bill to provide for Riots & Use of Fire-Arms ...	112
Other Non-official Bills	113
Proceedings—24 Sep. Non-official Resolutions	114
The Cotton Excise Duty	114
Mr. Neogy's Amendment	114
Floods in India	116
The Assembly Prorogued	116
THE COUNCIL OF STATE—SEPTEMBER SESSION 1924 ..	117
Amendment of Legislative Rules	117
Interpellations	117
Government Bills	119
Debate on the Sikh Question—9th Sept.	119
Debate on India's National Debt—11th Sept.	122
Debate on Railway Management—11th Sept.	124
Debate on the Lee Report—15th Sept.	125
Non-official Resolutions—16th Sept.	129
Debate on the Taxation Enquiry	130
Official Bills—18th Sept.	131
Non-official Resolutions—22nd Sept.	131

THE NATIONAL MOVEMENT

THE CONGRESS & THE SWARAJISTS ..	132(a)
The Swaraj Party Conference—16th Aug. 1924 ..	132(b)
Mr. C. R. Das's Address	133
Pt. Motilal's Review of Work	135
The Revised Constitution of the Party	136
Resolutions Passed	138
New Programme of the Party	139
Proposal for Political Unity	141
M. Gandhi on Congress Unity	142
Mrs. Besant's plan of Congress Unity	145

CONTENTS

	PAGE
THE MAHATMA'S FAST	147
Announcement by Mahatma Gandhi	147
Effect of the announcement	148
THE UNITY CONFERENCE—DELHI, 26th SEPT. '24 .. .	149
The Presidential Address	150
The Subjects Committee Meeting	151
Resolutions Passed in the Subjects Committee	154
Proceedings in the open Conference	155
Pt. Nehru Moves Resolutions	155
Lala Lajpat Rai on Religious Toleration	157
Hakim Ajmal Khan on Same	158
Resolutions passed in the Conference	159
The Mahatma Breaks his Fast	160
The Mahatma in the Unity Conference	160(a)
REPRESSION IN BENGAL	160(b)
The Bengal Ordinance & Arrests	160(b)
The Govt. of India Statement on Ordinance	161
Text of Ordinance I of 1924	162
Govt. of Bengal Resolution on same	169
The Secretary of State's Communique	173
The All-India Protest	174
Mr. Das at the Calcutta Corporation	174
M. Gandhi on the Ordinance	176
The Indian Assoc. Memo	177
Lord Lytton on the Ordinance	181
At Malda	181
At Govt. House Durbar	182
The Viceroy on the Ordinance	184
THE ALL-PARTY CONFERENCE—BOMBAY 21st NOV. '24 .. .	184(i)
The Gandhi-Swarajist Pact	184(i)
M. Mahomed Ali's Appeal	184(iii)
National Liberal Federation's Resolution	184(iv)
The Bengal Ordinance Condemned	185
Mahatma Gandhi's speech	185
Mr. Chintamani's Resolution	189
Mr. Pal Seconds the Resolution	190
Mr. Venkatram's amendment	191
Mr. C. R. Das's Support	192
The Unity Committee	193
The All-India Congress Committee—Nov. '24	195
THE SIKH MOVEMENT	198
Break-down of Birdwood Negotiation	198
Sir Malcolm Hailey's Sikh Policy	199
The Sikh Sudhar Committee	200
Akhand Path at Jaito	201
The New Gurdwara Bill	202
C. P. COUNCIL DEAD-LOCK	205

PROCEEDINGS OF PROVINCIAL COUNCILS 1924.

THE BENGAL LEGISLATIVE COUNCIL—AUGUST SESSION.

Ministers' Salaries in the Calcutta High Court	...	207
Injunction against the President, Mr. Cotton	...	209
Judgment of Mr. Justice C. C. Ghose	...	209
Bengal Council Adjourned <i>sine die</i>	...	213
The Appeal Against the Injunction	...	214
The New Legislative Rules	...	215
Bengal Council—August Session	...	216
Letters of Hon.' Messrs Huq & Das	...	216
Demand for Ministers' Salaries	...	217
Hon.' Mr. Donald's Speech	...	217
Mr. A. C. Dutt's motion for Refusal	...	221
Mr. J. M. Sen Gupta's Support	...	223
Mr. B. Chakravarti's Support	...	224
Sir P. C. Mitter's Support	...	225
Hon. Mr. Huq's Repudiation of Allegations	...	225
Ministers' Salaries Refused	...	227
The Howrah Bridge Bill	...	229
Bengal Council Prorogued	...	232(a)
Govt. of Bengal Communique	...	232(a)

THE ASSAM LEGISLATIVE COUNCIL—

July—August Session	...	...	232(b)
September Session	...	...	232(c)

THE BOMBAY LEGISLATIVE COUNCIL—JULY & OCT. SESSION

The Rent Act Amend. Bill	...	...	233
Municipalities Act Amend. Bill	...	...	233
The Children's Protection Bill	...	...	234, 239
The Collection of Statistics Bill	...	...	235
Other Official Bills	...	...	...
Non-official Bills and Resolutions	...	...	237
The October Session	...	...	239
Supplementary Grants	...	...	241
Non-official Bills & Resolutions	...	...	242

THE B. & O. LEGISLATIVE COUNCIL—AUGUST SESSION

The University Resolution & Debate	...	...	244
Supplementary Grants	...	...	245
Debate on the Lee Report	...	...	246
Non-official Resolutions	...	...	247

THE PUNJAB LEGISLATIVE COUNCIL—AUGUST & NOV. SESSION

Non-official Resolutions	...	...	249
November Session	...	...	251
Amendment of Standing Orders	...	...	251
Official Bills	...	...	252
The Excise Amendment Bill	...	...	253
Supplementary Grants	...	...	253

CONTENTS

PAGE

Non-official Resolutions	255
Supplementary Grants	258
THE U. P. LEGISLATIVE COUNCIL—SEPTEMBER & DEC. SESSION.	
Interpellations	259
Official Bills	260
Supplementary Demands	261
Removal of the P. W. D. Secretariat	261
Debate on the Lee Report	263
Non-Official Resolutions	264, 268
December Session	268
Motion Re. Mr. Darling	271
Censure on the <i>Leader</i>	273
THE MADRAS LEGISLATIVE COUNCIL—AUGUST & NOV. SESSION	
The Adjournment Motion on the Reforms Enquiry	274
The Malabar Tenancy Bill	275
Debate on the Lee Report	276
November—December Session	277
The Irrigation Bill	277
INDIA IN PARLIAMENT AND ABROAD.	
INDIAN AFFAIRS IN ENGLAND	281
The Lord's Debate on Indian Affairs	282
Fall of the Labour Ministry	284
Mr. Baldwin on India	287
The Bengal State Prisoners' Memorial to Lord Olivier	289
Allegations against the Secret Police Service	293
INDIA IN THE BRITISH PARLIAMENT	299
House of Commons—Interpellations—30 June '24	299
House of Commons—Interpellations—7 July '24	302
House of Commons—Interpellations—14 July '24	304
House of Commons—Interpellations—21 July '24	307
House of Lords—Debate on the Lee Report—July '24	313
Lord Peel's motion for Statement of Indian Policy	313
Lord Olivier's Speech in Reply	314
Lord Incheape's Speech	316
Lord Curzon's Speech	318
Lord Chelmsford's Speech	319
House of Commons—Interpellations—4 August '24	321
House of Commons—Interpellations—October '24	322
House of Commons—Interpellations—December '24	324
Debate on the Bengal Ordinance—15 Dec. '24	325
The Labour Party and the Bengal Ordinance	328
INDIANS IN THE DOMINIONS AND COLONIES	328(a)
Natal Indians' Representation to the Colonial Secretary	329
Deputation of the Mombasa Indians	334

CONTENTS

PAGE

The Honble Mr. Ormsby Gore's Reply ...	336
The Colonies' Committee ...	337
Indians in Tanganyika ...	340
INDIA IN THE LEAGUE OF NATIONS—Geneva—Sept. '24	345
The British Premier's Speech ...	345
The Disarmament Resolution passed ...	346
Report of the Indian Delegates ...	347
Maharaja of Bikaner's Speech in the League ...	348
The Committee on Intellectual Co-operation ...	350
Sir Mahomed Rafique's Speech ...	350
ANTI-INDIAN PROPAGANDA IN AMERICA	353
Lord Sydenham's Article ...	353

EUROPEAN & ANGLO-INDIAN POLITY 1924.

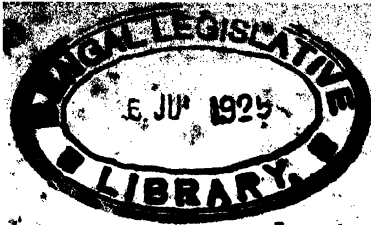
ANGLO-INDIANS & DOMICILED EUROPENS—Annual Meeting	364
EUROPEAN ASSOCIATIONS—Annual Meetings	355
THE EUROPEAN ASSOCIATIONS OF INDIA—Annual Meeting,	
The Presidential Address (Mr. H. W. Carr.) ...	369
Proceedings and Resolutions ...	370
H. E. The Viceroy's Speech ...	373
THE ASSOCIATED CHAMBERS OF COMMERCE—Annual Meeting,	
H. E. The Viceroy's Opening Address ...	379
On Trade Prospects ...	380
On the Steel Protection Act ...	381
On Stores Purchase ...	383
On the Political Situation ...	384
Resolutions Passed ...	385

NATIONAL CONGRESS AND CONFERENCES—December 1924.

THE INDIAN NATIONAL CONGRESS—Belgaum, Dec. '24	393
Preliminary meeting of the Parties ...	393
The A. I. C. C. Meetings—23 to 26 Dec. '24	394
Mahatma Gandhi on the Pact ...	395
Debate on the Revised Resolutions ...	397
Other Resolutions Discussed ...	398
The Welcome Address (Sj. Gangadhar Rao Deshpande)	400
The Presidential Address (Mahatma Gandhi)	402
Foreign Cloth Boycott ...	403
Hindu-Muslim Unity ...	407
Untouchability ...	408
The Swaraj Scheme ...	409
The Bengal Repression ...	413
Proceedings & Resolutions ...	417

CONTENTS

	PAGE
On the Gandhii—Swarajist Pact	417
On the Kohat & Gulbarga Riots	421
On Untouchability	425
On Indians Overseas	426
Dr. Mrs. Besant's Statement	427
President's Concluding Speech	430
Text of Resolutions Passed in the Congress	431
The All-India Congress Committee—Belgaum, 28 Dec. '24	437
Annual Report of the Congress Work in 1924	441
Annual Report of the All-India Khadi Board	443
THE NATIONAL LIBERAL FEDERATION.—Lucknow Dec. '24	449
The Presidential Address (Dr. Paranjpye)	449
On the Reforms Enquiry Committee	451
On the Lee Commission's Report	453
On the Lucknow Pact	454
On the Bengal Ordinance	459
On the Kenya Question	464
Proceedings and Resolutions	465
THE ALL-INDIA MUSLIM LEAGUE—Bombay, Dec. '24 ..	472
The Presidential Address (Hon. Mr. Raza Ali)	472
Proceedings and Resolutions	478
THE ALL-INDIA HINDU MAHASABHA.—Belgaum, Dec. '24	483
The Presidential Address (Pt. M. M. Malaviya)	483
Resolutions Passed	485
THE ALL-INDIA KHILAFAT CONFERENCE.—Belgaum, Dec. '24	490
The Presidential Address (Dr. S. Kitchlew)	490
Proceedings and Resolutions	491
THE INDIAN STATES' SUBJECTS' CONFERENCE.—Belgaum, Dec. '24	494
The Presidential Address (Mr. N. C. Kelkar)	494
Resolutions	498
THE ALL-INDIA NON-BRAHMIN CONFERENCE.—Belgaum, Dec. '24	499
The Chairman's Address (Mr. M. R. Sakhare)	499
* The Presidential Address (Mr. A. Ramaswamy Mudaliar)	499
Text of Resolutions Passed	506
THE JAMIAT-UL-ULEMA CONFERENCE—Moradabad, Jan. '25	509
Proceedings & Resolutions	510
THE ALL-INDIA CHRISTIAN CONFERENCE.—Bombay, Dec. '24	511
The Presidential Address (Dr. J. R. Chitambar)	511
Proceedings & Resolutions	512
THE NATIONAL SOCIAL CONFERENCE—Lucknow, 29 Dec. '24	514
The Presidential Address	514
Resolutions Passed	515
THE ALL-INDIA SOCIAL CONFERENCE—Belgaum, 27 Dec. '24	516
The Presidential Address (Sir Sankaran Nair)	516



Introduction

India is now passing through an acute political crisis. Readers of the *Register* will find in its previous issues the circumstances that have gradually helped to bring the country to its present state. India's present trouble may be summed up in a word—a deep National humiliation. On every side Indians are being insulted in their own homes. Her biggest men are not exempt. The Punjab Martial Law and the Khilafat outrage burnt deep into her heart. Yet she 'bled herself white' for England in the last great War. The enormity of the greed of Britishers have never been so nakedly apparent as since 1919. For centuries the country is being exploited to the utter destruction of the masses. The intellectuals, so long under the hypnotic influence of England, had their spell broken by Mr. Lloyd George's Turkish policy and Sir Michael O'Dwyer's reign of terror in the Punjab. When the Reforms Act was passed in 1919 a few moderate Indians had still faith in Britain but the great majority refused to believe that it meant any good. There is nothing in an act or statute so useful as in the spirit in which it is worked. Past experience of broken pledges has made the name of England synonymous with treachery. The small body of Moderates who tried to work the reforms soon found itself in a lurch. Here again was a case of national humiliation. The biggest among these men had to retire in shame; the spirit of the reforms was broken; the Moderates were humiliated; and the whole country felt the insult. It has ever been a question of the capacity of the Indians. In fair field, the Indian knows that he can beat his European competitor hollow in every walk of life. But that is not to be; for a huge imperial system of army and police has kept the Indian branded as an inferior in his own home. The intellectuals have ever been taught from their school-days that they are unfit to lead their masses; they are unfit to represent their masses; they are unfit for everything except as subordinates to an alien system which thoroughly exploits the country. But Jhalianwalla, bagh and Lapsanne at last broke the spell and the country ran headlong into Non-co-operation.

Gandhi's programme of non-co-operation and non-violence was a programme of faith and hope of the masses in their highest mood. The intellectuals saw their own mistake. They now shed their western cast of mind. They suddenly felt how great must be the groan of the mute masses from the dead weight of that system under which they themselves break their heart from utter shame and humiliation. A mighty turmoil was raised and a religio-political passion of "self-purification" swept over the country. But the programme itself required of the intellectuals a sacrifice and of the masses a self-restraint which neither was able to sustain. But the system against which this huge upheaval was directed threw its whole weight against the movement and made short work with its great leaders. Gandhi, Das, Nehru, Lajpat Rai, and thirty thousands of the intellectuals were seized and thrown into prison. National humiliation could go no far. It looked more like an Englishman dragging a high Indian into the prison than the law taking its usual course. After Jhalianwalla nothing more humiliated Indians than the way the non-co-operators were dealt with in 1921-22.

In thirty thousand Indian homes—the best and the most cultured—this humiliation rankled. Multiply that by the number of homes connected by ties of blood, ideal or sympathy, and you get a rough idea of the position of Britain in India. The movement no doubt broke down from sheer internal strain but the spirit remains undying. Now it is a question of easing the strain and crystallising the spirit.

The year 1924 opened with three new factors—of which two were quite unforeseen. These were the invasion by the Swarajists of the reformed

India in 1924

Councils, the advent of the Labor party into the Government of England, and the third, a god-send, the release of Gandhi from prison. When Gandhi came out of prison in February 1924 he found that the non-co-operating lawyers had gone back to practice; the students to their schools and colleges; charka and khadder had almost disappeared. The reason and the significance of this change was that with the subsidence of the great national wave the

intellectuals, half-broken from the jails, had returned to power, but now without taking the masses "with them." Unable to bear the strain of huge mass movements they now made the nationalist movement the militant wing of the Congress and developed the programme of constitutional obstruction under the caption of the "Swarajya movement." Many old Moderates rallied to them, and along with the Independents, or men neither subscribing to the Liberal creed nor to the Congress, they successfully carried out their threat of making Government through Councils impossible. In March the reforms became virtually a dead letter in the Central Government of India and in Bengal and the Central Provinces. The reforms had already been broken in the spirit by the Europeans—officials and non-officials—who have always been antagonistic to the Act passed by Parliament. There was nothing very brilliant in the achievement of the Swarajists, but the exposure of the hollowness of the reforms, of the treachery of the very men whom the King and Parliament had commanded to carry the Act in the letter and in the spirit, naturally made the bureaucracy white with rage. Men drunk with a surfeit of autocratic power over life and property, with the tradition of a superior race looking down upon Indians with scorn—such men could ill brook what they regarded as the insolence of the Indian Intelligentsia. That the latter were acting within the constitution and brought about dead-locks through the instrumentality of the reforms was nothing to them. Nothing could be done under the constitution to check the Swarajists. So a campaign was started by the bureaucracy of maligning their opponents and representing them as revolutionists in league with the Third International. From March onwards this campaign of misrepresentation was carried vigorously in India and England where the whole Tory party was soon rallied against what they called the Swarajist menace. Stories were invented of revolutionist plots; "Red Bengal" leaflets were manufactured by agents provocateur, and fathered upon the Swarajists.

Gandhi on his side however devoted himself to three objectives—the securing of Hindu-Moslem unity, the removal of untouchability, and the spread of hand-spinning. These measures have to do with the deeper aspect of independence for India and mean that Gandhi is devoting himself more to preparation for self-government than to immediate accomplishment. The idea is to restore the old autonomy and economic independence of the Indian village. If this should succeed the next move will be non-payment of taxes. But by the middle of the year violent eruption of communal feeling between Hindus and Moslems dashed all hopes of non-violence. And further, on October 25 the bureaucracy suddenly hurled its bombshell against the Swarajists in the shape of a new repressive Ordinance. It was a confession of failure of the constitutional method that Government could now govern only with the help of violence. All basis of non-violence now gone, the only alternative that now remained for Gandhi was to suspend non-co-operation altogether and stick only to khaddar. That became the last phase of the Gandhi movement by the end of the year.

When the Labor party came into the Government of Britain, the old Moderates

hoped much from it; and the Swarajists too had looked askance. But the Labor Premier Mr. MacDonald sent his first message which smelt of broken pledges again. Alas for the words of British statesmen! This Mr. MacDonald and the whole group of Labor leaders, like Messrs. Wedgwood, Ben Spoor, Sidney Webb and others, have ever before been talking of India in a language which excelled even the worst Indian extremist. From the platform of the Labor party these very men had before given pledge after pledge to India guaranteeing Self-Government and denouncing the sort of Tsarism that is running in India. But while actually exercising the reigns of power, they turned traitor to India and passed a repressive ordinance in October which beats any enacted before by the most reactionary Tory Government.

Regarding this Ordinance this is what Sir Sankaran Nair says in an English paper.—

"When the Partition of Bengal by Lord Curzon and the steps taken by Sir Bampfylde Fuller to suppress the protests against it threw Bengal into a ferment, the "agitators" of Bengal were prosecuted before the ordinary civil courts of the country. In the majority of cases the prosecutions failed, because in the opinion of the High Court the case was supported by false witnesses; it was proved that the police were guilty of suppressing true evidence; it was proved that they manufactured evidence in various ways—for example, by placing bullets

Sir Sankaran Nair
on Repression

in incriminating places, and by introducing bombs into the dwelling places of the accused. The High Court found also that certain District Magistrates lent their countenance to police pressure on witnesses, and that Sessions Judges in many cases convicted against the evidence. All this appears in the published reports of the cases which are available to anyone who desires details.

The Indian Government availed themselves of the opportunity of the War to pass the Defence of India Act, which it is now sought to revive. Under this Act the Executive were empowered to intern any person in a particular locality, with the result that he might not be able to carry on his profession; his printing press might be confiscated; any restriction might be laid upon him—thus, for instance, he might be forbidden to make speeches or see any particular person. Under the same Act a man might be arrested and kept indefinitely in jail without being brought to trial. For those who were to be tried new courts were or could be constituted and new laws of evidence or procedure were prescribed.

Under this law terrible harm was done. As many of the persons arrested were never brought before a court of law, it is impossible to say how many were innocent. Many went mad; one notorious instance was brought to the notice of the Legislative Council. Another well known case was that of two Ghosh ladies bearing the same name as another person who was a police suspect; they were arrested, kept in jail, while one of them, I believe, was in a condition which required the most careful treatment, and were ultimately released. The Government expressed regret.

During the war there was no great agitation, but when after the war it was sought to retain this power by passing the Rowlatt Act public indignation knew no bounds, and though the Government passed the Act, they dared not put it in force. One of the first actions of the Reformed Council was to repeal it.

But the mischief was done. The Rowlatt Act, a repetition of the Defence of India Act, was responsible for an agitation unexampled in India. The Punjab, where it was first applied, rose in fury: Amritsar, Lahore, Jallianwala massacres, indiscriminate arrests, trials and convictions which recall the days of Jaffreys in England followed. This Act was one of the two causes of the Non-co-operation movement, India lost faith in England.

It was under these conditions that the Reformed Councils met; there was hearty goodwill on the part of all within the Councils. The Non-co-operators stood outside. The Rowlatt Act was repealed. But a Conservative Secretary of State turned down the unanimous recommendations of the Council, concurred in by the Government of India, for the admission of Indians to the Army. The Viceroy, doubtless on the advice of the Finance Member, imposed a Salt-Tax, a hateful tax, against the will of the Council.

The new Reform Scheme was thus killed by the Secretary of State for India and the Viceroy. The Provincial Governors acted similarly against the spirit of the reforms. The Non-co-operation party were strengthened and recommenced their agitation for Home Rule. The Moderates, discouraged, stood aside.

Then the Labour Party came into power. In India there were great hopes that something would be done. Very few expected Home Rule but the majority expected that some step forward would be taken by a Labour Government, irretraceable by any other party, and that this would in course of time lead to Home Rule. Events have belied these expectations. To us in London it was definitely clear within a few days of Labour's accession to office that the Party were not going to do anything. But no one expected they would go farther and revive a measure which has been responsible for a terrible conflagration and has destroyed England's moral supremacy and Englishmen's influence for good.

This Act, as I have pointed out, would destroy freedom of speech of the Press and of the person. Trials would become a farce. Let the accused persons have a fair trial before the ordinary courts of law under the ordinary laws of evidence and procedure. The Government say that witnesses are terrorised so as to render justice unattainable under the existing law. But witnesses were terrorised by the police before the war so that the High Court was afterwards obliged to acquit the accused.

In order that witnesses may not be terrorised an open trial is not allowed; neither the accused nor his counsel is allowed to see the witnesses; the accused is told by the judges of the charges against him, and he may be told the nature of

the evidence, without the disclosure of names or anything by which the accused could identify the witness before a magistrate may be admitted if the deponent "cannot be found or is incapable of giving evidence," so that if it should not suit the convenience of the police to produce the witnesses, even the judges cannot test their evidence. Such was the Act which has mainly led to the present situation, and it is a similar Act that is to be reintroduced.

The Labour Party had a great opportunity. They have not risen to the occasion. Yet they had ample warning. The future of India is gloomy. The Mahomedans are generally disloyal to England. It was on the insistence of a Mahomedan leader that the Congress recently changed its creed and declared its goal for India to be one of a federation of Free States. The people of the Punjab, the main-stay of the army, are antagonistic to British rule. Bengal is revolutionary. The Mahrattas, with the inherited instincts of a ruling race, are under admirable control and discipline, and very carefully conceal their great love for Britain.

"It is under these conditions that the Labour Cabinet have allowed Lord Reading to throw this flaming torch on such inflammable material. I have been some years of opinion that it is only Indian brains and Indian hands that can keep India within the Commonwealth of English nations, and if the old system is allowed to continue India will have to be governed by Black-and-Tans till the final crash comes."

Through out November the Ordinance was the talk of the day. The methods of the Bastils now adopted by the Government roused universal detestation all over India. Everyone saw through the game and even the worst enemies of the Swarajists saw in the words of the Viceroy nothing but a tissue of lies—*albiet* imperial, and legal, following as they did from an ex-Lord Chief Justice of England. Swarajists or no Swarajist, the Indian people have had too bitter an experience of Police terrorism and arbitrary exercise of executive power in the past to contemplate with equanimity the passage of "lawless laws."

The Nation's Rally

Fullerism in Bengal, O'Dyerism in the Punjab, the Besant internment and Moplah suppression in Madras are matters which generations of Indians will not forget. So it was that even men who did not see eye to eye with the Swarajists, men like Mr. Jinnah, Mr. Sastri, Sir Tej Bahadur Sapru, Mr. B. C. Pal, and others too numerous to mention, all voiced their protest against the new Reign of Terror. But it was Mahatma Gandhi who took the lead of them all. In the first week of November long consultations took place between the Mahatma and other leaders in Calcutta and on November 6th the famous Gandhi-Swarajist pact was issued. What was needed now was a submergence of all petty political differences and to face unitedly this new menace to India's liberty. Mr. Mahomed Ali, the Congress President, next issued a manifesto convening a meeting at Bombay of all political parties to devise means to meet the recrudescence of repression in Bengal. Invitations were accordingly sent to all parties which evoked a ready response except, of course, from the Europeans, and the famous All-Parties Conference met at Bombay on November 21, 1924. The deliberations of this body are given in full on pages 184—196, and need not be here re-counted. Suffice it to say that the Ordinance was unanimously condemned, and an earnest move was set afoot to bring together a political fusion of the sectional parties. The danger of having separate parties on distinct political lines was now apparent, as it made easy for the bureaucracy to take each by turn and then kill it with the least effort.

Early in December Lord Lytton took it upon himself to open a wordy warfare on behalf of the internments, and the Press, both Indian and European, at once danced to the tune: the Europeans with one accord supporting Lord Lytton and keeping up the chorus of anathemas His Excellency chose to hurl at

Lord Lytton's Guilty Conscience

his innocent victims; the Indians too, equally with one voice, uttering vain protests against the gubernatorial effusions;—a plethora of invectives being crossed till it became a shame to read or talk about the controversy. What led Lord Lytton to loosen his tongue after such a long delay—whether it was a case of guilty conscience trying to smother the 'little inner voice', or whether it was another of those antics of statesmanship which afflicts his Lordship and have landed him times before into laughable conundrums—it is difficult to say. But certain it is that British imperial statesmanship is not led by any conscience, and the probability is that

in view of the new Ordinance coming before the Bengal Council on the 7th January next for popular sanction, His Excellency was preparing the ground for its reception, and by show of firmness and strong language was trying by the same stroke to inspire awe amongst those who have ever refused to accept his *ipse dixit* with anything but scorn, and to rally to himself those who out of a timid fear of popular opinion had so far been afraid to come out and give him the support he so much needed.

Some of the utterances of Lord Lytton are so senseless that they cast doubt on the sanity of the man. Thus speaking at the St Andrews Dinner he said; "I came to India in the hope that I might render some small service to the land of my birth, I did not know when I came that it would be my lot to give it the most precious gift which any country can possess, namely freedom for its citizens, living within the law, to speak and act in conformity with their conscience, I did not know that during my term of office Bengal would be deprived of this freedom and that it would be my privilege to restore it."

How brazen-faced to say that Bengalees were depriving Bengal of liberty and he was restoring it!!! Then in answer to the criticism that no weapons were found during the raids, he assures his audience that "the police were mainly occupied with the capture of the members of the conspiracy," and that "was it likely that after the prominence that had been given to the seriousness of the movement, any stock of incriminating material would be kept in the premises?" The police captures men but neglects or forgets the instruments of their crime, and the culprits move away their arms but not themselves! In laying down the conditions on the fulfilment of which he was ready to consider favourably the case of the detainees (see p. 184) he literally blackmailed the members of the Bengal Council. If the Council passes the Ordinance bill, only then he would consider the release of the detainees! This was political blackmail, undue influence, and coercion all rolled into one, and Lord Lytton posed himself as a constitutional Governor "come to give freedom to the land of his birth"! And then, the man in the Governor had yet to show himself. Referring to the question of placing his evidence before a few impartial men he said:—

"The belief that there were men in India, or in any country in the world, who in a matter of acute political controversy were free from any political bias, whose impartiality was unquestioned by any one and whose verdict would be accepted by all, was unfortunately the dream of a visionary and entirely at variance with the realities of life." This dictum of his bespeaks his utter disbelief in that divine dispensation by which all climes and countries have been blessed with men who keep themselves above party strife and serve as beacon lights of rectitude to humanity.

Before his Lordship could descend further down in his slippery path, however, the Viceroy soon came to Lord Lytton's help and for the first time since that fateful October 25 spoke at the European Association justifying the Ordinance (p. 373). It was now about the middle of December, and as usual in every year, the Europeans of Bombay and Calcutta held their annual meetings. An account of these will be found on pages 364—378.

Two notable incidents in connection with the Viceroy's visit at this time to Bombay and Calcutta deserve mention. His Excellency

Insult to the Viceroy reached Bombay on December 2 and in connection with his reception the President of the Bombay Corporation was invited to attend Govt. functions. The loyalist members of the Corporation passed a majority motion asking their Mayor to attend the functions but Mr. Patel declined on personal grounds and resigned his presidentship of the Corporation. This created quite a furore in Bombay but the members of the Corporation had the good sense to re-elect Mr. Patel as their President. Encouraged by the defeat of the nationalists of the Bombay Corporation, a similar motion asking the Mayor to attend Viceroyal functions in Calcutta was pressed by Mr. Wilson at the Calcutta Corporation on Dec. 3rd. After an animated debate, however, the house by 41 to 16 votes carried an amendment asking the Mayor in the name of the people of Calcutta not to attend the Viceroyal receptions, and Mr. C. B. Das, of course, gladly acceded, for he was certainly not the person to lick the hand that strikes him. These two incidents showed the difference of nationalist feeling in Bombay and Calcutta, while the European press raised a dolorous cry that their King's representative was being insulted!

In the last week of December the usual annual meetings of the political parties were held; the Indian National Congress and its associates Conferences at Belgaum, the Liberal Federation at Lucknow, the Muslim League at Bombay. An attempt was made to have all parties meet at Belgaum, either in the Congress or

National Congress & Conferences

outside, but it failed because the Liberals and the Muslim Leaguers had yet a good deal of suspicion and distrust of the Congress and Congressmen, all sympathetic talk to unity notwithstanding. Only Mrs. Besant and some of her followers boldly joined the Congress, but this was with a view to enlisting wider support for Mrs. Besant's National Convention programme. The non-Brahmans too made a response and held for the first time an "all-India" Conference at Belgaum, but here too there was lack of unanimity amongst the diverse non-Brahman parties of Southern India. The National Congress was presided over by Mahatma Gandhi. It had no very great object to achieve except to secure unity within the Congress itself. The larger unity between all other parties had been relegated to the committee of the Bombay "Unity Conference." The question of Hindu-Muslim unity had been handed over to another committee of the Delhi "Unity Conference." And so the immediate task before the Belgaum Congress was to sanction the Gandhi-Swarajist protocol signed on November 6th at Calcutta, and the "Spinning franchise". Both were passed by the Congress by an overwhelming majority, and the interminable squabble between No-Changers and Swarajists raging since Gaya in December 1922 was now definitely laid at rest. It was a great victory for the Swarajists for now they became not only the accredited representatives of the Congress in the Councils but also the dominant section in the Congress itself. It was however the "Spinning franchise", which the Liberals termed as grotesque and unpractical, that kept them away from the Congress. The Liberals at Lucknow devoted considerable time in their subjects committee for the examination of the question of their rejoining the Congress, but they found that so long as non-co-operation or obstruction pure and simple dominated the Congress, and the creed and the franchise remained as it was, it was impossible for Liberals to join the Congress. Some of the high-minded liberals, such as Mr. Chintamani and Mrs. Besant, were willing enough to join, but a great many still remembered with rancour the insults they bore from the non-co-operators of old, who looted and hissed them in public and called them names, such as traitors, race-hunters and Tories, when the liberals, true to their principles, had tried to work the reforms for all that they were worth.

The Muslim League, revived only in May 1924 after a total suspension of four years, held its next session at Bombay under the

The Muslim League

presidency of Mr. Raza Ali. It was the Khilafat movement that had killed it, and its reappearance coincided with the stressing of communal demands on the part of the Moslems during the year, and in this the Leaguers were not opposed as before by the Khilafatists. Indeed a proposal was mooted that the League would look after Moslem interest at home and the Khilafat organisation, or what remains of it, would look after Moslem interest abroad. As a matter of fact there was a tacit understanding between the League at Bombay and the Khilafat Conference at Belgaum, for with only one exception the latter concerned itself with Moslem position outside India; the one exception being the resolution on boycott of foreign cloth which was thought indispensable for the attainment of swaraj. The main question to which both bodies gave great prominence was communal representation. It remains a standing puzzle in Indian politics that, barring those who act as willing pawns in the hands of the bureaucracy, even the most go-ahead Moslem nationalists, men unequalled in their intellectual embellishment, cannot but swear by communal representation. The League president spoke long on it; and even the Khilafat president, Dr. Kitchlew, did the same. The Moslem is unanimous in undoing the Lucknow pact, and to have more extensive share in services and public bodies simply on a population basis. To this all non-Moslems in India are strongly opposed, not on selfish or interested grounds but because the proposition itself is so outrageously anti-nationalistic that it is feared that it will readily yield in the hands of an interested third party as an instrument of destruction of Indian nationalism. So it has proved in the past, and so it is bound to prove in the near future, breeding discord, disharmony and distrust where none exists at present.

The other minor issues raised in these annual Conferences need no mention in this rapid survey; they are fully given in the last section of this volume. A detailed Chronicle of Events of the last six months of the year is given in the following pages.

Chronicle of Events.

July 1924

- 1 July '24 Defamation case by Mr. Painter against the *Bombay Chronicle* opened in the Bombay High Court. This was an example of the new method employed by officials to threaten the freedom of the press.
- 3 July '24 Bengal Ministers' Affair: Mr. J. M. Sen Gupta made an application at the Calcutta High Court against the President, Bengal Council, to disallow the motion on the agenda of forthcoming Council meeting for the supplementary demand of Bengal Ministers' salaries.
- 4 July '24 Poona Municipality in defiance of Govt. order decided to erect the late Mr. Tilak's statue in the municipal market.
At the Cal. H. Court another suit was filed against the President and the Ministers for an injunction restraining the President from putting before the Council the motion on Ministers' salaries (p. 206.)
Lord Hardinge, H. H. the Maharaja of Bikaner and Sir Muhammad Rafique nominated Indian Delegates to the League of Nations.
- 7 July '24 Bengal Ministers' case: Calcutta High Court granted injunction against President, Bengal Council (p. 208). Governor of Bengal then declared that the Legislative Council shall stand prorogued.
- 11 July '24 Bengal Council Affair: In connection with the injunction, the Crown now filed an appeal before the Chief Justice.
- 13 July '24 S. G. P. C. Amritsar, stopped sending daily Jathas of 25 to Jaito (which they had been sending for the last one year) from this day.
Communal fracas at Nagpur, Delhi and other places on Bakrid day.
- 14 July '24 Hon. Chaudhuri Lal Chand, Minister of Punjab, unseated for procuring votes by false personation.
- 15 July '24 Communal fracas in Delhi: Fighting recommenced in Delhi between Hindus and Muslims in spite of Police precautions; in Nagpur also the after-math of *Bakrid* went on from bad to worse day by day.
- 17 July '24 The Indian Colonies Committee having concluded their work had a farewell interview with Lord Olivier at the India Office.
- 19 July '24 Rumour of Mr. C. R. Das visiting England was raised by Col. Howard Bury in the Commons, replying to which Prof. Richards said that he had no information.
- 21 July '24 In the House of Lords Viscount Peel drew attention to the affairs of India, and dwelt on the Lee Report: an important debate then followed which was not concluded in this day but was taken up again on the 31st (p. 283 & 313).
A *Gazette of India Extraordinary* announced that an amendment had been made to the Indian Legislative Rules with sanction of the Secretary of State for India permitting a rejected grant to be brought up as a supplementary demand (p. 215).
Bombay Legislative Council: Autumn Session opened by the Governor. Indian Mercantile Marine Committee's Report issued (p. 33).
- 22 July '24 Bengal Council affair: Appeals and counter-appeals in the High Court all quashed in consequence of the new legislative rules.
- 27 July '24 Replying to Sir Charles Yate the Premier said in the Commons that the Government could not find time for the former's motion to revoke the censure on General Dyer (p. 311). Sir Charles Yate pressed the Govt. to suspend all the Councils in India and scrap the reforms.
- 28 July '24 Bombay Council: Mr. Nariman's motion for an adjournment of the House to consider the new legislative rules regarding supplementary grants was defeated by 43 votes to 51 (p. 237).
A new Political Party called the Punjab National Unionist Party formed in the Punjab Legislative Council. The creed of the party was to work out the Reforms Scheme.

- 30 July '24 Bombay Legislative Council: Mr. Jog's resolution recommending the release of Mr. Devaker of Dharwar was carried in an amended form. Calcutta Corporation decided by 89 votes against 18 not to pay the European officers salary while on duty at the Auxiliary Force training camp.
- 31 July '24 Bombay Legislative Council: Mr. Saptarshi urged the Government for a declaration of total prohibition of the drink traffic.
- Debate in the Lords on India finally concluded (p. 317).
Viscount Chelmsford announced that the Government had left it to the full discretion of the Government of India to enforce law and would support it in action if necessary for quelling the revolutionary movement.

August 1924

- 1 Aug. '24 In Britain: A joint Labor deputation representing the Trade Union Congress and the National Labor Party waited on Lord Olivier that everything should be done to honour the pledges given to India.
M. Gandhi arrived at Delhi to settle Hindu-Moslem tension.
Bombay Legislative Council: *Re.* Mr. Saptarshi's motion for total prohibition of liquor traffic Mr. Surve's amendment fixing 20 years as the time limit of total prohibition was carried (p. 239).
Assam Council carried a resolution to postpone consideration of the Lee recommendations until the question of constitutional change was finally disposed of (p. 232c).
- 2 Aug. '24 First meeting of the Gujerat Shiksha Parisad at Ahmedabad under M. Gandhi who delivered an address on the future of national schools. Resolutions were passed fully endorsing M. Gandhi's principles of non-co-operation, non-violence, spinning etc, etc.
- 4 Aug. '24 Reforms Enquiry Committee began its sittings at Simla to settle preliminaries (p. 4).
Hon. Sir A. P. Patro at Guntur made a long and important pronouncement on the Reforms, criticising its defects and denouncing the autocracy of the reserved half and the failure of dyarchy.
- 7 Aug. '24 The Kenya Question: Mr. Thomas made an important statement in the Commons on this (see p. 321).
Reforms Enquiry Committee: Mr. Chitnavis, the first public witness, was examined (p. 40i).
- 8 Aug. '24 Reforms Enquiry Committee: Mr. N. K. Kelkar was examined at great length on this and the following day (p. 40ii).
- 12 Aug. '24 The Working Committee of the All-India Congress Committee appointed Messrs. Gandhi, Muhammad Ali, Malaviya, Bhagvandas and Kitchlew to take up the question of Hindu-Muslim Unity to the exclusion of all other problems.
Mr. Hasrat Mohani released from gaol.
- 13 Aug. '24 Reforms Enquiry: Messrs. Gokaran Nath Misra and Hirdaynath Kunzru were examined on behalf of the U. P. Liberal Association (p. 41).
- 16 Aug. '24 General Council of the All-India Swarajya Party met at Calcutta. The All-India Swarajya Party Conference opened in Calcutta on this day (p. 133).
- 18 Aug. '24 Reforms Enquiry Committee: Mr. C. Y. Chintamani submitted lengthy memorandum and gave very important evidence against Dyarchy (p. 46).
Madras Council opened by Governor (p. 274).
Akali Jatha: The tenth Shahidi Jatha of 500 Akalis which reached Jaito on the evening of the 18th and another batch of 500 which reached Bhai Pheru a day before that, peacefully arrested.

- 18 Aug. '24. Bengal Legislature: Motion and interpellations by Bengal Councillors regarding Lord Lytton's insult to Indian women disallowed by the President of the Council.
- 19 Aug. '24. Bombay University Convocation opened by H. E. Governor of Bombay. *Anent* Lord Lytton's insult to Indian Womanhood overflow meetings held in Calcutta with Mrs. Sarojini Naidu as president; resolutions and indignant speeches were made denouncing Lord Lytton.
- 21 Aug. '24. Madras University Convocation opened.
- 22 Aug. '24. Tarkeswar Affair: Satyagraha movement at Tarkeswar culminated in a serious riot necessitating the Police to open fire.
- 25 Aug. '24. Tagore—Lytton Correspondence on Lord Lytton's indiscretion *vs.* his insulting language on Indian Women published.
Madras Council carried a motion that the Lee proposals should not be given effect to in that province (p. 276).
- 25 Aug. '24. The Reforms Enquiry: Mr. Jamnadas Dworkadas gave evidence on behalf of the National Home Rule League (p. 56i).
- 26 Aug. '24. Mrs. Deep Naram Singh gave evidence claiming the right of Women to admission into Councils (p. 56ii).
Ahmedabad Municipality presented an address to M. Gandhi.
Bengal Legislative Council: By a majority of two votes the demand for Ministers' salaries was again refused by 68 to 66 votes (p. 227).
Lord Olivier's despatch to the Govt. of India on the infamous McCardie judgment published (p. 23).
- 27 Aug. '24. Reforms Enquiry: Rao Bahadur Chitale was examined on behalf of the Bombay Presidency Association.
Bengal Legislative Council prorogued after another Government defeat (p. 232).
Behar Council passed a resolution against giving effect to recommendations of the Lee Commission (p. 247).
Bombay Municipal Corporation presented an address to M. Gandhi.
National Council of the Independent Labor Party in England passed a resolution urging that a conference of representatives of the various parties in India should be summoned to prepare a scheme of Indian Self-Government to be discussed with British Government with a view to its immediate application.
- 28 Aug. '24. Reforms Committee—Sir Frederick Gauntlett gave evidence (p. 56iii).
In the Burma Council Nationalist motion demanding autonomy for Burma and provincialising of Services was carried by a large majority including the Ministers.
- 30 Aug. '24. Reforms Enquiry Committee examined Mr. N. M. Joshi and Mr. Dalvi on behalf of the Bombay Presidency Association (p. 64) and then adjourned for a month and a half.

September 1924

- 3 Sep. '24. Council of State and Legislative Assembly opened (p. 65).
Government of India circularised for eliciting public opinion and the opinions of local Governments, draft Bills on the registration of trade unions and the settlement of trade disputes.
S. G. P. C., Amritsar, issued communique explaining the reasons for the failure of the Birdwood negotiations (p. 198).
- 5 Sep. '24. An "Independent Party" formed in the Assembly with Mr. Jinnah as president.
- 8 Sep. '24. U. P. Legislative Council: Rai Bahadur Sitaram's motion that the Lee recommendations should not be given effect to was passed (p. 268).

- 9 Sep. '24 Council of State: Sardar Jogendra Singh's resolution on the Sikh question was discussed and withdrawn (p. 119).
- 10 Sep. '24 Debate on the Lee Report in the Assembly: After Sir Alexander Muddiman's motion on the Lee proposals Pandit Motilal Nehru moved his amendment on behalf of the Nationalist Party (p. 72).
At the Trade Union Congress, England, Mr. Purcell referred to industrial conditions in India as an unspeakable horror, and observed that political changes should be conditional upon certain necessary and overdue industrial conditions being put into operation simultaneously.
- 11 Sep. '24 Legislative Assembly: Debate on the Lee Report continued, Sir B. N. Sarma moved an addendum with regard to the Medical Services. Sir P. S. Sivaswami Aiyar urged the stoppage of British recruitment (p. 80).
Council of State: Sir M. Dadabhoj's resolution regarding an annual provision for the redemption or avoidance of public debt was carried in an amended form (p. 122).
Cotton Excise Duty: A representative public meeting in Bombay under the auspices of the Mill-owners Association passed a resolution urging the Governor-General-in-Council to take early steps to abolish the Cotton Excise Duty.
- 12 Sep. '24 Legislative Assembly carried Pandit Motilal Nehru's amendment on the Lee Report by 68 votes to 46 (p. 88).
Free Hindu-Moslem fight began in the streets of Lucknow (p. 29).
- 14 Sep. '24 Shahidi Jatha from America arrived in Calcutta and left for Amritsar next day.
- 15 Sep. '24 Council of State: Govt. resolution for adoption of Lee proposals discussed and passed on the next day (p. 125.)
- 16 Sep. '24 Assembly: Dr. Gour's motion for repeal of Part II of Cr. Law Amend. Act carried against Govt. (p. 91).
- 17 Sep. '24 Assam Council opened by H. E. the Governor (p. 232).
Assembly: Debate on Separation of Railway Finance (p. 98).
- 18 Sep. '24 Mahatma Gandhi began his 21 day's fast as a penance for Hindu-Moslem quarrels and issued an appeal for unity (p. 147).
Assembly: Debate on Taxation Enquiry Committee (p. 104).
- 19 Sep. '24 Govt. of India announced appointment of a Coal Commission and its terms of reference.
- 20 Sep. '24 Assembly adopted amended resolution on Separation of Railway Finance (p. 102). Supplementary grants voted without opposition.
- 22 Sep. '24 Council of State passed Sirdar Jogendra Singh's resolution for the appointment of Indians on the Railway Board (p. 131).
Assembly passed Mr. Jinnah's amendment on Taxation Enquiry after defeating Govt. (p. 109).
- 23 Sep. '24 Council of State prorogued after official business (p. 132).
Assembly passed, defeating Govt., final reading of Dr. Gour's Bill to repeal the Crim. Law Amend. Act, Part II (p. 110).
Assam Council passed the elected President's Salary Bill at Rs. 500/-
Tarakeshwar Satyagraha came to an end; the Mohunt abdicated and a settlement reached between Mr. Das and the Mohunt regarding the management of the temple and shrines.
- 24 Sep. '24 Assembly passed against Government a motion to repeal the Cotton Excise duties (p. 114). Assembly then prorogued.
- 25 Sep. '24 Announcement made that Sir Dadiba Dalal, Indian High Commissioner in London, had resigned owing to strong differences with the India office officials who wanted to hoodwink him in foisting certain costs at Wembley on India and in the matter of the purchase of stores.

- 26 Sept. '24 "Unity Conference" opened at Delhi attended by 300 All-India delegates including the Metropolitan of India (p. 149).
- 30 Sep. '24 Provincial Sikh Sudhar Committee held its first general meeting at Amritsar and proposed to send a loyal Jatha to Jaito to complete the Akhand path (p. 200).

October 1924

- 1 Oct. '24 "Unity Conference," Delhi, in open session passed resolutions adopted by the subjects committee (p. 155)—concluded on the next day.
- 6 Oct. '24 Annual General Meeting of the Anglo-Indian and Domiciled European Association at Calcutta; a resolution was passed saying that "India was our motherland" and sought co-operation with Indians (p. 364).
- 8 Oct. '24 M. Gandhi broke his fast; the ceremony was conducted in a solemn and impressive manner after Hindu, Muslim and Christian prayers (p. 160).
- 9 Oct. '24 Indian Railway Conference opened in Simla by H. E. the Viceroy who reviewed the work done by the Railways hitherto in uniting India and conducing to the economic prosperity and the development of trade and industry in the country.
- 10 Oct. '24 Madras Council opened for October session mainly for the passage of the Irrigation bill (p. 277).
- 11 Oct. '24 Seventh Non-Brahman Confederation opened at Madras under Dewan Bahadur M. Krishnan Nair as President; a section of independent non-Brahmins, not belonging to the Ministerial party, under Sir K. V. Reddy boycotted the meeting showing a split in the camp.
Second session of the Berar Liberal Conference opened, Sir M. V. Joshi who presided, referring to the question of the restoration of the Berars to the Nizam, pointed out that the people wanted Swaraj of a democratic kind and not a one-man rule.
- 12 Oct. '24 At Saidapet (Madras Presy.) Moslem pilgrims broke out into a riot and indulged in wanton attack on Hindus.
- 13 Oct. '24 The Bombay Council: October session opened; second reading of the Children's Protection Bill passed (p. 239).
- 15 Oct. '24 Mr. Baldwin, during his elctioneering campaign in the Queen's Hall, London, referred to India in a fiery and threatening speech (p. 287).
- 16 Oct. '24 Reforms Enquiry Comm. reassembled and examined Sir P. C. Mitter (p. 57).
- 17 Oct. '24 Sir Purshottamdas Thakurdas, representative of the Indian Merchants, Bombay, gave evidence before the Reforms Committee (p. 58).
- 18 Oct. '24 Mr. Fazl-ul Huq, in his evidence before the Reforms Committee, said he would rather go back to the pre-reform days.
Andhra political and other conferences opened on this and the following days.
- 20 Oct. '24 Bombay Council finally passed the Children's Protection Bill.
Jatha of the Sikh Sudhar Sangat completed the Akhand Path at Gurdwara Gangasar (p. 201).
- 21 Oct. '24 Giving evidence before the Reforms Committee, Sir Chhimanlal Setalvad exposed the working of Diarchy in Bombay (p. 60).
- 23 Oct. '24 Before the Reforms Committee, Sir Abdur Bahim opposed further advance and was against transferring more subjects (p. 62.)
- 25 Oct. '24 Repression in Bengal started by sensational raids, house-searches, arrests without warrant in Calcutta and many mofussil districts. Messrs. Subhas Bose, Anil Roy, and 50 other Congress Secretaries and office-bearers arrested (p. 160b).
Ordinance I of 1924 promulgated. Great commotion created all over India over these indiscriminate arrests (p. 162).

28. Oct. '24 Viceroy refused M. Gandhi permission to visit Kohat to restore neighbourly relations between the Hindus and Muhammadans (p. 81).
- 29 Oct. '24 Terrorism in Bengal; Calcutta Corporation adopted resolution declaring complete confidence in Mr. Subhash Chandra Bose, and recording its emphatic condemnation of the action of the Government (p. 174).
- 31 Oct. '24 Indian Association wired to Viceroy protesting against the Ordinance; a largely attended meeting was held in the Town Hall in Calcutta under Sir Nilratan Sircar to protest against the new Ordinance (p. 177).

November 1924

- 1 Nov. '24 Public meetings held in all big towns of Bengal and the Punjab passed resolutions protesting against the new repressive policy of the Government. Hartal was observed in Calcutta.
U. P. Political Conference held in Gorakhpur with Mr. Tandon as President condemned repression and made a bid for independence.
- 3 Nov. '24 Karachi Municipality rejected proposal to present an address of welcome to the Governor of Bombay.
- 4 Nov. '24 Mr. MacDonald resigned and Mr. Baldwin became Tory Premier. M. Gandhi's conference with the members of the All-India Swaraj Party held on this and following days (p. 184i) in Calcutta.
- 6 Nov. '24 The Gandhi-Swarajist Pact issued from Calcutta (p. 184i).
- 10 Nov. '27 Punjab Council opened with an important speech by the Governor. Premier Mr. Baldwin laid down his Indian policy in a speech at a London Guildhall Banquet (p. 287).
- 18 Nov. '24 In a note in '*Young India*' M. Gandhi approved of the Gaya resolution repudiating India's public debts incurred by the Govt. after 31-12-22.
- 16 Nov. '24 Members of the Nationalist and Swarajya Parties held joint meeting in Calcutta and decided that they should oppose at every stage the passage of the Bengal Ordinance bill in the Council.
- 17 Nov. '24 Lord Reading opened the annual session of the Chamber of Princes. Conference of the Finance Members of Provincial Governments met at the Imperial Secretariat under the presidency of Sir Basil Blackett to discuss taxation proposals.
- 20 Nov. '24 Council of the National Liberal Federation held in Bombay passed resolution condemning the Ordinance (p. 184iii).
- 31 Nov. '24 All-Parties Conference opened at Bombay. M. Gandhi moved a resolution that a Committee should be appointed by the Conference to consider the best way of re-uniting all political parties in the Congress (p. 185).
- 22 Nov. '24 All-Parties Conference condemned Bengal Ordinance (p. 189).
- 23 Nov. '24 All-India Congress Committee at Bombay passed resolution moved by M. Gandhi approving of the Calcutta Pact (p. 195).
- 24 Nov. '24 Reforms Enquiry Committee reassembled under the presidency of Sir Alexander Muddiman to discuss the draft report.
Lord Lytton at Malda made his first public pronouncement in support of his policy of repression (p. 181).
- 25 Nov. '24 Punjab Government authorised Mr. Emerson and Mr. Puckle to meet Sikh members of the Council to draw up a Gurdwara Bill. (p. 208).
- 26 Nov. '24 Government of India published a resolution relating to the Tata Steel Company's claim for further protection (p. 38).
- 28 Nov. '24 *Gazette of India* published a new rule to be added to Rule 10 of the Legislative Council Rules of every Province, providing for certification of a Bill by a Governor. (p. 22).

- 28 Nov. '24 Lord Lytton made further references to the Bengal situation at the St. Andrews dinner (p. 181).
Sir Chimanlal Setalvad communicated to the Press a long reply to the statement presented by Sir Maurice Hayward to the Reformers Enquiry Committee rebutting Sir Chimanlal's charges.

December 1924

- 1 Dec. '24 Bombay Corporation by 50 to 47 votes asked their President, Mr. V. J. Patel, to join state functions in connection with the forthcoming Viceroy's visit. Mr. Patel subsequently resigned in protest. Mr. C. R. Das gave up his whole estate including his house and all worth Rs. 8 lakhs to charitable trusts for the poor.
- 3 Dec. '24 Calcutta Corporation refused permission to the Mayor, Mr. C. R. Das, to attend the state functions in connection with the Viceroy's forthcoming visit to Calcutta.
- 5 Dec. '24 Lee proposals accepted by Govt. so far as it related to Chapters 6, 7 and 8 of the Lee report, relating to pay and pensions, and also Chapter 5, bearing on Indianisation (p. 21).
- 7 Dec. '24 Speaking at the Punjab Political Conference at Lahore M. Gandhi said that he was deeply thinking of a new plan by means of which they would be called upon either to attain Swaraj or lay down their lives.
Mr. Das's 'Swaraj Week' in Calcutta started for propaganda and funds.
- 8 Dec. '24 Government of India resolution on the Kohat riots issued (p. 27).
- 9 Dec. '24 New Parliament opened; the King's Speech had no mention of India. Punjab Khilafat Conference passed resolutions condemning British action in Egypt, and urged M. Gandhi to persuade Hindus to accept communal representation on a proportionate basis in the Councils, Local Bodies and Services.
- 10 Dec. '24 Speaking at the European Association the Viceroy referred to the Bengal Ordinance, and said that it was not directed against the Swarajists (p. 378).
Some 80 members of the Sikh Sudhar committee waited upon Governor of Panjab on the question of the Gurdwara bill (302).
- 15 Dec. '24 Associated Chambers of Commerce in Calcutta opened by His Excellency the Viceroy (p. 379) for their session.
Another Shahidi Jatha of 500 Akalis left Amritsar for Jaito.
Replying to Mr. Thurtle in the Commons, Earl Winterton said that Mr. S. O. Bose was a State prisoner and there was no intention of trying him; there was no limit under Regulation III of 1818 to the time a man might be detained without trial.
- 16 Dec. '24 Communiqué issued explaining the statutory rules made by the Secretary of State in regard to the Lee recommendations on overseas pay. Sir Arthur Froom, at the Bombay European Association emphasised the need for Europeans working side by side with Indians (p. 368).
- 17 Dec. '24 British Committee on Indian Affairs, London, adopted a resolution urging the immediate withdrawal of the Bengal Ordinance and the trial of the persons detained, if necessary, in accordance with the ordinary law.
- 19 Dec. '24 Mr. John Scurr moved the adjournment of the Commons to draw attention to the Bengal Ordinance, and said that the Government's action would encourage both assassination and terrorism.
- 22 Dec. '24 Chief Commissioner of the North-West Frontier Province issued a communiqué setting out the facts in regard to the negotiations for a settlement between the Hindus and Muhammadans of Kohat (p. 31).

- 26 Dec. '24 The thirtieth session of the Indian National Congress opened in Belgaum; M. Gandhi read his Presidential Address. Mr. C. R. Das then moved the resolution endorsing the Gandhi-Swarajist Pact which was put to vote and carried (400).
The All-India Liberal Federation began its session at Lucknow.
The text of the new Bengal Criminal Law Amendment Bill to be moved in the Bengal Legislative Council on the 7th January published.
- 27 Dec. '24 Sir Sankaran Nair presided over the All-India Social Conference in Belgaum (p. 516).
- 28 Dec. '24 The All-India Congress Committee held discussion on several important resolutions, the first among which was a motion on the death of M. Lenin (p. 437).
All-India Non-Brahman Conference opened at Belgaum (p. 499).
- 29 Dec. '24 The All-India Conference of Indian Christians passed resolutions welcoming the Unity Conference at Delhi, and responded to Pandit Motilal Nehru's invitation to participate in the All-Parties Conference. 36th session of the National Social Conference was held in Lucknow when, for the first time, an animated discussion was raised on the question of divorce among Hindus!
- 30 Dec. '24 All-India Muslim League opened its sixteenth annual session in Bombay (p. 472).
The Indian States Conference held in Belgaum passed a resolution appealing to Indian Princes and Chiefs to establish in their territories popular representative institutions with a view to the inauguration of Responsible Government (p. 494).

It now remains to mention how the foreign Govt. has helped itself to more money and power at India's expense. With the advent of the Conservative Govt. in Whitehall a shadow of impotence and despair has overspread the political horizon. So long as Labour was in office great hesitancy marked the action of the Govt. in regard to the outrageous proposals of the Lee Commission. But when the Tories, who had engineered the Lee Commission and thrust it not only upon an unwilling people but also against the protests of the Govt. of India, came back to power in November 1924 they at once proceeded to deprive the legislature of even the little existing power to vote on the allowances of the Services. The 'Imperial Services' have ever been the scourge of India. They sit not only vampire-like over the vitals of the country sapping all its life blood, but they are the people who have time after time destroyed or nullified the little good things that Britain promised to India. From the Queen's Proclamation down to the Reforms Act, every promise, every pledge, that the King and Parliament of Britain made to India has been circumvented and broken in spirit by these men. It was to transfer power partly from their hands that the Reforms Act was passed. But their conspiracy from the very beginning to break the very spirit of the reforms has now thoroughly succeeded. On December 5 a communique was issued, as given below, which secured to the alien bureaucrat everything and even more than he wanted. The "Civil Servants" are now looking forward to effect being given to another reactionary report of the Reforms Enquiry Committee to tighten their grip on India wherever it is loose. The work of going back on the reforms, begun in 1923 by the appointment of the Lee Commission, is now going apace, and the Reforms Committee, appointed under a Labor Govt, to find means to expand the scope of the reforms, will under the new Govt, assuredly recommend for a greater grip of the Services over the machinery of Government.

The communique of December 5 says:—

"His Majesty's Government, in general agreement with the Government of India, have accepted the substance of the recommendations contained in Chapters 6, 7 and 8 of the Report of the Royal Commission on the Public Services for the improvement of pay and pensions and the grant of free passages to the Superior Civil Services. To these recommendations effect will be given from the 1st April, 1924, as recommended by the Commission.

"In two important respects they have decided to depart from the proposals made in these chapters of the report. The Commission proposed that enhanced pensions should be granted to holders of certain high appointments. This proposal His Majesty's Government, in agreement with the Government of India, have found themselves unable to accept. Secondly, there arose a division of opinion in the Commission as to whether the proposed privilege of remitting overseas pay at 2s. to the rupee should be extended to officers holding select appointments above the time scale. It has been decided to grant to such of those officers as are in receipt of pay not exceeding Rs. 3,000 a month a monthly sterling addition of £13 6s. 8d., subject to recommendations by the Government of India as to particular posts to be so treated.

"It is the intention of His Majesty's Government that concessions sanctioned for officers appointed by the Crown or the Secretary of State should be in the same position as their permanent salaries, i.e., should not depend on recurring votes of the Legislatures in India, and a Bill for such amendment of the Government of India Act as may be required will be brought as early as possible in the present Parliamentary session.

"Statutory rules under the Government of India Act are required to give effect to these decisions. Rules are now being framed and will be issued very shortly.

"His Majesty's Government have also decided to accept generally the recommendations in Chapter 5 of the Report as to the rate at which Indian recruitment for certain Services should be carried out. They have also decided to transfer to the Government of India the duty of making appointments to certain Central Services and to transfer to Local Governments that of making appointments to the Services operating only in Transferred departments, as recommended in Chapter 2. The consideration of other proposals in the Report will be completed without avoidable delay."

On the 16th December a further notification said that "the Secretary of State has now made statutory rules giving effect to the decisions regarding pay, passages and pensions. Copies of these rules are expected to reach India about the end of December, or the beginning of January.

"(2) The rules provide for the payment of overseas pay in sterling to the following classes of officers :—

(a) Officers on the time scale or in the selection grade of the Services enumerated below who, at the date of their appointment, had their domicile elsewhere than in Asia.

(b) Officers other than those included in (a), who are entitled, under existing orders, to overseas pay and who belong to any of the Services numbered 1 to 10 during such period as they may have either a wife or child in Europe.

(c) Officers holding certain posts outside the time scales or selection grades of these Services who would be entitled, under (a) or (b), to overseas pay in sterling, if they were on the time scales or in the selection grades.

The posts referred to in (c) include, with a few exceptions, all posts in those Services the present pay of which does not exceed Rs. 3,000 a month. As a rule sterling overseas pay becomes payable only from the commencement of the 5th year of Service. In class I of the Survey of India, it is payable from the 8th year of army service, and in the Mines Department it is payable from the 1st year of service.

"(8) Sterling overseas pay will be paid by the High Commissioner in London, and before he can make payments it is necessary that every officer should intimate the name and address of the banker or agent in England whom he authorises to receive payments on his behalf. Such intimation should be made at once by every officer who claims to be entitled under the rules to overseas pay in sterling to the Audit Officer who audits his pay, and the audit Officer will transmit the

information to the High Commissioner. As payments in London cannot be made until this information has been received from officers, it is most desirable that the information should reach the Audit Officers as early as possible, and in any case not later than the 1st January, 1926.

"(4) Officers, who claim under Para 2 (b) to be entitled to overseas pay in sterling on the strength of having a wife or child in Europe, are required to satisfy the Commissioner for India on this point. Such officers, therefore, when reporting to the Audit Officer the name and address of the banker or agent authorised to receive payment on their behalf in England, should also state the basis of their claim and full particulars in support of it for transmissions to the High Commissioner.

"List of Service : (1) Indian Civil Service, (2) Indian Police Service, (3) Indian Forest Service, including Forest Engineering, (4) Indian Service of Engineers, (5) Indian Medical Service (Civil), (6) Indian Educational Service (Men's branch), (7) Indian Agricultural Service, (8) Indian Veterinary Service, [9] Superior Telegraph Engineering Branch, [10] State Railway Engineers [I. S. E.], [11] Indian Audit and Account Service, [12] Military Accounts Department, [13] Mint and Assay Department, [14] Imperial Customs Service, [15] Wireless branch of the Post and Telegraphs Department, [16] Geological Survey of India, [17] Indian Meteorological Service, [18] Locomotive and Carriage and Wagon Departments [State Railways], [20] Archaeological Department, [21] Zoological Survey of India, [22] Class I of the Survey of India, [23] Ecclesiastical Department, [24] Political Department, [25] Mines Department."

With these general proposals for the benefit of the European Services may

New Legislative Rules

be compared the attempts made from time to time to limit the elasticity of the Reforms Act. The misuse of the Rule-making powers which Parliament under the guidance of Mr. Montagu thought fit to entrust to the Indian Government now ran apace. The alterations made in the Indian Legislative Rules in March 1924 (see Vol. I, p. 537) were designed to add to the certificate powers of the Viceroy in order to make them more effective than the constitutional Statute intended them to be. They were also intended to afford an uncontrollable Government repeated opportunities in the Assembly of re-opening matters settled already so as to give them exclusively the chance of correcting their own mistakes and of trying another chance. A further alteration was made on July 21st under circumstances detailed on pages 208-15

Under the existing rule, the Government cannot bring a demand for supplementary or additional grants except in two cases, that is, where the grant voted is insufficient for the service, and when a new service not contemplated in the Budget is found necessary. The terms of Clause (1) of Rule 50 of the Indian Legislative Rules, which are bodily incorporated into the Provincial Legislative Rules as well, are express and mandatory in their nature. The Government soon found however that occasions arise when, having failed to carry the legislature with it in its first attempts to secure a grant, it may, by subsequent private negotiations with individual member or parties, by cajolery, coaxing, threats etc, find itself able to secure assured support if only the demand which was first refused could be re-submitted. The existing Rule 50 of the Indian Legislative Rules and its counterpart Rule 32 of the Provincial Legislative Rules do not permit re-submission of a refused demand in the same year. Hence the additional rule (see p. 215).

Then again, on November 28th the "Gazette of India" published a new rule to be added to Rule 20 of the Legislative Council Rules of every Province. It provides, *inter alia*, for the procedure on the recommendation and certification of a Bill by the Governor. It runs :—"No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member in charge of the Bill, and no motion that a Bill be referred to a select committee or be circulated or re-circulated for the purpose of eliciting opinion thereon shall be made by any member other than the member in charge, except by way of amendment to a motion made by the member in charge.

"For the purpose of this rule "member in charge of the Bill" means, in the case of a Government Bill, any member acting on behalf of the Government, and in any other case the member who has introduced the Bill.

THE MCCARDIE JUDGMENT

23

'Where (a) a dilatory motion has been carried in respect of a Government Bill, or (b) the Council refuses to take into consideration or to refer to a select committee, or to pass any Government Bill, and thereafter the Governor recommends that the Bill be passed in a particular form, a motion may be made for leave to introduce the Bill in that form, and where such recommendation has been made in the case referred to in Clause (a) the Bill, in respect of which the dilatory motion has been made, shall be deemed to have been withdrawn.

'Where a Bill has been introduced after a recommendation under sub-rule (1), any motion may, subject to the provisions of these rules, be made in respect of the Bill, notwithstanding that such motion raises a question substantially identical with one on which the Council has already given a decision in the same session.

'For the purpose of this rule and of Rule 20 C., a "dilatory motion" means a motion that a Bill be referred to a select committee, or that it be circulated for the purpose of eliciting opinion thereon, or any other motion, the effect of the carrying of which will be to delay the passage of a Bill.

'A recommendation or certification in respect of any Bill by the Governor under Section 72 E. of the Government of India Act may be made by a message, and shall be communicated to the Council by the President, and shall be endorsed on the Bill.

'No dilatory motion shall be made in connection with a Bill, in respect of which a recommendation has been made (hereinafter referred to as a recommended Bill) without the consent of the member in charge of the Bill, and if any such motion has been made, but has not been carried prior to the communication to the Council of the recommendation, such motion shall not be put to the Council.

'Where during the passage of a Bill the Governor makes a recommendation in respect thereof, and any clause of the Bill has been agreed to, or any amendment has been made in a form inconsistent with the form recommended, the member in charge of the Bill may move any amendment which, if accepted, would bring the Bill into the form recommended.

'Where the Council refuses to take a recommended Bill into consideration, or makes any alteration therein, which is inconsistent with the form recommended, or refuses to agree to any alteration or amendment, which if accepted would bring the Bill into the form recommended, the President shall, if so requested by the member in charge of the Bill, endorse on the Bill a certificate to the effect that the Council has failed to pass the Bill in the form recommended.

'Subject to the provisions of this rule, and of Rule 20B., the ordinary procedure of the Council in regard to Bills shall, so far as may be possible, apply in regard to recommended Bills."

A matter in which Lord Olivier acted in a manner satisfactory to Indian sentiment may be mentioned here. In the notorious O'Dwyer-Nair case, it will be remembered, Mr. Justice McCardie had passed strong strictures against the mild action that the Govt. of the day had taken against Genl. Dyer of Jhailanwalla fame. (See Vol. I. p. 786-92) This had been so outrageously impertinent that a debate had been raised in the House of Commons (see Vol. I. p. 788) and some Labour M. Ps. sought to move a motion of censure on Justice McCardie. As Indian sentiment was sorely exercised over this affair, the Labour Secretary of State issued a despatch to the Govt. of India on 6th July 1924. The despatch of Lord Olivier runs:—

"My Lord, I have no doubt that Your Excellency's Government have read the reports contained in the public press of the trial of the action O'Dwyer V. Nair and have observed the remarks made by the Judge, particularly on the 2nd May and the 5th May and in his summing up to the Jury on the 4th and 5th June regarding the actions of General Dyer at Amritsar in April 1919. Mr. Justice McCardie expressed his view that General Dyer acted rightly and that he was wrongly punished by the Secretary of State for India. This expression of opinion upon a point for a judgment upon which all the materials were not

CHRONICLE OF EVENTS

available to the court and in a case in which the Secretary of State, who was criticised and condemned, was not a party, has been dealt with by the Prime Minister in the House of Commons in answers, of which I enclose copies for your information and His Majesty's Government do not propose to comment further on it in its more personal aspect.

"But it has a wider aspect and raises a general question of grave public importance. For Mr. Justice McCardie's deliberate condemnation of the action of His Majesty's former Government with the remarks which fell from His Lordship at the earlier stages of the trial might lead to the inference that one of His Majesty's Judges hold views regarding the use of force when military action is invoked in support of civil authority which are at variance with those which have hitherto been accepted by His Majesty's Government and upon which the existing orders on the subject are based. Whether or not this inference is correct His Majesty's Government are not aware and are not concerned to enquire. But it is their duty to make their own attitude plain, and in order that there may be no doubt in the minds of Your Excellency's Government, your civil and military officers and the public at large, they desire to re-affirm in their own behalf the principle laid down by their predecessors in Mr. Montagu's despatch No. 108 (public) of 26th May 1920 in the following terms:

"The principle which has consistently governed the policy of His Majesty's Government in directing the methods to be employed when military action in support of the civil authority is required may be broadly stated as the use of the minimum force necessary. His Majesty's Government are determined that this principle shall remain the primary factor of policy whenever circumstances unfortunately necessitate the suppression of civil disorder by military force within the British Empire."

"The principle was endorsed by Mr. Justice McCardie in whose summing up the following words occur: "The administration of Martial Law ought not to be marked by any caprice nor ought it to be marked by a severity which is not required by the circumstances", but His Majesty's Government feel bound to dissociate themselves from the further view, apparently held by the learned Judge, that "the action proper to be taken by a Military or Police Officer for dispersing an unlawful Assembly may be determined by a consideration of the moral effect it may be thought likely by the officer taking it to have on other persons whom he may believe to be contemplating disorder elsewhere."

"They also adhere to the views of their predecessor expressed in the same despatch from which Mr. Justice McCardie would appear to have been disposed to dissent, as to the principles which should govern the use of aeroplanes to avert civil disturbances".

On this the Government of India issued on September 1st a brief resolution as follows:—"The Governor-General-in-Council desires to emphasise

Govt. of India Resol. the view expressed by the Prime Minister in the House of Commons on June 23, 1924, that the further discussion

of the matters referred to in the question addressed to him would not be conducive to public interest.

"As regards the questions dealt with in paragraphs 2 and 3 of the Secretary of State's despatch, the Governor-General-in-Council recognises that the question of the propriety of the learned Judge's expression of opinion in his summing up is not a subject for his consideration. He must however observe that matters to which these paragraphs relate were very carefully considered and fully reviewed by the Government of India in their despatch No. 2 of 3rd May 1920. The conclusions formed upon them by His Majesty's Government were conveyed in Mr. Montagu's despatch of the 26th May, 1920 with which, it is observed, His Majesty's present Government have completely associated themselves. Both these despatches have been published. The Government of India are in complete agreement with the conclusions formerly expressed upon the questions referred to in paragraphs 2 and 3 of the Secretary of State's despatch of the 8th July, 1924, and see no reason to reopen them. The Government of India have consistently acted in accordance with conclusions contained in paragraph 3 of the Secretary of State's despatch and the present restatement of them requires no change in the existing orders. It is only necessary to call the special attention of all officers, military and civil, to these orders which should be strictly observed."

But actions of an alien Government apart, the greatest set-back to the progress to the country came from within the country itself. India was in this period torn by internal dissensions in the shape of the most horrid Hindu-Moslem riots which for the time

being dashed to pieces all hopes of her realising the rising nationalistic aspirations. Gandhi's famous article on Hindu-Moslem tension (Vol. I. p. 644 *et seq.*) of May last did not seem to have any the slightest effect. Daily the gulf was widening. The Arya Samajists and the Hindu Sangathan movement and the Moslem counter-movements were degenerating into the filthiest propagandism. Vernacular papers cropped up like mushrooms simply to indulge into the most unbridled license in ridiculing the religion and social customs of the opposite community, and they sold like hot cakes. The 'masses' of India had their worst passions pandered to, as it gave a profitable employment to the vulgar scribes. The result was soon seen. Communal differences broke out into the most atrocious riots in September and October 1924 and spread throughout Northern India. It served as an eye-opener and changed the whole course of development in Indian polity. New political conferences, such as the "Unity Conference" at Delhi and the "All-Party Conference" at Bombay were the outcome, while all sections of Indians were constrained to admit that British bayonets were indispensable in such cases to keep the peace. As in the riots of 1923, the Hindus suffered most and first invoked the protection of British arms.

The first open outbreak was at Delhi on the 11th July when an insignificant quarrel between some Kabir Hindus and a Mahomedan boy occasioned a serious rioting. This was followed in the next 3 days by a serious Moslem attack on Hindus resulting in three

Delhi Riot

Hindus killed and some 50 injured. On the 15th, the Bakr-Id day, a wild riot broke out again. And yet Messrs. Mahomed Ali, Ajmal Khan and other eminent Moslem leaders had only the week before exhorted the Moslem to observe peace on the Bakr-Id day. The cause of the trouble was that on the morning of the 15th the local authorities proclaimed the special closing of an additional route through the Hindu quarters for cows destined for slaughter. This order was resented by Moslems, especially butchers. They tried by force to take a cow through the prohibited road and a serious rioting took place. Order was restored with difficulty by calling the Military, and the Police opened fire by buckshot. Some 12 Hindus were killed by the Moslem butchers, and about a hundred received serious injuries. There were minor casualties amongst the Moslems too. Panic reigned in the Hindu quarters and houses and shops were kept shut for a good many days. Sporadic attacks continued specially by Moslem goondas on stray passers-by, who happened to be Hindus, in the next few days, and even a Hindu temple was desecrated.

On the Bakr-Id day smaller disturbances also occurred at several places, the cause of the trouble being the same everywhere; the Moslems must kill a cow for sacrifice and Hindus would not allow that. Some of the bigger street-fightings took place in Nagpur, Jubbulpore and other places in the C. P. and Berar where the Moslems being few in number were the worst sufferers.

But the most amazing case was the riot at Gulbarga in H. E. H. the Nizam's territory. Hitherto all such riots had taken place only in British territory, and a Hindu-Moslem riot in an Indian State was never heard of. It has ever been an article of

Gulbarga Riot

faith amongst people in India that the subjects of Indian Princes never suffer from any communal jealousy and it is only in British India where the practice of playing Hindus against Moslems and *vice versa* is a settled imperialistic policy that such feelings are fostered. But Gulbarga gave a rude shock. The facts about the riot at Gulbarga are as follows: Communal trouble which was brewing there for some time past developed on the day previous to Muharram, when idols of a Hindu temple were taken out in a palanquin procession accompanied by music. The procession was obstructed by Mahomedans. The police force present not being sufficient to meet the emergency, the city magistrate asked the processionists not to proceed. The latter obeyed and turned back. On the following day, the day of the Muharram, some Mahomedans accompanying the *punja* procession molested Hindu men and women whom they met on the road and afterwards entered the Sharan Vishveshwar temple, remained in possession of it for some hours, and did some damage. Next day a story went round that the Hindus had caused mischief to a mosque. Thereupon Mahomedan mobs attacked all Hindu temples in the city, numbering about 15, and broke the idols. They also raided the Sharan Vishveshwar temple and attempted to set fire to the temple car. The

police were eventually obliged to fire with the result that three Mahomedans including the police superintendent, Mr. Azizullah, were killed and about a dozen persons injured. Next morning, the streets were again in the hands of Mahomedan mobs and considerable damage was done to Hindu houses and shops. On the arrival of police reinforcements, order was restored. On the 14th August Muslim mob fury was at its height and almost every temple within the range of the mob, some fifty in number, was desecrated, their *sanctum sanctorum* entered into, their idols broken and their buildings damaged.

News about the riot at Gulbarga spread fast throughout India. But a more appalling riot had still to come. It happened on September 9th and 10th in Kohat in the North Western Frontier province where the Moslems naturally predominate. Here

Kohat Riot

Hindu-Mahomedan relations had not been of the friendliest for some time on account of forced conversions and abduction of women. About this time the Sanatan Dharma Sabha, Kohat, the Secretary of which is one Jiwan Das, distributed a pamphlet which was calculated to wound Moslem religious susceptibilities and was most offensive in tone. The poem was said to be a reply to an equally offensive anti-Hindu poem published in a Moslem news-sheet. On the 2nd September the Hindus however passed a resolution regretting their error and requesting pardon, but the provocation was too great and the more fanatical among the Mahomedans were not satisfied. On the 3rd September a crowd led by Moulvi Ahmad Gul approached the Superintendent of Police and the Assistant Commissioner, S. Ahmed Khan, and demanded drastic action. The latter thereupon called on Jiwan Das to execute a bond for Rs. 10,000, with 10 sureties and detained him in custody during the security proceedings.

Nothing happened till the 8th September, when Jiwan Das was released on bail. Protest meetings were at once held in the mosque by Mahomedans. On the previous night the Mahomedans had taken the *talaq oath*: that is, they solemnly decided that they would either die next morning or arrive at some decision; that their wives stood divorced to them, and that they would not be afraid of death or imprisonment. This particular oath-taking had a very sinister meaning amongst the frontier people, and, unfortunately, was not reported to the authorities in time. On the 9th a crowd of about 1,500 men came in an ugly mood to interview the Deputy Commissioner, and seeing that crowd he and the Superintendent of Police made arrangements to post the entire available force of the City Police in the streets and to reinforce them with a force of 60 sowers from the lines. The crowd was persuaded to disperse but then occurred the most harrowing scenes.

The Hindu version is that some parties in the mob then entered the city and began to loot and burn the shops. The Mahomedan version is that a crowd of small boys moved down the main bazar, rapping their sticks on the shop fronts in an offensive manner. When the police were driving them out, shots were fired at them from the Hindu house-tops. One boy was killed and three or four were wounded. Maddened by rage the fanatical crowd in turn retaliated by setting fire to the shops. Panic reigned. A large number of people were running up and down the bazar, and as the fusillade from the house-tops continued, the Police put an end to the firing which was causing casualties to Mahomedans in the street and also to the police. Now looting in the bazar became general, all Hindu shops being overturned, the contents piled on the streets, and the shops set fire to.

On the 10th September villagers from the surrounding country reinforced by Mahomedan Kohatis came pouring in. They had succeeded in the course of the night in making a number of breaches in the mud wall surrounding the city. At least 18 breaches had been made and the authorities failed to stop this inroad. The occupant of a Hindu house, apparently disturbed by the gathering crowds, opened fire. This was the signal for a general presumption of firing which burst out from all over the Hindu mohalla. The Moslems in return began a wholesale plunder and incendiarism. Before noon fires had been lighted at various spots on the outskirts of the Hindu mohalla and the Deputy Commissioner and the Brigade Commander, thinking that there was grave danger for the wholesale slaughter of Hindus, made a concerted effort to remove all the Hindus. The Hindus were first removed to the cantonment and later on there was an exodus of the whole Hindu population of the town to Rawalpindi.

Enquiries were subsequently instituted by the Government and on December 8th the Government of India issued the following resolution on the Kohat riot:—

"After careful consideration of all the facts before them, the Government of India agree generally with the conclusions of the Chief Commissioner. In particular, they concur in the finding of the investigating Magistrate and the Chief Commissioner that the immediate cause that led up to the rioting was the

**The Govt. of India
Resolution**

publication and circulation in Kohat, under the name of Jiwan Das, Secretary of the Kohat Sanatan Dharma Sabha, of a pamphlet containing a virulently anti-Islamic poem.

"The publication of such a poem, which to Moslems could hardly seem other than blasphemous, would be mischievous and provocative anywhere. Its publication in the North-West Frontier Province, where the Hindus are in a small minority, among a Moslem people, intensely religious in feeling and observances, and in a town already troubled by communal feeling, and hardly three miles from fanatical tribal territory, was, if deliberate, an act of wicked folly.

"The fact of the publication is not denied by the Sanatan Dharma Sabha or Jiwan Das himself. Their chief contention is that the publication was not deliberate but accidental and without their knowledge. How far this can be reconciled with the 'prima facie' documentary evidence to the contrary contained on the printer's file will be a matter for decision in the Courts, and further comments on this score must be reserved. It seems clear, in the light of after events, that the Commissioner would have been well advised had he taken immediate steps to have proceedings set in motion under Section 153 A and 505 of the Indian Penal Code against Jiwan Das over the pamphlet instead of resorting to preliminary action under 107, Criminal Procedure Code. As it was, he found himself on the 8th September in a dilemma, as he evidently thought of having to choose between releasing Jiwan Das on bail unostentatiously at once, or releasing him on his furnishing the required security on the 11th September, when, as was known, arrangements had been made for the presence of a large crowd of Moslems from the villages to attend the trial. He was certainly wise in deciding against the latter course in the state of Moslem feeling, but though there is often much to be said in favour of avoiding precipitate action over a cause which has aroused religious and communal feeling, and of waiting until the excitement has subsided, it would seem that he under-estimated the depth to which Moslem feeling had been stirred over the pamphlet, or he would have avoided being placed in the difficult position which faced him on the morning of the 8th September by moving the local administration some days earlier to sanction proceedings against Jiwan Das under the Indian Penal Code.

"The Deputy Commissioner was at a disadvantage on the morning of the 9th September in that a full report of a protest meeting of Moslems held the night before had not reached him as it ought to have done. The sinister significance of this meeting lay in the fact that the Moslems took an oath of divorce that they would take the law into their own hands if the Deputy Commissioner did not redress their grievances over the insult to their religion. This oath is the most binding oath on the Frontier, and ought to have acted as a warning signal to any official with Frontier experience. Owing to the error of an Inspector of Police, however, the report failed to reach the Deputy Commissioner till too late. That the Inspector was a Hindu acquits him of any suspicion of bad faith, but not of dereliction of duty, for it cannot be doubted that the Deputy Commissioner would have taken further precautionary measures had he known that night or early the next morning of the taking of this oath.

"On the morning of the 9th, the Moslems interviewed the Deputy Commissioner and after a jirga lasting till noon moved off away from the city to the Assistant Commissioner's Court, satisfied with the decision that the prosecution against Jiwan Das was not to be dropped. Shortly afterwards, however, serious rioting broke out in the main bazar. One of the points in the case most in controversy between the Hindus and Moslems centres on the exact cause of the beginning of the riot. Mr. Bolton has carefully reviewed the evidence, and the Government of India accept his finding that the immediate occasion of the riot was the panic firing by some Hindus, who, mistaking the clamour of derisive boys for the approach of an angry mob, opened fire on them, killing one Moslem boy and wounding others. On the other hand, the fires which broke out almost immediately afterwards and ended in the destruction of a large portion of the city, were the result of incendiarism on the part of Moslems who sought thereby to retaliate on the Hindus.

"On the outbreak of the riot, the authorities acted promptly and well. By night-fall the situation was so far under control that the crowds had been driven out of

the city, the fires had been partially extinguished, and such efficient arrangements had been made to keep the tribesmen from coming into the district that Kohat was saved from an even worse disaster. The night passed quietly. The morning of the 10th opened with no signs of disturbance, and the task of extinguishing the fires was resumed, but the peaceful appearance of the night and early morning proved deceptive. The provocation they had received and the heavy casualties they had suffered had made a deep impression on the feelings of the Moslems, and had created in them a desire for retaliation which later in the day led to fresh outbreaks of disorder.

"In the light of subsequent events, the Government of India agree that it would had been wiser if the authorities had taken more into account the possibility of a recrudescence of a serious rioting. They are not prepared to say, however, whether even if the full intensity of the recrudescence had been completely foreseen, and other dispositions of the available forces had been made, these renewed outbreaks of disorder could have been prevented or made abortive. The situation was complicated by the threat of inroads from the tribal hills, the task of dealing with the fires, the firing from house-stops, the concentration of crowds in different quarters, and the consequent interruption of communications and possibilities of danger lay in several directions.

"The Government of India cannot endorse the criticism that has been current in certain quarters that the crowd should have been fired upon, for there appears to have been no stage in the rioting that followed at which firing could have been profitably ordered with the troops and the crowds inextricably mixed in the narrow lanes in the city. There can be little doubt that the result would have been to inflict heavy casualties, involving inevitably the loss of many innocent lives, to add to the general confusion and to increase the danger of Moslems from outside making common cause with their co-religionists.

"The efforts of the authorities to control the situation were greatly hampered by the continued firing from the roofs of the houses, the uproar, and the rapidity with which the fires spread.

"The Government of India are of opinion that once the muballah was burning the evacuation of the Hindus from the city to the cantonments was the only humane or, indeed, possible course. They are pleased to be able to record that at the height of this fierce communal riot, there were to be found Moslem gentlemen to help in escorting the Hindus out of the city. Indeed, it is doubtful if without their help the evacuation could have been effected as it was without casualties. The subsequent evacuation from their refuge in the cantonments to Rawalpindi was arranged at the earnest entreaty of the Hindus themselves. The authorities were, no doubt, prompted by humanitarian motives in providing the special trains and other facilities for which the Hindus begged in their panic-stricken condition. However, the Hindus were incapable of forming a right judgment of what was for their own good, and the Government of India feel that the authorities would have acted with truer kindness had they hardened their hearts against the entreaty. That the city Hindus would have been safe in their refuge is shown by the fact that the cantonment Hindus remained behind secure from any sort of molestation.

"Finally, the Government of India note with grave concern that some members of the forces of law and order were involved in looting. Several individual cases have already been brought to trial, and all other cases that are susceptible of proof are being rigorously taken up. The Government of India trust that the severe disciplinary action taken will prevent the recurrence of such serious offences.

"While the Government of India have been able, in the light of after events, to point out instances where a different course of action would have been wiser, they desire it to be clearly understood that they consider that the authorities faced a most difficult situation with coolness and courage. The loss of life and property in these riots was deplorably great, but the provocation that started the rioting was so grave, the retaliation so fierce, and the whole environment so inflammable, that without coolness and courage on the part of the authorities the loss might easily have been far greater. Credit is due to them for localising the trouble within Kohat and its environs, despite the Hindu-Moslem unrest that was set up at once not only in the district but throughout the Province, and in particular for restraining the trans-frontier tribesmen from descending upon Kohat. The Government of India earnestly hope that the efforts of the Chief Commissioner to bring the two communities together will soon result in an enduring reconciliation, which will enable the Hindus to return in

peace and security and to resume the harmonious relation with the Moslems which were traditional in Kohat.

"Arrangements have been made to assist the re-building of houses by means of loans, and in special cases, where the local authorities are satisfied as to the need for this course, the interest on these loans will be remitted. The Chief Commissioner has already opened a charitable fund, the proceeds of which will be used to help the indigent sufferers of both communities to make a fresh start and for similar purposes.

"The Government of India are further informed that the Chief Commissioner considers that the police of Kohat city should be strengthened by the addition of a punitive force, and that one-third of the total strength should be Hindu and Sikh in composition, the cost of the punitive post to be borne by the Hindu and Moslem population of Kohat City and the villages in the immediate neighbourhood. Orders on points of this kind will shortly be issued by the Chief Commissioner. His task of reconciliation, however, is delicate, and beset with peculiar difficulties, and the Government of India refrain from saying more at this stage, so important is it that nothing should be said or done which might prejudice the chances of a successful issue".

The tale of Kohat did not take long to spread and infect other areas in Northern India. On the 12th September a riot broke out in Lucknow where communal bitterness had been worked up by the activities of the Khilafat and the *Arya Samajist* leaders. It came to a head on the occasion of the local Ram Dal procession when the local Moslems raised objection to the route taken. Thanks to precautions taken by the police the procession passed off quietly. Then trouble arose over the saying of the evening prayers in Aminabad Park, where Mahomedans living in the vicinity were accustomed to perform their *Maghrīb* or evening prayers while the Hindus performed their *Arthi* in a temple which stands in the Park itself. On the morning of the 12th September the Deputy Commissioner convened a meeting of the leaders of Hindu and Mahomedan thought. At this meeting it was decided that the Mahomedans were to have a clear 15 minutes start from sunset, during which time the Hindus would abstain from the blowing of *sankha* and the beating of gongs in their temple. Although the Hindus agreed to this arrangement, though under protest, they made it clear that they felt aggrieved that their liberty of religious worship should be restrained in any manner whatsoever. That evening the Mahomedan evening prayer passed off without incident, but the Hindus abstained altogether from performing their *Arthi*, and in its place held a meeting. During the course of the meeting a body of Hindus moved towards Aminabad Park with hostile intentions and attacked the shop of one Imam Ullah. The Mahomedans too made a counter-attack in the course of which an *ekka* driver appears to have been shot dead. This was the signal for a general outbreak of lawlessness. During the night and the early hours of the 13th September three more people were killed and a number of both Hindus and Mahomedans received serious injuries. On this day both Hindus and Mahomedans, armed with lathies and in some cases with swords, were roaming about the streets, gulleys and lanes with the intention of beating any stray members of the opposite community. The Deputy Commissioner issued orders prohibiting the carrying of lathies in the streets and instructed the police to disarm anyone found carrying weapons. The curfew order was passed and S. 144 I. P. C. proclaimed. He asked also the Military authorities to render assistance with the result that a squadron of the 4th Hussars arrived at Aminabad Park and began to patrol the streets. An hour later a squadron of Indian Cavalry arrived at Chaak Kotwali and began to patrol that area. The town quieted down on the 14th after the arrival of the military.

The next occasion for a widespread Hindu-Moslem tension was during the *Chelium* festival on the 21st September. On that day a riot broke out in Shahjahanpur City. There had been considerable tension in the city ever since the outbreak a week before at Jalalabad, a village in the district, where differences arose between Hindus and Musalmans over the branch of a Peepul tree, and, in the course of the riot which ensued, a Musalman was killed. The news spread throughout the city, and any moment a riot was expected.

At about 11 o'clock on the night of the *Chelium* festival when a procession was in progress, a Musalman was found badly beaten by some unknown

persons at a spot nearly a mile away from the route of the procession. Some Mussalmans wrapped the injured man in white cloth, placed him on a charpoy, carried him to the procession, and shouted out that the Hindus had killed the man. The procession was a long one, including a number of tazias and followed by about 7,000 Mussalmans. On hearing the news they refused to proceed to Karbala to bury the tazias unless justice was done immediately. Mr. Wallace, the District Magistrate, with other officials went to the spot and persuaded the men to proceed and bury the tazias. The men proceeded, but later a large number of them went to the quarter where the Mussalman was assaulted and attacked the Hindu houses there. The Police promptly arrived and dispersed the mob. Nothing further happened on that night, but next day rioting broke out afresh, and sporadic assaults were committed on isolated persons of either community in almost every corner of the city. As at Lucknow, the Military had to be called in, curfew order passed, S. 144 proclaimed, and gradually the tumult subsided. The casualties numbered 9 killed and some 100 injured.

The most significant and fearful of these riots occurred in Allahabad just on

Allahabad Riot

the day when Mahatma Gandhi was breaking his self-imposed fast on the 8th October. There seemed to be some *agents provocateur* of the "interested third party" who maliciously kindled the fire of communal passion. No doubt the ground was long prepared here as elsewhere. The Suddhi and Sangathan movements had caused a deterioration of communal relations. The religious processions of the town had in recent years been devoted largely to the display of weapons and physical force by both Mahomedans and Hindus, who attempted to outdo one another in this direction on each successive occasion. The disturbances at Lucknow and Shahjahanpur accentuated the ill-will existing between the two communities. And further the prospect of immediate benefit from the Unity Conference held at Delhi was discounted by a resolution passed by the local Hindu Sabha to the effect that the Hindus were not bound by any resolutions which the conference might pass.

The Chehlum and the Ram Lila celebrations had passed off peaceably. It is not known what was the spark which started the conflagration, but between 7 and 8 o'clock in the evening of the 7th October sporadic assaults occurred in various parts of the city. It began with attacks by Mahomedans on Hindus returning from the celebrations, but retaliation followed quickly. Some Hindu "lathiwalas" attempted to loot the vegetable market, but were prevented from doing so. The principal feature of the disturbances was the organisation of ambushes in backstreets and houses for attacks on innocent passers-by. Even women were victims of those outrages, which continued throughout the day and the next. The Police and the Military were as usual called in, but they could only patrol the bigger streets.

On the morning of the 9th things looked hopeful, and a few shops opened. But before long certain Hindus and Mahomedans started throwing brickbats at one another near the Colvin Hospital and a Kalwar, losing his head, let off a gun, shooting three Mahomedans including a woman. Afterwards there was an attack by a considerable body of Mahomedans on the Hindu inhabitants of Mirpore, a southern suburb of the town.

On the 10th the Magistrate issued orders suspending all arms licenses in the Kotwali and Muthiganj police circles, and requiring all weapons covered by them to be deposited by 6 p.m. As it was Friday it was apprehended that the Mahomedans might again be inflamed by religious excitement, and the Magistrate requested the leaders to dissuade the people from visiting the Juma Masjid for their prayers. The Magistrate appointed about 100 persons as special constables to help in patrolling. There was no incident during the night and the trouble then subsided.

On the 8th October a riot also occurred in a Calcutta Jute Mill at Kanchrapara ;

At Calcutta

and here too the *agents provocateurs* seemed to be at work amongst the Mill rowdies. Two thousand Mahomedans objected to the passing of Hindu religious processions carrying the Goddess Durga for immersion, on the plea that there was a mosque on the route. The riot raged for a whole day and night and the immersion had to be postponed till the Police and Military were called in. The riot lasted for several days afterwards and all the neighbouring mills had to be closed down and patrolled by armed police.

The "Unity Day" had a further black record from the Central Provinces. At Saugor friction between the Hindu and Mahomedan communities occurred on the day of the Dussera procession. At Jubbulpore the combined Ramilla and Kall processions on

October 8th were attacked as it was passing the mosque of the Mahomedans. No serious rioting took place but in the side streets and lanes numerous assaults were committed by gangs on isolated individuals of the opposite community, 26 Mahomedans and 8 Hindus thus receiving injuries. On the 9th the District Magistrate passed an order under section 144, Criminal Procedure Code, prohibiting the carrying of lathis, but as the sporadic assaults continued, pickets of troops were stationed at various parts of the city and it was not before some days that the authorities were able to bring back peace and order.

The recrudescence of these riots led national activity altogether in a new channel. While the occurrences helped the European press and the official world to carry on a campaign against giving more powers to Indians on the plea that

Kohat Settlement under a "Swaraj" government such riots would be more rampant, they did nothing more when everywhere Indian leaders were exerting their utmost to bring about a solution of the Hindu-Moslem problem. The "Unity Conference" at Delhi (p. 148) was a great national attempt to cure this national distemper. But the Government was looking askance at it, and in many cases took but lukewarm interest at the efforts for peace made by local leaders. It was Kohat which kept people long agitating and a full, open and independent public enquiry was demanded. M. Gandhi wanted to visit Kohat in company with some Hindu and Moslem leaders to bring about peace and friendly relations between the two communities, but the Viceroy refused him permission. Request for such an enquiry was made by many Hindu leaders, notably by Pt. Madan Mohan Malaviya, but the reply of the Viceroy was a frank refusal of a public enquiry, and finally the "curtain was rung down upon Kohat" by the publication of the result of a departmental enquiry and the Govt. of India resolution on December 8th. (p. 27). By the Indian nationalists the Kohat tragedy was taken not so much the result of Hindu-Moslem tension as of the "utter worthlessness and incompetence of the local administration." It was further alleged that behind it lay the deliberate policy of the Government to "rally the Moslems" in order to circumvent the nationalistic movement.

M. Gandhi asked the Rawalpindi refugees to refuse to return to Kohat until the Kohat Moslems invite them and assure full protection. Early in October a number of Hindu and Mahomedan gentlemen of the N. W. F. Province voluntarily formed themselves into a Committee whose object was to bring about a settlement. After some negotiations and interviewing both parties they succeeded in bringing together representative delegations. Both sides expressed their desire for a settlement and their intention of asking the Government to grant an amnesty in all criminal cases arising out of the riots. Before any definite decision was reached, differences began to appear among the representatives of the parties, and a settlement made by one set of Hindu delegates was rejected by others. Similarly, many Mahomedans of the villages refused to be bound by any settlement arrived at by the Moslem Working Committee of Kohat City. On November 30th a Sanatan Hindu Conference was held at Rawalpindi, and on December 5th the Moslem Working Committee held a counter conference at Kohat. The resolution these bodies passed were again marked by bitter accusations.

On the 8th December, however, a draft agreement was initiated by the Presidents of the Moslem Working Committee and of the Kohat refugees in Rawalpindi. This agreement was to be ratified by twelve representatives of each side on the 15th. The representatives discussed the matter till the 19th, but were unable to agree on many important points which had been left undefined in the draft agreement, and at twelve noon on the 19th the negotiations were finally broken off.

Great efforts were made by Hindu-Moslem leaders to bring about a permanent understanding between the two communities. A series of

Hindu-Moslem Entete informal conferences between Hindu and Mussalman leaders of Upper India was held at Lahore early in December

1924 under the guidance of M. Gandhi. Mussalman leaders of all shades of opinion, the so-called Non-co-operators, Khilafatists, Muslim Leaguers, pro-changers and no-changers were, almost all, of one mind as regards their political demands. These demands may be summed up as below :—

That in provinces where they have a majority of population, their majority be not reduced to a minority or an equality with the other communities in the provincial legislature. They must have an absolute majority over all other parties combined. Obviously this refers, in the first instance, to the Punjab and Bengal. In the Punjab the Lucknow Pact allows the Muslims 50 per cent. seats and all the Non-Muslims the remaining 50 per cent. In Bengal the Muslims and non-Muslims have 40 and 60 per cent. respectively. On the population basis the Muslims will have 55 per cent. in both. The Muslim leaders present at Lahore expressed their willingness to accept population as the basis of representation in the Legislatures throughout India. They were confident of inducing their fellow religionists in other provinces to accept the principle for the whole of India. They insisted on the same principle being applied to the local bodies and public services. Though no express mention was made of the Central Legislature, it was assumed that the same principle would apply there also. As regards common or separate electorates, at first they insisted on the latter. Towards the end they declared that they had an open mind on the question. Some of them expressed themselves in favour of giving the choice to the minorities everywhere. The Hindus present included only two leaders from provinces other than the Punjab, viz., Mahatma Gandhi and Pandit Madan Mohan Malaviya. The former was not there as a Hindu leader. He was more or less working as an arbitrator. Pandit Madan Mohan Malaviya and the Punjab Hindu leaders declined to commit themselves to any decisions about the proposals made by the Muslim leaders. They were all opposed to the principles of communal representation and most strongly to its extension to the local bodies and to the public services. But their immediate grounds for refusal to discuss the proposals of the other side for the purpose of arriving at a compromise were :—

(a) That the recent riots all over India, but most particularly the events of Kohat, had produced an atmosphere of coercion and intimidation, and until that atmosphere was changed there could not be a proper settlement of these questions on the merits. The Muslim leaders on the other hand said that the disputes over these questions alone were responsible for the riots and therefore their settlement was necessary to bring about peace. The Hindus felt that to submit to any settlement of these questions under fear of further riots was inconsistent with their dignity.

(b) That the questions involved having an all-India importance could not be settled without a proper consultation with the Hindu leaders of other provinces.

(c) That the population basis of communal representation not being acceptable to the Sikhs, the Punjab Hindus' consent to it was immaterial. The Muslims contended that the Sikhs were a part of the Hindus, which fact was denied by the Sikhs. The Sikhs maintained that they were a community in themselves, separate from the Hindus, and had been accepted by the Government as such; but that even then they would not insist on communal representation if the Mussalmans also drop it. They were prepared to take their chances in a general election. They were also prepared to accept representation on the basis of taxation or voting strength.

Under the circumstances the communal aspect of these questions apart from their national significance made it incumbent upon the Hindus to come to a settlement among themselves firstly as to the acceptance of the principle of communal representation, specially its extension to Local Boards and Public services, and secondly the basis upon which it should be applied.

The Hindu view was that from the national point of view the acceptance of the principle of communal representation in the Lucknow Pact 1916 was a great blunder. It was alleged on one side and denied on the other that there was any understanding between the two contracting parties about the local bodies and the public services. Some Hindus present on that occasion alleged that the latter were intentionally omitted from the application of that principle and the understanding was that no such claim would be made or entertained in the future. The Mussalmans alleged that there was no discussion on these matters.

The discussions after all proved infructuous and the year closed leaving the matter as it was at its beginning.

This closes the political chronicle of the period July-December 1924. Several important Committees such as the Mercantile Marine Committee, the Bar Committee, the Civil Justice Committee, the Taxation Committee etc, held their investigations during the year, but the report of most of them are still awaited.

The following is the Report of the Indian Mercantile Marine Committee published in July 1924. This Committee was appointed in pursuance of a resolution moved by Sir P. S. Sivaswamy Iyer in the Indian Legislative Assembly and adopted by that body on the 12th January 1922. The Government of India on the 8th February 1923 announced the appointment of this Committee to consider and report what measures can usefully be taken to further the objects advocated by that Resolution. The composition of the Committee was as follows :—President :—Captain E. J. Headlam, Director, Royal Indian Marine ; Members :—Sir Arthur H. Froom, Kt, Mr. Lalubhai Samaldas, C.I.E. Jadu Nath Roy, Esq., Sir John Biles, Consulting Naval Architect to the India Office, and Dewan Bahadur T. Rangachariar, M.L.A. Secretary :—Mr. J. H. Green.

The following were the terms of reference to the Committee :—

To consider what measures can usefully be taken :—

(1) for the liberal recruitment of Indians as Deck or Executive officers and Engineers in the Royal Indian Marine ; (2) for the establishment of a Nautical College in Indian waters for the purpose of training Executive Officers and Engineers of ships ; (3) for ensuring the entertainment of Indian apprentices for training as such officers and engineers in the ships owned by shipping firms that enjoy any subsidy or other benefits from Government on any account and for the creation of an adequate number of State scholarships for providing instruction in the Nautical Colleges and Training ships in England pending the formation of a Nautical College in India ; (4) for the encouragement of ship-building and of the growth of an Indian Mercantile Marine by a system of bounties, subsidies and such other measures as have been adopted in Japan ; (5) for the acquisition of training ships by gift from the Imperial Government or otherwise ; and (6) for the construction of the necessary dockyard and engineering workshops in one or more ports.

Chapter I of the report relates to the Committee's procedure and preliminaries.

Chapter II relates to the training of Indian Executive officers and engineers for the mercantile marine. "We are of opinion," the Committee write "inter alia," "that there is good ground for believing that, provided adequate facilities for their education and training are supplied, a fair number of educated Indians of good character will offer themselves as apprentices to the sea with a view to their ultimately becoming officers in the Mercantile Marine." This chapter makes recommendations for training of Indians in a Government Training ship and for the apprenticeship of the trained and their future employment.

Chapter III relates to the development of an Indian Mercantile Marine. It says "inter alia" :—

39. In other countries, which have desired to develop a national Mercantile Marine, one direction in which action has been taken to this end has been to reserve the coasting trade for the subjects of the particular country concerned. Under the provisions of the Indian Coasting Trade Act V of 1850 the coasting trade of India is open to all comers and it is the unanimous opinion of all witnesses who have appeared before us that this Act should now be repealed with a view to the exclusion of foreigners from the coastal trade. It is understood that this action was suggested before the war when foreign participation in the Indian coastal trade threatened to assume serious proportions. With the outbreak of War, however, foreign competition declined and the proposal was dropped apparently because it was not considered advantageous to impose restrictions on the coastal trade at a time when India sorely needed coasting ships and was only too glad to receive allied or neutral shipping in her ports. With the return of peace, the position has changed and it is understood that there is now a vast amount of surplus tonnage lying at British ports for which employment cannot be found. The present is, therefore, an opportune moment to reopen the question. The coasting trade of a country is regarded universally as a domestic trade in which foreign flags cannot engage as of right but to which they may be admitted as an act of grace. It is admitted that the policy of British Dominions or Possessions in regard to their own coasting trades must be determined by their local interests and we are of opinion that in the interests of the growth of an Indian Mercantile Marine it is necessary to close the coasting trade of this country to ships belonging to the subjects of foreign nations. It may be necessary to provide that an exception should be made in favour of those foreign States which enjoy any treaty rights in respect of the Indian coasting trade (vide

section 786(e) of the Mercantile Shipping Act, 1894), but we consider that no foreign ships should under any circumstances enjoy superior privileges to those accorded to British ships. We recommend, therefore, that action should now be taken to repeal the Indian Coasting Trade Act V of 1850, subject to the exception which we have mentioned above.

40. It has already been explained that a large number of witnesses do not consider that the exclusion of foreign shipping alone goes far enough to encourage the growth of an Indian Mercantile Marine and that what is required is action to reserve the coasting trade more or less exclusively for shipping companies, the controlling interests in which are predominately Indian. In other words, the object of these witnesses is to compel existing British Steamship lines to gradually Indianise the character of their companies in order that they may be considered eligible to trade on the coast. It is necessary here to examine the possibility of excluding British ships from the Indian coasting trade. As already stated the policy of British Dominions or Possessions in regard to their own coasting trade is determined by their local interests. We find that the Commonwealth of Australia has taken advantage of the provisions of the Merchant Shipping Act to introduce a law which has had the effect of conferring on Australian ship-owners a monopoly in the Australian coasting trade. This has been done, not by excluding non-Australian ships in so many words, but by providing in the Australian Navigation Act for a system of control by means of licenses to trade on the Australian coast, which are only granted to vessels engaged in such trade under certain conditions. The conditions attached to the grant of a license for the Australian coasting trade apply to all British ships alike but the nature of those conditions is such that they have the practical effect of automatically shutting out all except Australian-owned vessels from the Australian coasting trade. It is clear, therefore, that if it is decided to take similar action in respect of the Indian coasting trade in the interests of Indian shipowners, there is nothing in the British Merchant Shipping Law which would prevent action of this kind being taken, provided the conditions enforced are applicable to British and Indian ships alike. It is believed to be true that a Committee has been appointed to inquire into and report upon the effect of the operation of the Australian Navigation Act upon the trade, industry and development of that country and that the coastal trading provisions of the Act will form the subject of special enquiry by this Committee. Although, as before stated, one witness with recent Australian experience has said that the Act has been prejudicial to trade interests, there is no information whatever at present as to what conclusions this Committee has reached. Until the Australian Committee's Report is published, it is impossible to base any conclusions on the experience alleged to have been gained in Australia of the policy of coastal reservation.

41. We do not consider that it is possible to say at this stage whether the reservation of the Indian coasting trade for shipping companies which are predominantly Indian in character is likely to be beneficial for India or not, for the simple reason that there are no data at present on which a satisfactory conclusion can be based. In any case, it seems unfair to pronounce any adverse judgment as to the ability of Indians to run shipping companies as successfully and efficiently as the present concerns until they have been given an opportunity of owning and managing ships under more favourable conditions than those prevailing to-day. Indians have proved successful in other technical trades in which a short time back they possessed little or no practical knowledge or experience and we see no reason why, given a favourable opportunity, they should not prove equally successful in the shipping trade. The Honourable Member for Commerce stated in the Legislative Assembly on behalf of the Government that this desire on the part of the people for their own Mercantile Marine was a very natural desire. Recognising this natural desire we are of opinion that this should be met within a reasonable period of time and not in the distant future. This being so, it is our considered opinion that the provision of facilities for the training of Indian officers and engineers alone is not sufficient to meet the requirements of the case and that some further steps are required to achieve the object in view. These further steps we recommend should be in the form of the eventual reservation of the Indian coasting trade for ships the ownership and controlling interests in which are predominantly Indian. This should be done by the introduction of a system of licenses or permits as has been done in Australia, except that the conditions to be attached to the grant of a license or permit in India will be different to the conditions imposed in Australia. We recommend that it should be announced now that with

effect from a date, to be fixed by Government, the privilege to engage or to take part in the coasting trade of India will be regulated by a system of licences, the conditions of which are indicated in the paragraphs which follow.

42. The summary of evidence goes to show that an ideal Indian Mercantile Marine may be briefly described as follows :—

(a) Ships to be registered in India. (b) Officers and crews to be Indians. (c) The ships to be owned by joint-stock companies (public or private) registered in India with rupee capital with a majority of Indians on the Directorate or to be owned and managed by individual Indians. (d) The majority of the shares in the companies to be held by Indians. (e) The management of the companies to be predominantly in the hands of Indians. (f) The ships shall be built in Indian ship-yards belonging to companies constituted in a similar manner.

As an ideal to be worked up to eventually we accept the above definition, but for the present we do not consider that it is capable of practical realisation in full. What we wish to provide for in our coastal trading regulations is that after a time the ownership and controlling interests in the ship or ships for which licences are required shall be predominantly Indian and we think that this qualification should be held to have been fulfilled if a ship conforms to the following conditions :—

(a) That it is registered in India, (b) That it is owned and managed by an individual Indian or by a joint stock company (public or private) which is registered in India with rupee capital, with a majority of Indians on its Directorate and a majority of its shares held by Indians, and (c) That the management of such company is predominantly in the hands of Indians.

It is not possible at present to provide that the officers and crews should be completely Indian, because it will take some time under our training scheme to produce the requisite number of Indian officers and engineers, but in our coastal trading regulations which follow provision has been made for the compulsory Indianisation of the personnel. Nor is it possible at present to provide that the ships applying for licences shall have been built in India, because no ship-building yards capable of constructing ocean-going steam vessels exist in this country but we hope that in course of time it will be found practicable to add both these 'desiderata' to the conditions of the license which we propose should be laid down.

43. It should be announced that on and from a certain date to be specified by Government, no ship should be entitled to engage or take part in the coasting trade of India unless such ship has first obtained a license from the licensing authority appointed for the purpose, subject to the following conditions :—

Condition 1.—Licenses or permits shall, after the introduction of the licensing system, be issued to any ship flying the British Flag, provided that it is proved to the satisfaction of the licensing authority that such ship, not being more than 25 years old, has been regularly engaged on the coasting trade during the preceding twelve months and that the Joint Stock Company (public or private) or individual by whom it is owned gives an undertaking in writing to take Indian apprentices for training subject to a minimum of 2 per ship, no line being compelled to take more than 60 apprentices all told. Provided further that such Joint Stock Company or individual owner undertakes to employ qualified Indian officers and engineers, as they become eligible up to the extent of at least 50 per cent. of the total number of officers and engineers employed. These licenses shall continue subject to the Board of Trade Regulations until the ship has reached the age of 25 years, provided the conditions set forth above are being complied with.

Condition 2.—All ships hereafter seeking to enter the coastal trade can only obtain licenses on their complying with such conditions as may be laid down by Government for Indian Shipping concerns; provided also that the owners of all such ships are likewise required to give an undertaking on the lines indicated in condition 1 regarding the employment of Indian apprentices and the gradual Indianisation of their officers and engineers.

Condition 3.—The licensing authority may be given discretion to all or any of these conditions during exceptional periods of stress such as trade booms, famines, war, etc., and to issue permits to any ship flying the British Flag to cover such periods as he may consider requisite.

Condition 4.—The licensing authority may also be vested with power to take such steps, with approval of the Government of India, as may be considered

advisable to deal with deferred rebates, rate wars, or any other conditions which act unduly as a restraint on trade.

Condition 5.—Provision should be made that, whereas by treaty made before the 13th May 1869, Her late Majesty Queen Victoria agreed to grant to any ships of a Foreign State such rights or privileges in respect of the coasting trade of British India, those rights and privileges shall be enjoyed by those ships so long as Her Majesty agreed or His Majesty the King may hereafter agree to grant them. This, however, should be subject to the proviso that no foreign ships should under any circumstances enjoy superior privileges to those accorded to British ships.

Condition 6.—For the purpose of these regulations "Coasting trade" may be deemed to mean trade exclusively carried on between any port or ports in British India and any port or ports or place on the Continent of India (including Burma.)

These, broadly speaking, are the conditions which in our opinion should be imposed under the licensing system which we recommend should be introduced on the coasting trade of India.

44. It has occurred to us that it would facilitate the growth of an Indian Mercantile Marine if, in combination with the licensing system which has been proposed above, arrangements could be made for the Government of India, by means of a loan, to purchase one of the existing British lines operating on the coast as a going concern and appoint Directors to control it a majority of whom should be Indians. The present management should be retained until such time as there are sufficient Indians available with the experience to undertake complete management. The ownership of the vessels in this line should be transferred by sale from time to time to approved Indian owners with a view to the above concern ultimately being placed in the hands of Indian companies. Such an arrangement would furnish an immediate opportunity for Indians to extend the Indian Mercantile Marine with a ready-made fleet of proved efficiency and as the existing management would be retained it would have a definite commercial value offering a fairly safe return for the capital invested in its purchase. The possession of such a fleet of ships of the approved type would provide also immediate opportunities for the training of Indian apprentices and the employment of Indian officers, as well as opportunities for the training of Indians in the business management of shipping concerns by European shipping experts. We have not sounded any of the existing British-owned lines as to whether they would be willing to sell out but we think it is not unlikely, under the changed conditions which, if approved by Government, the reservation of the coastal trade on the lines indicated will bring about, that one or more of these companies might be willing to consider the matter if a suitable offer is made to them. In our opinion this proposition is a feasible one, provided it is combined with the licensing system which we have recommended and we commend it as worthy of serious consideration by the Government of India.

45. In their evidence quite a large number of witnesses have recommended that, in addition to the reservation of the coastal trade for Indian shipping companies, such companies should also be given navigation bounties, cheap Government loans, State guarantee of interest on capital and other forms of financial aid which have been given in other countries simultaneously with the reservation of the coastal trade for their own subjects. In our opinion the reservation of the coastal trade in the manner which we have indicated will confer a substantial advantage upon Indian ship-owners, and we see no justification for the grant of any other forms of State aid. We recommend, however, that at some future date, as soon as a sufficient number of trained Indian officers and engineers are available and Indian ship-owners have proved efficient in managing and running coastal steamers, the question of granting navigation bounties to purely Indian shipping companies in respect of overseas trade to other countries would be favourably considered.

47. It has always been an accepted principle that, so far as Maritime Services are concerned, the course of the post should follow as far possible the course of trade. Consequently to secure the maximum economy in carrying mails, steamer services already in existence have been utilized for the purpose. We understand that mail subsidies are fixed by negotiation or tender based on the regularity and speed of the services and that the number of miles combined with the speed has been the determining factor in fixing the rate. In our opinion the broad principle enunciated above is sound and we see no reason to advocate any radical change.

But should the licensing system we have advocated, for any reasons, not be adopted, it will be necessary to enter in all future mail contracts, in which the whole amount of the subsidy is to be paid by India, a stipulation to the effect that all suitable ships owned by such companies must take on board a number of Indian apprentices, in accordance with the limitations we have previously recommended under the licensing system.

"In Chapter V we have dealt with the Indianisation of the Royal Indian Marine. The scheme for the nautical training of Indians which we have recommended in Chapter II will give Indian officers the requisite qualifications to enter any service for which sea experience is required and we recommend that the one way of finding avenues of employment for these officers after their training has been completed should be to employ an increasing number of them, as they become available, in services such as the Bengal and other Pilot services, the Marine Departments under local Governments and in vessels belonging to the Port Trusts, until these services also are practically Indianised.

Measures for Encouraging Ship-building.

Chapter IV deals with measures for the encouragement of self-propelled ship-building in India and the possibilities of training a building staff. "Inter alia" it is stated in this chapter:—

If a ship-building yard is projected by an Indian Company, the Government may aid that enterprise by (a) advancing a cheap loan to the extent of one-third of the paid-up capital of that Company and assistance in acquiring suitable sites; (b) guaranteeing the giving of all Government and Port Trust work to this ship-yard at a cost not unduly higher than the cheapest price which can be secured abroad for a similar class of work; and (c) legislating that, when such a suitable ship-building yard is completed and established, all ships seeking for a license on the coast should also be required to have been built in India. While agreeing with our recommendations, our colleague, the Hon'ble Mr. Lalubhai Samaldas, would prefer the Government pioneering this enterprise and establishing and maintaining a ship-building yard at its own cost."

"Clause (1) of our terms of reference invites us to state what measures can usefully be taken for the liberal recruitment of Indians as Deck or Executive Officers in the Royal Indian Marine.

"We are given to understand that the Royal Indian Marine Service is about to be reorganised into a purely combatant force of Indian Navy. Until the constitution of such a reorganised service is definitely settled, it appears difficult for us to give any opinion as to the detailed methods to be adopted to Indianise the service.

"We, however, take the opportunity of suggesting that the Indianisation of this service, whether it remains a Royal Indian Marine or becomes a Royal Indian Navy, is a matter of importance and that the preliminary training shall take place in the suggested training ship for the Indian Mercantile Marine in special classes. This, in our opinion, is the most effective and economical course for the preliminary training of such officers.

"It is the almost unanimous desire of all Indian witnesses that the creation of an Indian Navy capable of defending the coasts, harbours and commerce of India should proceed hand in hand with the development of an Indian Mercantile Marine, and we strongly recommend to Government that the re-organisation of the Royal Indian Marine into such a service shall be undertaken with the least possible delay."

A Dissenting Minute.

Sir Arthur Froom wrote a dissenting minute in which, while accepting recommendations as to training facilities, he holds that "the further establishment of an Indian Mercantile Marine—by which is understood ships owned and managed by Indians—should be left to be developed by those who have a real interest in the business of shipping."

This report was on the whole well received in the country. Legislation on the lines recommended by the committee is expected to be

The Steel Industry. shortly undertaken. A matter in which the Government of India favoured the plea of 'protection' in India again arose in relation to the Tata Iron and Steel Company's claim for further Protection. A resolution on this subject was issued on the 26th November last. The resolution runs: "The Government of India have received the report of the Traffic Board called for in a resolution, dated the 8th October, 1924, of the Commerce Department on an application by Messrs. Tata Sons and Co, Limited, agents of the Tata Iron and Steel Company, requesting that the Governor-General in Council should exercise his powers under Section 2 (1) of the Steel Industries (Protection) Act. The Board has examined the prices at which steel is being imported, and those which the Tata Iron and Steel Company has been able to obtain for its products. As a result mainly of the heavy fall in the sterling prices of Continental steel and of the maintenance of the exchange in the neighbourhood of 1s. 6d. the Board finds definitely that the Steel Industries (Protection) Act has so far failed to achieve its purpose. For this reason the Board recommends heavy increases in the duties on unfabricated steel, with consequential increases on fabricated articles. The different recommendations are conveniently summarised in the following table proposed (showing increases in duty per ton):—

Unfabricated Iron and Steel.

Class of Material.	Present Duty.		Proposed Duty	
		Ra.		Ra.
Steel bars		40		75
Iron bars		35		65
Steel Structural Sections		30		65
Iron Structural Sections		20		50
Plates		30		55
Black Sheet		30		52
Galvanised Sheet		45		78
Tin-plate		60		104
Rails and fish-plates (medium and heavy)		14		30
Rails and fish-plates (light)		40		75

Fabricated Iron and Steel and Miscellaneous.

Class of Material.	Present Duty.	Proposed Duty.
Fabricated Structures	25 % ad val.	25 % ad val. + Rs. 60
Coal tubs, etc., and built up pipes	25 % ad val.	25 % ad val. + Rs. 47
Fabricated Steel beams, channels, angles, etc.	25 % ad val.	25 % ad val. + Rs. 54
Fabricated Iron angles, etc.	15 % ad val.	15 % ad val. + Rs. 44
Fabricated Plates	25 % ad val.	25 % ad val. + Rs. 41
Fabricated Sheets	15 % ad val.	15 % ad val. + Rs. 40
Spikes and Tie Bars	Rs. 40	Rs. 70
Switches and Crossings	25 % ad val.	35 % ad val. + Rs. 35
Wire Nails	Rs. 60	Rs. 25

"The Government of India accept the finding of the Tariff Board that the Protection given by the Steel Industries (Protection) Act has been insufficient, and that further Protection is necessary in order to give effect to the intention of the Legislature as expressed in Section 2 (1) of the Act, but they do not think that this further Protection should take the form of the very heavy additional duties proposed by the Tariff Board.

"The Government of India have calculated, in accordance with the methods adopted by the Board in its original report, that these additional duties would impose a burden on the consumer of more than Rs. 2 crores, while the maximum benefit which, if prices rose by the full amount of the increase of duty, they would confer

on the industry would not exceed Rs. 50 lakhs in a year. But the Tariff Board reports the existence of heavy stocks of imported steel in India, and until these stocks are exhausted the industry could not derive full advantage of the new tariff.

"A further objection to the proposed duties is that if the duties on unfabricated steel are increased, it is necessary to go further, and also to increase the duties on fabricated steel.

"In these circumstances the Government of India have decided that further assistance which the Board reports to be necessary would more appropriately take the form of bounties. The protective duties imposed in June last have brought in more revenue than was anticipated. Up to the 31st October last the total receipts from these duties amounted to Rs. 106 lakhs, and it is calculated that at least Rs. 50 lakhs represent the extra revenue arising from the enhancements in duties. Thus, even if allowance is made for the commitments of the Government of India in respect of the bounties contemplated by Sections 3 and 4 of the Act, it is probable that there will be a considerable net surplus of revenue from these protective duties, as compared with the estimate framed when the duties were imposed. The Government of India, therefore, propose to recommend to the Legislative Assembly, as soon as it meets in January next, that the Protection now afforded to the Industry should be supplemented by bounties.

"The exact form which these bounties will take, and other questions connected with the best method of working the system, will require detailed consideration, but the choice seems to lie between bounties on the different classes of raw steel specified in paragraph 2 above at rates equivalent to the additional duties proposed and bounties on finished steel produced in India, so calculated as to give approximately the same financial return to the industry. As at present advised the Government of India are in favour of the latter alternative, and their recommendation will probably take the form that the bounty should amount to Rs. 20 per ton on finished steel produced in India. They are further of opinion that these bounties should be given for one year from the 1st October last to the 30th September next, that they should be subject to a limit of Rs. 50 lakhs, and that before the period indicated expires, the whole matter should be reviewed in the light of the circumstances then prevailing in order that it may be decided before the opening of the autumn session whether it is necessary or advisable to place fresh proposals before the Assembly.

"The Tariff Board was precluded by its terms of reference from considering any form of Protection other than that contemplated by Section 2 of the Steel Industries (Protection) Act, but the Government of India have ascertained that the Board warmly approves of the additional Protection, which it has found to be necessary, taking the form of bounties."

The Tariff Board was also engaged during the period under review of examining the question of protection of Paper, Ink, Glue, Indian Cement etc, on which the report is expected in the current year.

The Reforms Enquiry Committee

Like the Lee Enquiry and Report in the first half of the year, the most important public affair in the second half of 1924 was the enquiry instituted by the Reforms Committee into the working of the Reforms Act. The circumstances under which this Committee was constituted and its personnel and terms of reference have been set forth in the last issue of this Register (see Vol. I. p. 541). The Committee began its work on the 4th August 1924 and assembled in the committee room of the Assembly chamber at Simla for only an hour and a half to settle the preliminaries and the details regarding procedure. The non-official Indian members who had not till then been taken into the secrets of the Government were supplied with official papers together with the Govt. of India's Circular and the replies of the provincial Governments thereto. In the next two days short private meetings were held like the first for studying the official papers.

As regards the witnesses who appeared before the Committee, it should be remembered that the Swarajists as a party boycotted the enquiry. Pt. Motilal Nehru had been offered a seat on the Committee but he had refused, partly on the ground that the terms of reference were very restricted. In the course of the evidences taken however it appeared that as a matter of fact these limitations were not strictly adhered to. It was the liberals mainly who accepted the enquiry; the three most prominent non-officials, namely Sir Tej Bahadur Sapru, Mr. Jinnah and Dr. Paranjpye, who were on the committee were liberals; and the witnesses who appeared were mostly either Liberal ex-Ministers or representatives of the Liberal party.

On August 7th the Committee held the first public sitting and examined Mr. S. M. Chitnavis, ex-Minister of the C. P. Mr. N. K. Kelkar, another ex-Minister from the same province, was next examined on the 9th and the 11th. They both condemned Diarchy and pronounced it unworkable, and suggested complete provincial autonomy and responsibility in the centre. On the 13th August Messrs H. N. Kunzru and G. N. Misra appeared on behalf of the U. P. Liberal Association, and the next day one of the most sensational piece of evidence was tendered by Lala Harkishen Lal, the ex-Minister of the Punjab. On August 18th and 19th Mr. C. Y. Chintamani, the U. P. ex-Minister, was examined and made some startling revelations. It was a scathing exposure of the methods of the bureaucracy in working the constitution and greatly perturbed the official members. Mr. Pradhan of Bombay, and Mr. Barkat Ali representing the Punjab Muslim League were next examined on the 19th. In the next ten days some of the other liberal organisations appeared through their representatives Mr. B. S. Kamat for the Deccan Sabha, and Mr. Chittale for the Bombay Liberals. Other prominent liberals who appeared were Mr. Jamnadas Dwarkadas of Bombay and Mr. Raja Ali of the Council of State. Mrs. Dipnarayan Singh (Mrs. Lila Singh) appeared on behalf of the newly formed Woman's League, and an official, Sir Frederick Gauntlett, gave evidence as a financial expert. The Committee then adjourned by the end of August to the 16th October when further evidence was taken.

In October it was expected that the Committee would reassemble to draw up its report, but instead it went on examining another batch of witnesses. On October 16th Sir P. C. Mitter, ex-Minister of Bengal was examined. Like the other Ministers, he too condemned diarchy. Next day Sir Purushottamdas Thakurdas appeared before the Committee on behalf of the Bombay merchants. The most remarkable evidence was tendered by Mr. Fazl-ul-Huq, the famous unsalaried Minister of Bengal, on the 18th October. It was all a sorry exhibition of hate and anger and malice of everything Indian. On October 20th Sir John Maynard appeared to contradict the damaging statements of Lala Harkishen Lal. Next day Sir Chimanlal Setalvad made revelations in the working of the Reforms in Bombay which were as startling as those made by the other ex-Ministers. On the 22nd Mr. Kabiruddin Ahmed created a scandal and Sir Abdur Rahim gave his reactionary views on the 23rd. Next day, October 24th, the Committee's investigations came to a close after the examination of two minor officials, after which preliminaries for drawing up the report were settled. In the following pages a summary of the evidences tendered is given.

Evidence of Mr. S. M. Chitnavis.

The Reforms Enquiry Committee held its first public sitting on the 7th August when it examined for three and a quarter hours Mr. S. M. Chitnavis, ex-Minister, from the Central Provinces. Mr. Chitnavis stood for the grant of full responsibility in provinces and partial responsibility in the Government of India, relaxation of Governor's control over Ministers, statutory enforcement of the corporate responsibility of Ministers, and a united purse, but removal of the control of the Finance department from a member of the Executive Council, and a relaxation of the existing financial, legislative, and administrative control over Ministers.

Mr. Chitnavis said that he was a Deputy Commissioner before entering the Council and thus had considerable experience of official business. He was Minister for the first three years and was reappointed Minister after the second elections till March 1920, when, owing to the attitude of the Council, the Ministers had to resign.

The President drew the attention of the witness to a statement in his memorandum about the electorate, whereupon witness confirmed his opinion that although the urban electorate was more advanced than the rural, generally speaking, the electorate was illiterate. In the Legislative Council there were no parties and he strongly believed that the party system could not be developed without the introduction of responsibility. There were about a dozen of his followers but generally the Ministers had to depend upon official support to avoid defeat. There was no Ministry in the proper sense as there was no corporate responsibility. The Government of India Act, said Mr. Chitnavis, did not seem to recognise corporate responsibility.

The President began his examination with reminding the witness that generally even the electorate created by the Reforms Act of 1919 was illiterate and that half the population of the province comprised of the depressed classes among whom the percentage of educated persons was the lowest, but the implications of this question could not be left unchallenged, and replying to leading questions of Sir T. B. Sapru and Sir Sivaswamy Iyer, Mr. Chitnavis opined that the interests of the masses and the intelligentsia were the same and that so far no legislation merely promoting sectional and communal interest had been promoted. Moreover, he said that a great movement for the uplift of the depressed classes was already on foot and the attitude of the last Council about these classes was most sympathetic. Sir T. B. Sapru got out of Mr. Chitnavis the fact that when a resolution was discussed in the first Council for permitting the depressed classes to use wells a large number of Brahmin members supported it.

Sir Alexander Muddiman asked witness whether he advocated any revision of rule 49 which defines the powers of the Government of India over provincial legislatures and of schedule two. He was asked to read them on the spot and express an opinion. Mr. Chitnavis said that at the spur of the moment he had nothing to suggest by way of improvement. As the President and Sir Henry

Moncrieff-Smith were about to make much of this opinion, Sir T. B. Sapru suggested that not being a lawyer witness could not be expected to interpret the Government of India Act from the legal view-point.

Witness had exposed the rigidity of control of the Finance department. The President now asked whether witness would have acted differently if he had been a Finance Member. Mr. Chitnavis blushed and replied that not generally. In another instance he suggested the conversion of all non-votable items into votable, and the President asked how would witness like the prospect if he had been a Deputy Commissioner himself. Witness laughed and said some protection could be provided but what form it should take he did not say. It was in reply to Sir Sivaswamy that he agreed that a public service commission might be set up in provinces although he was in favour of leaving patronage in the hands of Ministers assisted by staff selection committees.

In reply to Mr. Jinnah he told the committee that at present the Ministers' plight was worst. The legislature might pass a vote of no-confidence or the Governor might dismiss him. As he was responsible to both, he could depend on neither. As conditions for such a state of affairs did not exist he wanted the Ministers to retain their seats or go out as was determined by the Council vote. That was the way to develop responsibility. He was convinced that by the grant of full responsibility in the provinces and partial in the centre the existing position would alone be eased and he opposed re-entry of transferred subjects as reserved subjects. Sir Alexander Muddiman thereupon asked as to how would then the present deadlock in the C. P. be met. He thought that as Mr. Chitnavis had been treated badly by the Council he could get a satisfactory answer, but here Mr. Chitnavis made the strongest case. He believed that he was turned out not because of want of personal confidence but because the majority in the Council wanted to put an end to diarchy, and as soon as diarchy disappeared he would take office. He believed that the present Council contained the best elements from his province, but Sir Alexander quoted from the C. P. Government's reply stating that the present Council was not like the old one in the matter of ability. Mr. Chitnavis differed and reiterated his opinion. He urged that the position could not be met without the revision of the Government of India Act as a whole and that at present there could be only two parties, Government *versus* people. Sir Arthur Froom, representative of the European interests, suggested that Indians should have more training before claiming further powers. Mr. Chitnavis had no difficulty in showing that the soil of diarchy could not grow such a plant and that opposition to further advance would only worsen matters. Dr. Pranjpye asked whether Mr. Chitnavis was not disappointed in the light of expectations with which he entered office. Witness confessed it was so and as joint responsibility of Ministers had not been enforced or promoted, he urged that the system like that adopted by Lord Willingdon in selecting a Chief Minister and asking him to select his own colleagues should be followed in other provinces.

Sir T. B. Sapru made the most important suggestion that unless law and justice were transferred to popular control it would be impossible to develop a party system because these were subjects with which the people came most into touch. Mr. Chitnavis agreed, and Sir Muhammad Shafi attempted in vain later to make witness revise this opinion. Replying to the Maharajah of Burdwan witness stated that much of the distrust against Ministers was due to their supposed association with the Government on questions of law and order.

Mr. N. K. Kelkar's Evidence

On August 9th Mr. N. K. Kelkar, another ex-minister of the C. P. was examined. Mr. Kelkar endorsed in broad outline the measure of political progress demanded by Mr. Chitnavis. When cross-examined in turn by Sir Alexander Muddiman, Sir Muhammad Shafi, Mr. Jinnah, Dr. Pranjpye and Sir Tej Bahadur Sapru, he refused to yield even an inch of ground and agree to any alternative which would minimise the exis-

ting evil but still assure proper representation to the minorities. The extent of the interest aroused by his evidence can be gathered from the fact that when the committee rose after a three hours sitting only four members had examined him and Sir T. B. Sapru had just begun. His written memorandum itself was a weighty document running to 26 pages in close print and extending to 128 paras. The most interesting part of the memorandum was a categorical enumeration of 'some' of the cases where the Services' man poolpoohed the Minister by getting the Governor to over-rule him. This tale of woe contained mention of those responsible for the acts but the copy supplied to the press deleted the mention of all names. For instance, during the non-co-operation days Mr. Kelkar had laid down that a lenient view be taken of boys who had left schools or failed to observe certain rules, but the head master of a school did not take the boys back and did not allow them to appear in the matriculation examination. The Minister issued a different order with which the Director of Public Instruction was not satisfied and asked him to withdraw it. As he did not withdraw it, the Director got the Governor to upset the order. In another case the Minister did not think that a particular officer required a motor car for the discharge of his duties, but the Governor over-ruled him. Then again he had laid down that no non-co-operator be debarred from being the office-bearer of any local body. But despite this one Commissioner refused to confirm the election of a non-cooperator president and the Governor confirmed the Commissioner's order in the first instance. Even in cases where an officer was serving under both halves, the Ministers were not consulted concerning such an officer. Mr. Kelkar cited a case where a District Revenue Officer conducting municipal elections was accused in the local press of exerting influence to keep the non-co-operators out of the municipality. As the subject concerned local self-government the Minister ought to have been consulted before any action was taken against those who made the allegation, but Mr. Kelkar found that the Home Member had ordered prosecution without even informing him. Then, again, although he was in charge of the Public Works department, the buildings programme concerning other departments was never referred to him. No wonder, Mr. Kelkar declared, there was dyarchy within dyarchy.

Sir Muhammad Shafi had made no secret of the fact that he considered provisions of the Reform Act so elastic as to make a considerable advance within it possible, and believed that under section 19A rules could be framed which would have the effect of the Secretary of State's voluntarily giving up his power of superintendence, direction and control. Mr. Kelkar, had no difficulty in clearly explaining that Section 19A permits the Secretary of State merely to restrict and regulate his power but this regulation must be in accordance with the purpose of the Act. And, as the purpose of the Act is the establishment of dyarchy and maintenance of the Secretary of State's control unimpaired, no rule under the Act can divest the Secretary of State of his supreme power. Therefore within the Act there can be no responsible Government in provinces although some more subjects can be transferred. Moreover section 131 of the Act clearly precludes any action which would have the power of removing the Secretary of State's control over the administration of India.

'Will you like to mend dyarchy or end it,' asked Dr. Sapru. 'I would end it because you cannot mend it,' was the prompt reply of Mr. Kelkar. 'Would you kill, it?' continued Dr. Sapru. Yes, if it is not murdered, rejoined the witness. As Mr. Kelkar had suggested several qualifications for candidates including his being a graduate, Sir Sivaswami asked whether it won't exclude men like Mr. Chintamani and Mr. Sastri. Mr. Kelkar's resourcefulness and humour got him wonderfully out of the difficulty. The one, he said, was a journalist who knew everything about the world, and the other was the President of the Servants of India Society. His real aim was that educated and qualified men alone should come in, because they could understand the position and make helpful criticism. As this would lay him open to the charge of trying to establish an oligarchy of the educated men, Sir Tej Bahadur Sapru asked how he would meet that charge. Mr. Kelkar was quick in pointing to the patriotism and unselfishness of educated classes which should guarantee fair and just dealings for all. If a man was not unselfish then, he added, he was not educated.

Then Sir Henry Moncrieff Smith plainly asked witness whether he would be satisfied with the transfer of some more subjects and even 'minor' amendments of the Act. What is meant by minor amendments? inquired Mr. Kelkar, and added, certainly it does not mean the transfer of all subjects and abolition of dyarchy. 'Oh, no,' replied Sir Henry. What officials aim at is the transfer of some more unimportant subjects and nothing beyond that. They want to maintain rigid control of the Government of India over provincial legislation, as is evidenced from Sir Henry's question, whether witness thought Parliament would agree to the relaxation of Simla's control in that respect. Mr. Jinnah intervened saying that witness would not be expected to know what Parliament would think or do.

The legislative secretary then turned his attention to Mr. Kelkar's advocacy that the services should be secured against the vagaries of voting by the passing of an Act of legislature. Sir Henry put forward the usual cry of his class as to what would happen if one Council upset the Act passed by its predecessor; could there be then security for public servants? There might be a swing of the pendulum and a party which voted the Services Act might become a minority in the next legislature and the opposition might upset the Act. Mr. Kelkar pointed out that such a thing was not conceivable from a responsible legislature. Surely in other countries all Parliaments possessed that power, but none used it. On the other hand, Mr. Kelkar was most anxious to maintain the independence of the services. Sir Henry turned his attention to another flank. Supposing, he asked, law and order were transferred, would the Councils support the authorities in maintaining it, because they had not done so far. Mr. Kelkar had no difficulty in pointing out that if the Government had not received the help in full measure it was because it was not responsible, that it did not take the members into its confidence—not even the Ministers—and that, for instance, it was because of its obstinacy in supporting a wrong order of the District Magistrate regarding the Nagpur flag agitation that the Council passed a vote of censure. But in case responsible government was introduced, he had no doubt that he would be supported by a majority in all actions whether executive or legislative.

Sir Henry next asked whether witness would retain the Crown's veto. Mr. Kelkar replied in the affirmative, because such veto power is merely formal. Sir Henry perhaps thought that if witness spoke against this veto it might smell of independence. Sir Alexander Muddiman asked whether if all the subjects were transferred witness would agree to the retention of Simla's control in the form at present in force regarding the transferred subjects under Devolution Rule 42. Mr. Kelkar refrained from giving reply without properly studying the rule section.

The Maharaja of Burdwan who followed Sir Henry was told witness that he thought dyarchy had not been given a fair trial. He at first wanted to entrap witness by suggesting that Ministers should have the right to attend all Cabinet meetings and vote, but that distinction between the reserved and transferred halves should be maintained. Would the Ministers be then happy, asked he? Mr. Kelkar said this might satisfy the Ministers' personal vanity but the scheme was chimerical. Or, in the alternative, said the Maharaja, would witness agree to enforcing real dyarchy, which had not been done in any province, by dividing them into two halves with separate purses. Mr. Kelkar said the government must be indivisible and divisions would not work. But then, rejoined the Maharaja, the government was undivided because the Governor was responsible for the government of the province and would act with the two halves separately. You can't dissect the Governor, Mr. Kelkar put it bluntly. The Maharaja proceeded to find out whether if there was provincial autonomy and the Minister in charge of the portfolio of Law and Order felt called upon to use Regulation III of 1918, would the Council support him. Dr. Sapru slipped in a remark that there may be no Regulation III. The Maharaja retorted that he was not talking of periods when there would be pandemonium in India. Mr. Kelkar, however, gave it back. He had no doubt that if called upon to take repressive measures he would do so and have full support of the public.

UNITED PROVINCES LIBERAL ASSOCIATION

On the 13 August the Reforms Enquiry Committee heard the first batch of witnesses on behalf of political associations. Mr. Hridaynath Kunzru and Mr. Gokarannath Misra appeared before the committee to be examined on views submitted in its memorandum by the United Provinces Liberal Association. In its memorandum the Association remarked that the restricted scope of the enquiry was calculated seriously to impair its usefulness and reiterated the conviction that the constitutional problem required investigation on a large scale by a more authoritative and representative body. The Association, however, hoped that the result of the committee's enquiry would demonstrate the necessity for such an investigation and it was in that hope that it had decided to place its views before the committee. The Association thought that any large devolution of power from the Secretary of State to the Central and Provincial Governments was extremely difficult to effect by mere amendment of rules. Such devolution would have to be accompanied by greater control of the Indian legislature over the Executive Government and, while it may be possible under the Act to secure a certain amount of independence for the Government of India and the Provincial Governments, such independence would be very different from real, genuine, Responsible Government. Without amendment of the Act no element of responsibility can be introduced into the Central Government, nor would introduction of complete Responsible Government in the province without corresponding changes in the Central Government lead to harmonious working of the administrative machine.

The Association recognised that constitutionally Parliament was supreme, but emphasised that in determining the time and manner of constitutional advance Indian opinion was entitled to proper weight. The last few years had witnessed a remarkable growth of political consciousness in the country and there was nothing more striking than the influence which the educated or political classes had acquired with the mass of the people. It required sympathetic handling and constructive statesmanship to divert the energy of the people into fruitful channels.

The Association next proceeded to meet the objections advanced against premature advance and in this connection recalled the words of Lord Bryce that "there are moments when it is safer to go forward than to stand still, wiser to confer institution even if they are liable to be abused, than to foment discontent by withholding them". As for internal dissensions, the Association pointed to the constant efforts being made by Hindu and Muslim leaders to improve relations but at any rate so far as the demand for Self-Government was concerned, Muhamedans were at one with Hindus, though as a minority they were anxious to have their particular interests adequately protected.

On the question of untouchables the Association declared that this problem is quoted by those hostile to Indian advance and pointed out that the custodians of political power hitherto cannot claim a record of useful activity to their credit on behalf of the untouchables. On the other hand, with the growth of new consciousness in the country, the Association thought that the future of the problem of untouchables can be envisaged hopefully. In any case the existence of this problem may be used for effectively safeguarding the interest of minorities, but cannot justify any opposition to progress. Political ideals are the greatest levellers of communal and sectarian differences and, as in the case of Canada, common national institutions create common nationality.

With regard to the electorate, the Association strongly maintained that only by the exercise of political power will the elector acquire real political existence. It was of opinion that the electorate in India was at least as well prepared for the exercise of political power as was the electorate in England when the Reforms Act of 1832 was passed. The existing partial responsibility could not discipline the electorate. In any case those who advised India to wait until 1929 could not seriously think that such objections would by that time disappear.

AN IRREMOVABLE EXECUTIVE AND IRRESPONSIBLE LEGISLATURE

The Association holds that these arguments overlook certain administrative considerations which make the amendment of the constitution imperatively necessary and narrated some such considerations

both in the case of the Central Government and Provincial Governments. In the Central, it is pointed out, that conflicts between an irremovable executive and an irresponsible legislature are bound to be more numerous as time goes on and such a system cannot effectually train people on responsibility nor can Government act with confidence, vigour and independence because, on the one hand, it tries to be responsible to the popular Assembly and on the other, has to take orders from Whitehall. Nor is even the executive united by homogeneity of political views and outlook. The Association therefore urges full responsibility in the Central Government in respect of civil administration reserving for the present in the hands of the Viceroy foreign, political and army affairs.

The Association then points out that there are legal and constitutional difficulties in the way of adequate action under Section 19 A and quotes Sir Malcolm Hailey's views in their support. While relaxation of the control of the Secretary of State can be brought about by rules or convention, conflicts cannot be avoided unless the Assembly has control over the executive. The Act must, therefore, be amended without prejudice to this demand.

SUGGESTED CHANGES IN THE ACT

The Association suggested advance within the Act by the following methods: (1) that rules under Section 19-A should provide that the Secretary of State should in the matter of purely local interests intervene only in exceptional cases where the Government of India and legislature are in agreement; (2) that there should be free initiative in legislation and finance, the interference of the Secretary of State being confined to cases involving imperial interests; (3) that the financial control of the Secretary of State be taken away consistent with the provision enabling him to discharge his obligations incurred on behalf of India in England; (4) that the statutory qualification under Section 36 prescribing proportions in the Governor-General's Executive Council be removed, because it is not desirable that members of the permanent services should have any controlling voice in the shaping of Indian policy; (5) that franchise be widened in the case of the central legislature and strength of both houses increased; (6) that the Viceroy's certification power be limited only to cases involving safety and tranquillity and omitting mention of the word interest; (7) that in order to get greater security of the budget the Assembly be given full control over the budget, but if the Assembly went wrong the Governor General could certify, under the power to be maintained in respect of the three excluded departments. As regards items of expenditure under Section 67-1-(3) they should be met out of a non-votable consolidated fund; (8) that control over the services be transferred to the Government of India subject to guarantee for the right of services of the Secretary of State should delegate his power provided the various Governments are given power to abolish any appointment.

The Association holds that dyarchy has failed. Provincial subjects are so inter-connected that any division is bound to create difficulties. There has been no active co-operation between the two halves nor had the principle of collective responsibility of Ministers been accepted in practice. The Government of India's control over legislation of the transferred side has not given that measure of initiative and freedom which the framers of the scheme recommended. If Ministers and Executive Councillors and Governors cannot work harmoniously, responsibility in certain subjects is merely a source of friction. If competition between the two halves for funds is to continue and if control of the services in transferred side is not to be vested in Ministers, it is high time that the system disappeared and is replaced by full Responsible Government in the Provinces with a Cabinet system of Ministers, and there can be no half-way house between the present system and full responsibility. The act must therefore be amended, but in view of the terms of reference, the Association also made the following suggestions:—

(1) That provincial subjects should not ordinarily be subject to legislation by the central legislature; (2) That all except agency subjects be transferred; (3) That, subject to the provision stated above, Governors-in-Council and Governors acting with Ministers should have full control over the services under

them: (4) That the restrictions on previous sanction of the Governor-General for provincial legislation be removed; (5) That the character of non-votable items be strictly defined and their extent reduced to the narrowest limit; (6) That the position of Governors be that of a constitutional Governor and the rules under Section 49 be so framed as to conform in every respect to the provisions of the Act and report of the Joint Select Committee.

Evidence of Lala Harkishen Lal

On August 14th Lala Harkishan Lal, Ex-Minister, of the Punjab, was examined at length by the Committee. His was a sensational piece of evidence, for he did not mince matters in exposing Diarchy in all its naked ugliness as worked in his province. It was only his inexhaustible fund of humour which made the Committee burst out into frequent peals of laughter that acted as the saving grace, to the revelations he made. He believed that so long as communal representation existed Responsible Government was impossible in the Punjab. He observed that under the reforms the power of Governors had been increased and opined that Dyarchy could not be worked without making improvements which would in effect be the negation of Dyarchy. The office of the Minister was merely glorified without power. He also opposed the Meston settlement. In the interest of the administration he would remove Dyarchy and have all Ministers, but in the interest of the people he would first remove communal representation.

Questioned by Sir Alexander Muddiman witness said he was in charge of Agriculture, Industry, Public Works Department, Co-operation etc. He said the Punjab Council was divided into religious groups with an under-current of urban and rural rivalry. His colleague was Mian Fazli Hussain and as the latter had a Muhamedan section with him, he was more influential and the position of witness from the point of view of majority was unreal.

President: You think parties are run on communal lines and that they are great obstacles to further advance?

A: That is so.

Q: How would you combat it?

A: I would do away with the evil of communal representation.

Q: You know Muhamedans form 55 per cent. of the population of the province while their representation at present is less than their population would justify. If there were a general electorate Muhamedans might come into the legislature in large numbers than at present. Then also party may be run on communal lines.

A: Not exactly to the same proportion. In the Punjab Muhamedans are in a majority and should not claim the privileges of a minority.

Q: If under a mixed electorate Muhamedans come back with a majority?

A: Not always, but I have been ruled by them in the past. (Laughter).

In his memorandum Lala Harkishan Lal had complained that there was no single Govt. or Cabinet Govt. in the province and that joint Cabinet consultations were few. The President said the Act did not prohibit it.

Witness replied that unfortunately the Governor went by the letter of the law.

As for joint consultation between the two Ministers this never occurred because he was told by the Governor that the interpretation of law was that each Minister should act on his individual responsibility.

President: You were then divided into water-tight compartments?

A: Yes.

Q: Were you in sympathy with the second Minister?

A: Yes, in sympathy with his social life (laughter), but I objected very strongly to his political views.

President: If there had been joint consultation between the two Ministers would you have carried on together?

A : We would not have flown at each other's throats (Laughter).

Q : What would have been the position on the whole ?

A : If it was really that the Governor sided with him, I would certainly have gone out.

In his memorandum witness stated: "There have been at times as many as 5 local Governments in the province of the Punjab. The Governor of a Province now has more powers than in pre-reform days being less under the supervision, direction and guidance of the Governor-General on one side, the Councils and the Ministers being powerless to check him on the other side. Further, the Governor, being solely responsible for the services, creates a somewhat undignified position for members and Ministers".

The President asked as to what witness wanted regarding the services.

Mr. Harkishan Lal replied that Ministers must have full control of the services and would protect the office. He was, however, willing to give to the services the right of appeal to the Governor.

Witness also complained strongly against the Finance Department and said that the finances of the transferred departments were at the mercy of the Finance Member, Finance Secretary and clerks in the Finance Department.

The President asked if there was any grievance about allocation of funds.

A : It was never observed in practice. The Finance Department over-ruled him many times. Once he wanted to send an officer to study Cement overseas and he was not granted the demand because the Finance Department thought the scheme was not useful.

Q : Would you favour a separate purse ?

A : I want a Unitary Government and not divisions.

Witness stated in his memorandum that influence in the Council was in proportion to the patronage that any member of Government could put on his side.

Questioned by the President he explained that official patronage included the promise of appointment as Hon. magistrates, water concessions etc.

Mr. Harkishan Lal complained in his statement that the Chief Secretary was perhaps more powerful than any other member of the Government. Why was it so, asked the President. Because, replied witness, he was neither responsible nor irresponsible. Five or six persons acted as Chief Secretary during the thirtyfour months he held office. The President thereupon pointed out that the frequent change of personnel should lessen the case for personal influence which an experienced Chief Secretary could exert.

A : The power was there and they used it.

Answering the President witness said that Secretaries had the right of pre-audience with the Governor and thereby influence him before Ministers could present their case. The President suggested that it was quite different if such an interview prejudiced the case, but speaking from personal experience in the Government of India he thought this right of Secretaries saved members a good deal of trouble and time.

Witness replied that the position in the Punjab Government was different. There were not so many cases that Ministers could not personally explain to the Governor and the file used to wait at his table when the Secretary got pre-audience. He advocated that this right of the Secretaries should be taken away in both halves and that the English system of appointing permanent Under-Secretaries of Departments merely to acquaint Ministers with the previous history of cases be followed. At present Secretaries were constantly changing. During his ministership five Secretaries changed in one of his departments. They had never to work more than he and gave him practically no assistance of value.

DIVISION OF THE ELECTORATE.

With reference to the remark of witness that big areas had to be canvassed

by candidates, the President asked whether he considered the Punjab too big.

Witness: It has been made bigger by communal representation. It is divided into thirty-two parts for Muhamedans, twenty-two parts for Hindus and in still bigger areas, namely twelve parts for Sikhs. This made canvassing and touch with constituents most difficult. If there were mixed electorates the Punjab would be divided into seventy parts and matters would be easy.

The President referred to the statement of witness that in the central legislature also representation looked like communal rather than provincial.

Lala Harkishen Lal explained that he had not heard of members from the Punjab in the Assembly meeting as such and discussing a common policy, but he had heard of voting parties on communal lines.

The President enquired whether he would like representation in the central legislature to be indirect, namely, provincial councils would elect representatives to the central legislature thereby ensuring that the views of the provincial majority would be voiced in the centre.

A: I am in favour of the newest and the latest machinery both in politics and in industries (Laughter).

Q: You won't have that system because you think it would mean going back to the old practice?

A: I think the Government of India has been going back gradually (Laughter).

President: I hope not personally? A: No.

Lala Harkishen Lal stated in his memorandum that "financial arrangements of Local and Central Governments, namely, provincialising of rural revenues and centralising urban revenues, the income-tax and super-tax, suggested very undesirable competition and rivalry and creation within the province of what he calls irresponsible functionaries, such as railways and income-tax collectors."

Asked by the President to explain his views he said he would like to provincialise the traffic staff and he did not think the central income staff had improved matters. He believed that if certain departments of the Railways knew they were responsible to the local Government their behaviour would change.

President: Then you want to introduce Dyarchy in this respect, although you are against Dyarchy? (Laughter).

A: Yes, it may be tried in this case.

President: What is your objection to division of revenues?

A: I have heard rural members in Council tell urban members that they did not contribute to provincial revenues and this may cause trouble in future.

President: What are the special privileges of the civil service you refer to, which you say stand in the way of free development of responsible institutions?

A: They are made Governors and members of the Executive Council.

I. C. S. AND RESPONSIBLE INSTITUTIONS.

President: The Government of India Act provides only for service under the Crown and appointment need not go to civil service men.

A: I am not aware of any other man who had got it.

President: Sir Thomas Holland was a geologist and was a Member of the Viceroy's Council.

A: He was, and he had to go (Laughter).

President: There is now Sir B. N. Mitra.

A: Yes, then there was something else: An Indian had to get in. My view is that these are forced exceptions which do not prove the rule.

With regard to the remark of witness that resolutions passed by the Council could not be carried out even on the transferred side, the President observed that even in the House of Commons they were not binding.

Witness said that the position was different in the case of the two countries.

Here when a resolution of the Council was passed the Minister was willing to carry the recommendations, but effect could not be given.

President: The Minister could resign.

A: I did resign four times but it was ineffective.

Mr. Jinnah: You had to carry resignation in your pocket? (Laughter)

A: I did.

President: Resignation was inoperative.

A: It was not accepted. (Laughter)

Lala Harkishen Lal then detailed how there were really five Governments in his province instead of one, the two Executive members, the two Ministers, and the Chief Secretary were doing in their individual capacity what they liked without consulting others. There was no joint consultation and when he asked for a joint meeting on the transferred Subjects he was told by the Governor that the law laid only individual responsibility on the Ministers.

He then stated that the Civil Service by having all the plumes of office like Governorships and Govt. memberships retarded the advance towards responsible Government. He was then examined at length on the point as well as on the Meston Award which was strongly opposed.

Evidence of Mr. Chintamani.

On the 18th August Mr. C. Y. Chintamani, ex-Minister of the U. P. was examined by the Reforms Enquiry Committee. The memorandum he had supplied to the Committee dealt mainly with the working of the Reforms Act in the U. P. from January 1921 to May 1923, during which period he was Minister and afterwards resigned, accompanied by Pandit Jagat Narain, his colleague. The conclusions he arrives at are also mainly those expressed before the committee previously by a few other ex-Ministers, namely the abolition of unworkable dyarchy, the grant of full provincial autonomy and responsibility in the Central Government except in regard to foreign and military departments.

SIR H. BUTLER'S EARLY POLICY.

Mr. Chintamani's examination of the working of dyarchy was very critical and was supported by innumerable instances in every branch of the departments of which he was in charge. He said: "At the outset Sir Harcourt Butler avowed publicly and privately his intention to conduct his Government as a unitary government. He had been most strongly opposed to the dyarchical system and held the firm conviction that it would not and could not work smoothly and satisfactorily. It was due to this that the Ministers did not press beyond a certain point their suggestions of larger amendments in the rules of executive business as they would have emphasised the dyarchical nature of the Government. Nothing was left that could be desired in the openness and cordiality of the Finance Member. Ministers felt at that time that they had an ideal chief and an ideal colleague to act with.

MINISTERS' "EMBARRASSING AND THANKLESS" POSITION.

"But it was some time later that the Ministers found out that they were not being taken into confidence on all subjects; for instance, there were differences over the Oudh Rent Bill in which the Ministers' views did not prevail in 1922. The Ministers were not consulted nor informed about the reference from the Government of India on the question of arms rules. The Ministers also discovered that the decisions reached at the meetings of the whole Government were not carried into effect in all cases; that they were taken into confidence and consulted at certain stages of a subject but dropped out at later stages and that some times they were never consulted nor informed. In a word the whole spirit of the Government underwent a disagreeable transformation." The varying attitude of the Governor, Sir Harcourt Butler, towards the Districts Boards Bill, in charge of Pandit Jagat Narain, at successive stages of its progress through the Legislative Council and the difficulties Ministers had to surmount on this account illustrated quite well, says Mr. Chintamani, the embarrassing and thankless position of the Ministers in the present system.

With the advent of the new Governor, Sir William Marris, another change came over the situation. Weekly meetings of the whole Government ended in quarterly meetings and during the four and a half months of the Ministers being colleagues of Sir William Marris, they saw no subject of any great consequence considered at such meetings. Indeed it was dyarchy all over. The rightful position of the Ministers being masters in their own household had not been secured to them, and the manner in which the system worked was entirely what the Governor made it.

Mr. Chintamani next complained against the existence of the power vested in the Governor-General in Council to control the transferred subjects and urged the rules under Sec. 45 A (3) of the Act should be revised. Then, as the Finance Department is common to the whole Government, it should have been left to the Governor as to which of his colleagues should be placed in charge of that department. But rule 36 (A) as it stands is a reflection, said Mr. Chintamani, on the Ministers and it gives an unfair and initial advantage to the Governor-in-Council and the reserved subjects over the Ministers and transferred subjects. In fact this rule had operated to the disadvantage of the Ministers.

After therefore reiterating his strong protest against Rule 36, the memorandum refers to financial stringency and said that although Ministers reduced their expenditure to the irreducible minimum, in view of the financial stringency, it was not so in case of the reserved departments. If, however, he, Mr. Chintamani, and Pandit Jagat Narain ultimately gained their points in part, it was more than once at the point of resignation. Not a pie of new expenditure could be incurred by the Ministers without the approval of the Finance Member. He, Mr. Chintamani, suggested to Sir Harcourt Butler in 1922 that every proposal of new expenditure in any department exceeding amounts that His Excellency might fix for recurring and non-recurring expenditure might be circulated to all the four members of Government and where there was a disagreement of opinion might be considered at a meeting of the whole Government. But the Governor did not agree even to supply information to the Ministers.

OFFICIAL CANVASSING AGAINST MINISTERS.

The memorandum dealt with the Legislative Department and the Legislative Council. First of all, Mr. Chintamani pointed out that the Ministers were after the first year not consulted re. the dates of Council meetings. No dyarchical distinction was observed during the first year which was a period of goodwill and confidence. But the change after that went so far that on one occasion, so important as to be critical to the Ministers, the Finance Member sprung a surprise upon the Ministers by actually speaking in Council against the position taken up by them—a position in which the Governor and the Finance Member had both assented earlier. And in connection with the same measure, there was even active canvassing against the Ministers' position and, what more, the Secretary in charge of the very department, to which the bill related, moved an amendment which the Minister had to repudiate and which subsequently the same Secretary withdrew saying, "at the request of the Minister."

The Governor, the memorandum said, should not have the power to disallow resolutions or motions of adjournment. It must be entirely the business of the President. The Governor should be either a constitutional Governor or he should not be protected from criticism in the Council.

Mr. Chintamani next objected to the presence in the Legislative Council of nominated official members, although they form a small minority, because as non-official members were rarely present in full strength, official votes not infrequently determined the result of a division. Moreover, freedom of vote, which should be theirs, was seldom accorded to them and the voting was ordinarily by mandate. "If the Ministers were of one opinion and the Governor-in-Council of another, the nominated official members had all to vote with the latter, including those serving in the Ministers' departments even when the subject happened to be a transferred one. Such things do not promote discipline and do not enhance the position of Ministers."

Mr. Chintamani's conclusion was that "there should be no nominated official members with the exception of the Government Advocate and there should be as

many Council Secretaries as there were members of Government selected from among the elected members to assist and relieve them in the Legislative Council. This would carry with it the further advantage of providing a supply of trained men to be later selected as Members of Government."

The memorandum next urged that in the nomination of members to the Finance, Public Accounts and Publicity Committees, the Governor should consult not only his reserved but also his transferred department colleagues.

The memorandum also urged that the number of members for depressed classes be raised from one to three and the allotment of a seat to factory labourers.

Mr. Chintamani urged the removal of the provision which required the previous sanction of the Governor-General to the consideration of certain classes of legislation and the insertion in its place of a provision which retained only so much of it as empowered the Governor or the Governor-General to return a Bill for further consideration in whole or in part.

PUBLIC SERVICES COMMISSION PROTESTED AGAINST.

Mr. Chintamani next devoted seven pages to the position of Ministers and the Services here. He gave several instances where he could not do anything according to his own desires or the declared wish of the Legislative Council. Proceeding, Mr. Chintamani opposed the constitution of a statutory Public Service Commission under the control of the Central Government, because such a body for the whole of India was inconsistent with autonomous and responsible Government in the Provinces. Instead Mr. Chintamani referred to the constitution in the province itself of selection committees *ad hoc*, but if a statutory Public Services Commission was preferred by any Local Government, then it could have it, provided the Legislative Council in the Province agreed.

Local Governments should have also power to make their own arrangements for the purchase of all stores required.

Mr. Chintamani then referred to a series of instances pointing out the difficulties experienced in practically every branch of the administration owing to the division of subjects into reserved and transferred when as a matter of fact they could not be divided into water-tight compartments. He concluded this part of the memorandum by reminding that these instances furnish a sufficient commentary on dyarchical constitution under which apparently camels can be swallowed but goats must be strained at.

"ONLY ONE PATH OPEN."

The conclusions he arrived at in regard to the Provincial Governments as mentioned in the memorandum were that the present constitution has not worked even tolerably satisfactorily as was hoped by its advocates or by those Indians like himself. The system had proved unworkable without grave misunderstanding and frequent friction and unpleasantness which were detrimental to efficient administration and good Government. There was no point in leaving it wholly or very much as it is because ten years have not elapsed since it was brought into being. Legislative enactments were meant to be instruments of good Government for the benefit of the people and not fetishes to be worshipped. The present Act had been tried and found wanting and it had failed to bring a degree of satisfaction to the national consciousness of educated India. There was only one path open and that was that the Provincial Governments should be transformed into fully Responsible Governments. Inclusion of more subjects in the transferred group and the amendment of some of the rules would be no solution. The Governor's excessive discretionary powers must be curtailed and he should be the constitutional Governor in the relation to the Ministry from a cabinet with collective responsibility. Exception can be in the case of agency subjects which may be administered direct by the Governor with the assistance of a Secretary or the Government of India may make other arrangements. The guaranteed rights of officers of the All India Services should be respected and their proved grievances redressed with due regard to the financial position of the Central and Provincial Governments and in the interests of tax-payers. But future recruitment should be on a provincial basis by means of competitive examinations. There should be no statutory Public Services Commission until the Government

is made responsible to the Legislature. All legislation by the central Legislature in relation to a provincial subject should be done away with and provincial Governments should be relieved of contribution to the Government of India.

On the memorandum Mr. Chintamani was examined for three hours by the President. Replying to a question about the Governor's relation he said: We, Ministers, were prepared to work strictly dyarchical system of Government, but not a semi-demi-unitary dyarchical Government.

On August 19th the evidence of Mr. Chintamani was concluded after an examination of over two hours.

Replying to Sir Sivaswamy Iyer, witness said that rules of executive business were not in conformity with the spirit of the Act, because they took away from the Minister the right of independence which should be his and had brought in the necessity of the Governor's sanction, concurrence, or control at almost every step. The new Governor (Sir William Marris) even wanted to go back upon these rules to the disadvantage of the Minister. He, the witness, did not make any specific complaint to the Governor but made general complaints on this matter more than once. Since Sir William Marris came to the United Provinces the practice of joint deliberation which had existed for some time during the regime of Sir Harcourt Butler had been limited to subjects of common interest to both halves of the Government. Whether this was in accordance with the spirit of the Act or of the Instrument of Instructions, he (the witness) could not say, but it was certainly not in accordance with the Report of the Joint Committee. There had been only very few instances in which Ministers had joint consultations with the Governor. But there was nothing in the Act to prevent the joint responsibility of the Ministers.

Sir Sivaswamy: You state that you were not consulted in regard to the memorandum prepared by the Local Government for the Military Requirements Committee. Will you explain the situation?

Mr. Chintamani: Yes. We were not consulted. We, Ministers, protested, and were told that the Memorandum was required from the Governor. The Finance Member who gave evidence before the Committee also stated he was giving evidence on behalf of the Governor in his personal capacity.

Sir Sivaswamy: You also say the same thing in connection with differences over the Oudh Rent Bill. Did you protest also here?

Witness: But matters had gone so far that a protest was not considered to be of any use.

Proceeding, the witness said that his complaint was that Ministers were not consulted by the other half. He was, however, never keen on poking his nose in his colleague's matters. The Finance Department did act unfairly towards his (witness's) department. For instance, after making a cut of several lakhs in the Budget in 1922 he was still forced to surrender two lakhs from the educational grant. He could only avert this by insisting on resignation, and a system wherein members were able to avert a catastrophe by threats of resignations was not a sound one.

Sir Sivaswamy: You said that the Finance Member shows unconscious bias towards your department.

Witness: I should never say that in one case there was conscious bias. I may point out that in insisting on a very substantial reduction of money for primary education he argued that it was a deliberate waste of money.

Maharajah of Burdwan: And that was a case in which the Finance Member openly opposed the Ministers' policies? Mr. Chintamani: Yes.

Sir Sivaswamy: You say then there is an incurable propensity to encroach upon the sphere of the Ministers? Witness: Exactly.

Sir Sivaswamy: And your remedy is a constitutional Governor,

Witness: The incurable bias of the Finance Member cannot be cured by a constitutional Governor. But a Minister can at least have greater remedies in that case.

Sir Sivaswamy: Suppose we have a Finance Member without charge of any

portfolio. Witness: That would be a complete remedy. At the same time as he will have no other work it will be a costly remedy. (Laughter.)

To Sir Sivaswamy Iyer witness said he had heard complaints that the reserved departments suffered because of the distribution of finance. The Police Department was said to have suffered. When new expenditure was not sanctioned by the Legislative Council, the refusal of the Legislative Council to a part of the new expenditure was in his opinion perfectly justified. Then again, the Council was justified in refusing sums required for the appointment of an additional Inspector-General of Police and for the purchase of motor lorries and a number of other conveyances or conveniences, whichever they might call them, in order to increase the mobility of the Police.

President: Had you seen the papers of the reserved departments on this point?

Witness: I only heard a discussion in the Legislative Council. The proposal was first put up before the Legislative Council in regard to the purchase of motor lorries as a matter of temporary emergency and the Council was told that it would not be an item of recurring expenditure and the Council sanctioned it. But afterwards the Government wanted to make the expenditure permanent and also increased the amount as a permanent arrangement.

Sir Sivaswami: It is true that money was freely given to comparatively less urgent needs?

Witness: I don't know except so far as the obligation to keep on a number of Imperial Service officers went.

President: Would you dismiss these Imperial Service officers?

Witness: I would not dismiss them. But where an officer was considered to be superfluous and where there was a substantive vacancy by retirement of that officer, the Local Government should have abolished the post or at least appointed a member of the Provincial Service.

Continuing, Mr. Chintamani said that he was opposed to the appointment of a Statutory Public Services Commission so long as the Central Government was not made responsible to the Central Legislature, because it would perpetuate the control of the Secretary of State and in an indirect way his object to it would be much less if the Secretary of State's control was transferred to the Government of India. The introduction of complete responsibility in the Province would in consequence lead to a highly organised party system.

Sir Sivaswamy: What, in your opinion, are the incurable and unavoidable defects in dyarchy?

Witness: There can be no commonness of purpose or interests. It will not be a cohesive Government consisting of individuals with the same political opinions or policies. It will not be a Government every member of which will be equally interested in the successes of the whole Government. There would be sectional interests playing, the Ministers not caring for reserved side and *vice versa*.

Sir Sivaswamy: Do you think that the defects you have brought out in the memorandum can be cured by a change in the Rules or, are they incurable?

Mr. Chintamani: They are curable in minor parts, but the principal vice of the system is incurable so long as the system itself is not ended. The vice I refer to is that there can be no common purpose in the Government.

Sir Sivaswamy: Would you favour a system of uneven advance in the Provinces? Witness: No.

Sir Sivaswamy: Suppose, for instance, in certain Provinces all subjects are transferred and in the other Provinces only a few more are transferred.

Witness: I would not make that difference.

Replying to Sir Arthur Froom, Mr. Chintamani said the effect of the education policy that was pursued by the U. P. Government from 1914-18 was to retard its progress. It was in this way discouraging private-aided schools and the substitution of District Board schools and yet restricting the number of the District Board schools on the supposed plea of quality and efficiency.

He did not approve of the Government of India Act. This was his view as a Minister and a public man in U. P. and with some little acquaintance in the rest of the provinces. The trial given to dyarchy, although lasted for three and a half years, was quite sufficient and it need not be given further trial.

Sir Arthur Froom :—You were a witness before the Joint Parliamentary Committee. Which of your views were adopted.

Witness : The only view which was accepted was that the salary of the Governor of the U. P. should be increased. My idea in increasing the salary was to induce public men from England for the post. The increase was given but the object of the increase has not been achieved as you all know. (Laughter)

Sir Arthur Froom : When you were selected a Minister you joined the Government with every hope of making the new constitution a success ?

Witness : Hope tempered by fear (Laughter.)

Sir Arthur : During your ministership considerable progress was made ?

Witness : At all events we were moving in the right direction. Unfortunately that movement in the right direction was not maintained after the first year.

Sir Arthur : You don't like dyarchy after the experience you have had ?

Witness : No, I don't like it.

Sir Arthur : How many members of your Legislative Council dislike dyarchy ?

Witness :—Almost to a man.

Sir Arthur.—Do all the members of your Legislative Council understand the meaning of dyarchy? Witness.—Nearly all.

Replying to Dr. Paranjpye, Mr. Chintamani said that the dissatisfaction against dyarchy had grown so deep that small alterations here and there in the rules would not meet the situation. Council Secretaries, if appointed, should be spokesman of the decisions of the Government. He did not want any member of the bureaucracy in the Legislative Council except members of Government and the Government Advocate. The officials were out of place as members of the Legislative Council.

Dr. Paranjpye.—But how often had you to depend on official votes for carrying through your proposals in the Council ?

Witness.—Both Pandit Jagat Narain and myself made it a rule that whenever there was an important matter and if we were able to succeed in the Legislative Council on the strength of official members' votes that we should treat it as a defeat and go out of office.

Continuing, witness told Dr. Paranjpye that the constitution of the Legislative Council was such that there were sufficient checks in it against hasty legislation and there was therefore no need for a second chamber in the province. The necessity of a second chamber might be felt if the present legislature was differently constituted. The Legislative Council should be given power to criticise the Governor for his actions so long as he get powers which he now exercised.

The President then asked whether in that case the Governor should not be a member of the Legislature.

Mr. Chintamani had no objection to the Governor being a member.

In conclusion, Mr. Chintamani gave to Dr. Paranjpye an instance of the Government of India's interference in the matter of the appointment of a Superintending Engineer by the Local Government. In this a certain officer was appointed by the local Government, but there was another officer who thought that the appointment should have gone to him. He petitioned to the Governor who rejected the petition. In the same petition he also stated that unless the promotion was given to him, he would retire on proportionate pension. He complained that he had been superseded although the officer selected was eleven years senior to him. (Laughter.) He appealed to the Government of India who referred the case to the local Government asking them to furnish the fullest information on the subject including the confidential reports about these two

officers in original, so that they might test the accuracy of our conclusions. The local Government entered a mild form of protest at not being trusted even in regard to the accuracy of the summary of facts. Then the Government of India issued a circular letter to all local Governments that a certain local Government had been found to be transgressing the orders of the Secretary of State in the matter of the appointment of Superintending Engineers, that grave discretion had not been exercised in the matter of selection and that they should be more strictly bound by the orders of the Secretary of State. Subsequently, after two months, the Government of India replied that they would not interfere with the orders of the Secretary of State.

Replying to Mr. Jinnah, witness said that under the Act the Governor was practically supreme and he, as a Minister, could not introduce any kind of measure without his permission. Witness had been told by the late Secretary of State, (Mr. Montagu), that there was nothing to prevent an enquiry being held before the statutory period of ten years.

My main objections against dyarchy, said Mr. Chintamani to Mr. Jinnah, are that the Governor is not constitutional; there are practical difficulties in its working and there are fundamental differences as to the angle of vision between the bureaucracy and the Ministers.

Mr. Jinnah: Is it possible to continue dyarchy if you allow the Governor to be a constitutional Governor?

Mr. Chintamani: There cannot be complete responsibility. The Governor is an I.C.S. man and his angle of vision is different from yours.

Mr. Jinnah: And this resulted in your resignation?

Mr. Chintamani: I agree.

Mr. Jinnah: What is your remedy for dyarchy?

Mr. Chintamani: Either full responsibility or a reversion to the old system of Government.

As regards the Central Government witness had made the following observations in his memorandum. "The present constitution of the central Government is defective and its position in relation to the Legislative Assembly is untenable and may any day become impossible. A change can only be effected by a revision of the constitution by amendment of the Act. Provincial Governments responsible to their legislatures, the Central Government virtually autocratic and answerable to an authority neither in nor of the country, a Secretary of State who is a member of the British Cabinet and responsible to the British Parliament, which is equally ignorant of and indifferent to Indian affairs, this will be a strange combination which cannot make for good Government and cannot endure. The civil govt. the country should be in charge of a Cabinet of six or more Ministers enjoying the confidence of and responsible to the Legislative Assembly. The relations of the Governor-General to the Ministers will be those of the head of a constitutional or Parliamentary State to Ministers. The Governor-General assisted by the C-in-C. and a small Secretariat was to have control over and be responsible to the British Parliament through the Secretary of State for India for foreign and political and military departments, subject to certain reservations including that the Legislative Assembly should vote in usual form any demand more than a certain fixed sum which however should not become to be voted. If the Legislative Assembly were to refuse that demand in excess of the specified sum then the Governor General might make the same or a smaller demand for a grant in the Council of State, and such sum as that body might vote may be spent in addition to the non-votable amount. Section 22 of the Act should be amended as to transfer to the Indian Legislature the power now vested in Parliament of sanctioning expenditure out of the revenues of India of expenses of military operations on the Frontier."

On being questioned by Mr. Jinnah Mr. Chintamani said that it appeared to him that the civilian members of the Executive Council had almost next to no voice in the determination of Army matters.

Sir Alexander Muddiman: You are wrong.

Mr. Jinnah: Do we hear that voice?

Mr. Chintamani: At all events we have not felt the effect of that voice.
(Laughter.)

Mr. Pradhan's Memorandum.

Mr. Pradhan, M. L. C., Bombay, was next examined by the Committee. In his memorandum he stated that the scope of the enquiry was narrow and what was wanted was the appointment of a Royal Commission to investigate the whole problem of further constitutional advance. The possibility of transferring additional subjects to popular control before the expiry of the ten years' period was not excluded by the authors of the Joint Report. Non-official members of the Legislative Council of Bombay, meeting as a committee to consider the question of reserved and transferred subjects in October, 1918, urged that full responsible Government should be introduced in the Bombay Presidency from the very beginning. Among the members then were Dr. Paranjpye, Hon. Mr. C. V. Mehta and Mr. P. C. Sethna. The reforms had not been worked fully, inasmuch as *inter alia* Council Secretaries had not been appointed, joint Financial Secretaries had not been appointed, Standing Committees had not been appointed, and the principle of joint responsibility was not observed in the administration of the transferred departments. Mr. Pradhan suggested that all provincial subjects should be transferred to Ministers and such a step he hoped would lead to the co-operation of all parties with Government in legislatures in working the Reforms. As the nation-building departments had had no money in the provinces, Mr. Pradhan suggested a substantial reduction in the provincial contributions to the Central Government and in the case of Bombay, the local Government, he says, ought to be given a share of the income-tax collected in the provinces. Services in the transferred departments should be completely Indianised and Ministers should have full control over them. The reservation of seats for Mahrattas and allied castes should be abandoned. Official members should be debarred from voting on questions relating to the transferred departments. Franchise should be extended so as to include those who possess a certain literary qualification. In the Central Government the majority of the members of the Executive Council should be Indians appointed from among the elected members of the Legislature, that they should regard themselves responsible to the Legislature in practice if not in theory, and should resign in case of serious disagreement with the legislature; the control of the Secretary of State should be relaxed and Standing Committees should be appointed.

Replying to the President, witness said that one inherent defect of dyarchy was that it was against human nature. The Government must be one organic whole and under dyarchy there could not be genuine responsible Government even as regards transferred departments. The principle of joint responsibility was not carried in Bombay, because when he questioned the Government in the Legislative Council on this point he was furnished with a reply practically saying that there was no such principle observed. If provincial contributions were to be reduced then the Government of India must balance its budget by tapping additional sources of taxation for which they must appoint an expert Committee in order to suggest ways and means.

He would not reserve seats for Mahrattas and other allied castes because there was a good deal of progress made by them during recent years and they were now so much organised that there was no necessity for reservation.

The Punjab Muslim League.

On the 20th August Mr. BARKAT ALI was examined on behalf of the Punjab Muslim League. In its memorandum the League opined that advance is possible only by amending the Act and that advance within the Act was possible only in the sphere of Provincial Governments. The changes in the Provinces should be the transfer of subjects, disappearance of the official block from the Councils, the appointment of Parliamentary Under-Secretaries and full control of Ministers over the Services.

The League would not put any legal restrictions on the Governor's power of intervention but advocated the establishment of the convention that the Governor must be guided by the advice of his Ministers unless they were not supported by the legislature and did not enjoy the confidence of the people, which latter could be tested by the dissolution of the Council. The League held that as full provincial autonomy and irresponsible Central Government cannot co-exist, responsibility should also be introduced in the Central Government with the exception of subjects relating to defence, naval and military works and cantonments, external relations including naturalisation of aliens and pilgrimages beyond India, relations with States in India and political charges. The League also advocated the abolition of the Secretary of State's India Council. In the end, the memorandum quoted the resolution of the All-India Muslim League passed at its last session at Lahore and opined that any constitutional advance that might ultimately be agreed upon must give effect to the essential provisions of the resolution of the League on the question of Swaraj.

Mr. BARKAT ALI was then examined in detail.

The President asked whether the witness held that the Muslims would not accept any scheme which did not satisfy the demands enumerated in the resolution passed by the last session of the League. The witness said that was so. The demands referred to by the President included the proposals that no territorial redistribution should in any way affect the Muslim majority of population in Bengal and N. W. F.; that the right of full religious liberty must be granted, and the idea of joint electorates is not acceptable to the Muslims, provided that it shall be open to any community at any time to abandon its separate electorates in favour of joint electorates.

Mr. Barkat Ali, replying to a series of questions of Sir Mahomed Shafi, agreed that the majority of agriculturists in the Punjab were Mahomedans, that the interests of the Mahomedan as well as Hindu and Sikh agriculturists were identical; that towns having a population of over 20,000 were very few in the Punjab and that, except in the case of big towns, there was no communal bitterness. He also stated that in towns communal quarrel was due to fight for the loaves and fishes of office.

Sir Mahomed Shafi asked whether the Land Alienation Act had not the support of Hindu and Sikh agriculturists. Witness said that was so.

Sir Mahomed Shafi suggested that the Hindu possessed such a wonderful capacity for adapting themselves to changing conditions that they took to English education before the Muslims, and that Muslims took to English education only after Sir Said Ahmed started his movement, and that the Punjab greatly responded to his call with a large number of schools, and that till this movement took strength Government posts were practically monopolised by the Hindus, and that the Mahomedans naturally desired their share in various administrative services and that the Hindus representing vested interests opposed this claim. Witness agreed to all this.

Questioned further, Mr. Barkat Ali replied that the urban quarrel would be temporary and that soon both communities would adjust themselves to reasonable propositions.

Sir Mahomed Shafi observed that the passing of the Land Alienation Act was represented by urban Hindus as designed in the interest of the Mahomedan agriculturists, while as a matter of fact the opposition was between agricultural versus non-agricultural classes. Sir Mahomed added that since three or four years another cause of trouble had been created by the Shuddhi movement, as a counter movement to which the Mahomedan started Tablig movement. Mr. Barkat Ali again agreed.

In reply to another question of the Law Member, the witness replied that the League's goal was responsible and representative Government; that while territorial electorates might secure that object in the case of homogenous communities, it was essential in the case of India to have communal electorates.

Sir Mahomed Shafi instanced the case of Ireland, where because of Protestant and Catholic differences between North and South, two Governments had to be established there. Continuing, Sir Mahomed reminded the witness of the

1909 elections to the Punjab legislature when the electorate was mixed. Then he said from the three constituencies of Lahore, Hindus and Mahomedans opposed each other and that contest was really fought on a communal basis rather than on political issues. Therefore a mixed electorate would provided periodically recurring causes of friction between the two communities.

Mr. Barkat Ali agreed with Sir Mahomed Shafi and replying to questions about the position in the Punjab Legislative Council, he said that voting in the Council had never taken a communal line and that in fact prominent Mahomedans had joined with prominent Hindus in opposing the policy of the Mahomedan Minister and that some Hindus on the other hand had supported Mr. Fazli Hussain.

Sir Mahomed Shafi next asked witness about the relations between the first two Ministers, namely Mr. Harkishen Lal and Mr. Fazli Hussain.

Mr. Barkat Ali said they were very cordial. Both belonged to the Congress before taking up office and during three years Lala Harkishen Lal voted with Mr. Fazli Hussain in support of his policy. As a matter of fact some Hindus were angry with the Lala for supporting his Mahomedan colleague. Witness knew for the first time by reading Mr. Harkishen Lal's evidence that there was disagreement between the two Ministers.

Mr. Jinnah asked whether witness had any authority for stating that Mr. Harkishen Lal supported Mr. Fazli Hussain.

Witness: The fact that he did not resign proved that. If they could not agree how could they carry on so long?

THE LUCKNOW PACT

Replying to Sir Mahomed Shafi, Mr. Barkat Ali said he was a party to the conclusion of the Congress League Compact at Lucknow. The objection put forward by Muslims in the Punjab was that although the compact granted them 50 per cent representation in the Punjab they actually did not get it, because special constituencies returned Hindus from the constituencies of landlord, University and Industrial interests.

Sir Mahomed: So your complaint is that the Muslim community, although it represents 55 per cent of the population in the Punjab, has not even got the 50 per cent seats agreed to in the compact?

Witness: Yes.

Mr. Jinnah: But, that is not the fault of the Hindus. Your grievance is against the Rules. Witness: That is so.

Sir Mahomed: What is your solution? Witness: In no instance should a majority be reduced to a minority or even equality.

Sir Mahomed next referred to that part of the League's resolution where it hotly reproduced the condition in the Lucknow Compact that when two-thirds of the members of any community opposed a particular legislation it should not be passed. Sir Mahomed said this was also one of the essential conditions of the Lucknow Compact. He asked whether the witness considered it was just and fair that this provision should have been omitted when framing the existing constitution.

Witness said it should not have been omitted.

Replying to Sir Arthur, who next examined him, Mr. Barkat Ali said Mr. Harkishen Lal in opposing communal representation did not reflect the better mind of the Hindus of the Punjab and might be included among the diehards.

Sir Arthur recalling the witness's statement about the dispute among the Hindus and Mahomedans in urban areas asked whether the grant of provincial autonomy would not aggravate those disputes. Witness did not agree. He thought these were temporary and would be soon adjusted when there was collaboration between Ministers at the top and co-operation between the two communities in the legislature under the system of responsible Government. Sir Arthur pointed to Mr. Harkishen Lal's statement that there was no collaboration between the two Ministers.

Sir Arthur further referring to the allusion made by Sir Mahomed to Ireland

asked whether Sir Mahomed suggested that the Punjab be divided between the Hindus and the Muslim populations. (Laughter.)

Sir Mahomed explained that he pointed out that because of communal differences special measures had to be taken.

Sir Arthur asked witness whether he considered dyarchy had done its purpose. Mr. Barkat Ali replied that it had proved the capacity of Ministers and of the Legislative Council and had shown that the Indian electorates were intelligent and could send proper representatives.

Sir Arthur suggested that the description of the witness of the Government of India as entirely irresponsible was not right, because in many cases the Government had accepted the Assembly's opinions in preference to its own. Witness replied that such things happened also in pre-reform days.

WHY "DEFENCE" TO BE RESERVED.

Questioned further by Sir Arthur, witness said he proposed to reserve defence out of regard to British sentiment only.

Sir Arthur: Is it not in regard to the safety of your frontier? Witness: No.

Sir Arthur: You think the Punjab will be saved if the British gave up defence. I can understand a man from Madras making such a statement, but not from the Punjab. Witness: Punjab is the recruiting ground.

Sir Arthur: Yes, I know that. But I am talking of the administration of the army. Will you exempt army budget from the vote of the Assembly.

Witness: Yes, I will.

On the question of defence, witness replying to Mr. Jinnah stated that India was ready to take up the defence of the country and that he was agreeing to reserve it only to meet British sentiment.

Mr. Jinnah: Do you mean that immediately you can produce a Commander-in-Chief, Commanders, Colonels and others.

Witness: Oh! No. There must be training.

Mr. Jinnah—So what you want is immediate attention being given on the proper training.

Witness: Of course. People of this country were deprived of arms by the British Government and thereby emasculated and demoralised.

Witness: But you don't mean to suggest that training is not required.

Witness. No, there must be training.

Mr. Jinnah—How many years' training you think would suffice?

Witness—Ten years.

President—Ten years? Witness—Certainly.

As for the point whether ten years were very much in the life of a nation Mr. Jinnah said they were not. But asked that the present constitution was a rotten constitution, was it not? Witness did not follow the question. Mr. Jinnah then instanced the following; I give you a knife and tell you that I won't give another for the next six years. Supposing the first time you use it its edge is broken and then you are asked to sharpen it.

But you can't sharpen a knife when its edge itself is broken (laughter).

Would you agree to such a position?

Witness:—No, I won't.

Questioned further by Mr. Jinnah, witness said both Hindus and Mahomedans of the Punjab were agreed in demanding the measure of advance proposed by him.

Replying to Sir Henry Moncrieff Smith, witness said that personally he objected to the appointment of Council Secretaries who were largely the whips of the Ministers. There was nothing in the Act to prevent the appointment of Council Secretaries who would perform the function of Parliamentary Under-Secretaries. The Finance Department should be independent of both of the Government.

Memo of the Deccan Sabha.

Next day the evidence of Mr. B. S. Kamat was taken up on behalf of the Deccan Sabha, Poona, of which he is Vice-president. The memorandum submitted by the Sabha was more or less on the lines of that of several previous witnesses, the main demand being complete provincial autonomy and transfer of all subjects in the Central Government except defence and foreign and political relations.

In regard to 'the difficulties arising from or defects inherent in the working of the Act and the Rules thereunder,' the Sabha says that the working of the Act has disclosed not only minor imperfections but some serious structural defects. These involve not only minor repairs to the political machine, but structural alterations. If the existence of substantial defects is demonstrated by the present enquiry, then the Sabha wants the Government to urge a remodelling of the Act irrespective of the statutory period of ten years.

The Sabha objects to the rigid control of the Secretary of State over the whole field of Indian administration and points out that during the last 3 years and more the Government of India, although willing to meet the demands of popular representatives in a liberal spirit, were presumably pulled up by the Secretary of State. Unless the Secretary of State's control is relaxed so as to give the largest measure of independence to the Government of India, there would be greater impediments to good administration.

The time has also arrived when the Act should be amended enabling the Government of India to manage their own financial operations in England through the High Commissioner and not necessarily through the Bank of England, subject however to such moneys as may be prescribed being reserved in the hands of the Secretary of State to meet his obligations. Non-votable items of the budget should be clearly defined and their category cut down to the lowest limits. The certification powers of the Governor-General should be restricted to safety and tranquility and not extend to 'the interests of British India.' The introduction of responsibility in the Central Government is necessary to avoid an 'impasse' in the administration; otherwise, there will be continuous warfare with an obstructive majority kept at bay till 1929 by the Governor-General's extraordinary powers. Expenditure on defence and political relations should remain votable subject to the Governor-General's powers of restoration.

As regards Provinces, the Sabha points out the division of subjects as an inherent defect and also observes that the responsibility of Ministers to the legislature has been affected in practice by the presence of official members and the communal character of representatives. Communal electorates should continue only for a few years. The Sabha emphasises joint deliberation and collective responsibility of Ministers.

Evidence of Mr. Jamnadas Dwarkadas

On August 25th Mr. Kamat and another Bombay liberal, Mr. Jamnadas Dwarkadas, were examined by the Committee.

Mr. Jamnadas summed up the position very clearly and frankly when he said; "On account of the Non-co-operation movement of Mahatma Gandhi, the Government co-operated with us and showed goodwill in the first year of the Legislative Assembly. But, when the movement began to wane, the Government became less and less responsible and more autocratic till at last in 1923, the autocracy of the Central Government was seen in its nakedness by the Governor-General's certification of the salt-tax and the restoration of grants reasonably rejected by the Legislative Assembly."

Mr. Kamat said that in September 1921 Mr. Majumdar's resolution on autonomy was moved showing clearly that the Assembly was not satisfied with the constitutional position and the Government, then anxious to rally the

Moderates in combating the non-cooperation movement, went to the length of agreeing with the Assembly that the circumstances warranted an earlier examination of the constitution than the year fixed by the Act. But soon after Mr. Gandhi's imprisonment and the exit of Mr. Montagu, the Conservative party (Lords Peel and Winterton) stepped in and told the Assembly in reply that it must explore the very elastic constitution of the Act. The members knew that the Secretary of State was not sincere and to put the official mind to test Dr. Gour moved a resolution asking the Government to make rules or establish conventions so as to explore the constitution as was advised by Lord Peel. This resolution was supported by eminent lawyers in the Assembly not because they had any doubt about the legal difficulties, but merely with the political objective of testing the Government's professions. Out came Sir Malcolm Hailey with a true representation of the position, namely, that the Secretary of State could never divest himself of his control unless the Act was revised. This is precisely the constitutional position, but Sir Muhammad Shafi again attempted to put an interpretation upon the support to the resolution given by Mr. Rangachariar and other lawyer members of the Assembly. He implied that Sir Malcolm Hailey's reading of the law was wrong. Of course, the Law Member kept silent when Sir Malcolm was enunciating his interpretation of the Act in the Assembly.

Mr. Jamnadas, however, found himself on the horns of a dilemma as a result of two counter-questions of Sir Alexander Muddiman and Mr. Jinnah. The former asked: If the Secretary of State's control over Simla could be relaxed but the Assembly's power was not in the least increased, would that be acceptable to witness in preference to the existing system? Mr. Jamnadas realised that this might mean that the Government of India being responsible to nobody would be more autocratic than before and that was dangerous. But then, pointed out Mr. Jinnah, Simla being always faced with the reality would be more amenable to popular wishes than the autocrat living six thousand miles away. Therefore if only the control of the Secretary of State was relaxed and nothing else was done, even then there would be some improvement on the existing position. Witness agreed with this proposition as well, but Mr. Jamnadas' main position was that nothing short of introduction of responsibility was required. He told Mr. Jinnah that the boycott of the first elections by the Congress gave the best possible chance to the reforms to work under the most favourable conditions, but that even then the constitution failed within three years. The Government, he bitterly complained, gave the co-operators in the Assembly a parting kick by certifying the salt tax. He thought that the Assembly was so reasonable that the Government should not have gone back upon any of its recommendations. On the other hand the Secretary of State imposed his authority by appointing the Lee Commission, and by scrapping the Assembly's recommendations on the Esher Report. Then, again, when the Assembly rejected the enhancement of excise duty on cotton goods, the Secretary of State's telegrams poured in pressing the Viceroy to remove the counter-duty on British cotton goods. The Maharaja of Burdwan asked as to how Mr. Jamnadas came to know of these telegrams. Witness was prepared to substantiate his charge because the Government had taken certain members of the Assembly into confidence, but the President cut short the proceedings by asking him not to disclose further secrets of Whitehall control. The President said these were all major points; could witness prove his statement that Whitehall interfered even in the minor details? Mr. Jamnadas readily pointed to a statement in the Inchcape Report showing that in the case of a subordinate officer of the Railway department six months' correspondence took place between Simla and the India Office. The President was thus silenced.

Mr. Jinnah asked Mr. Jamnadas' opinion about the electorate. He frankly told the Committee that the electorate was very intelligent and his own defeat was its proof. As a matter of fact, he said, after the manner the Government let them down they could not expect to be returned. They had entered the Assembly with high hopes but were soon disillusioned about the official mind. Sir Sivaswamy tried to show that the first Assembly did good work and that it had power though no responsibility and that witness did not subscribe to the Swarajist description of the powers of the Councils. Mr. Jamnadas hesitated at first but agreed with Sir Sivaswamy that the first Assembly did some good work.

Mrs. Deep Narayam Singh

On August 26th an interesting case was presented to the Committee by Mrs. Deep Narayan Singh, representing the Woman's League. She presented the memorandum of her league and was examined by the President for some ten minutes.

He told Mrs. Deep Narain Singh that she should get women's associations all over India to send in their written representations to the Committee and also to conduct propaganda to move the local legislatures to grant them the right of vote where they did not possess it at present. Mrs. Deep Narain forcefully advocated that the right of vote must carry with it the right to stand as candidates for various legislatures and that the absence of this right was not only anomalous but essentially unjust. The President thought himself called upon to point out the difficulty of the *Purdah* system in India and how it would be difficult for *Purdah* Women to canvas for votes. Mrs. Deep Narain Singh urged that ordinarily no *Purdah* women would stand as a candidate, but if she did and was returned she would sit in the Council in *Purdah*. Was not, she argued, the Begum of Bhopal carrying on her manifold activities without discarding *Purdah*? Witness painted a little over-sanguine picture when she attempted to reinforce her claim on the basis of free exercise of votes by women in the last election. Sir Alexander Muddiman observed that the election returns showed that this was the case only in non-Mahomedan urban constituencies while the Mahomedan urban constituencies and rural constituencies showed that little interest was taken by women in election. Witness thereupon rightly pleaded that the time since the grant of that right had been short and that with training and experience women would do better. Sir Alexander Muddiman remarked that the demands of women could be granted by amending the rules.

On this day the main witness was Mr. Raza Ali who was examined for about two hours by the Committee.

On August 27th Mr. Chittale representing the Bombay Presidency Association submitted a memorandum and was examined by the Committee. His evidence related mainly to provincial matters.

Sir Frederic Gauntlett

On August 28th after an inconsequential examination of Dr. Shafaat Ahmed Khan, the first official witness before the Committee was examined in the person of Sir Frederic Gauntlett, Auditor-General. He was called to assist the Committee with his 'expert' opinion on the question of financial control exercised by the Finance departments of the local Governments. In his note which was not made available to the press, Sir Frederic pointed out that in order to grant financial autonomy to the provinces it was essential that the provinces must have their own cash balances and their own accounts separated from the central audit. But then, asked Mr. Jinnah, would separation under these two heads alone grant full provincial autonomy in matters of finance? Sir Frederic pointed out that he had made those remarks because he thought that if the Committee thought fit to recommend financial autonomy, it must know that it would have to sit for more than a year to work out the administrative details. Sir Alexander Muddiman suggested that witness was not recommending the grant of autonomy but merely pointing out the difficulties that would beset the Committee if it made such a proposal. As for provincial cash balances, witness said at present all the balances were treated as central balances and that either the Government of India would have to start off the provinces by granting them big cash balances or the provinces would have to form their own by reduction in expenditure or increase in revenue. He remarked that the provinces did not seem inclined to face the latter alternative. Sir Sivaswami Iyer asked whether witness was suggesting that the difficulties were insuperable. Sir Frederic had to admit they were not. A part of his evidence was the interesting disclosure made for the first time of private discussions at the India Office when he went there to put through the draft financial rules prepared by the Government of India. He said it was first considered that the finance department might be placed under a Minister but some constitutional difficulties arose. The Ministers might resent Treasury control exercised through the rules issued by the controller of currency and

that the famine insurance fund being a reserved subject, its administration should not be in the hands of a Minister. The proposal that finance be in charge of the Governor, he said, was dismissed because the Governor won't be the trained administrator that the Finance department would require at its head. He informed the Committee that the Government of India's original proposal was to make the finance department a reserved subject and he said discussion at the India Office always took it for granted that finance must be in the charge of a member who would be in charge of finance only. When examined by Sir Sivaswami Iyer he suggested that theoretically the Finance Member should be solely in charge of finance, but when pressed to suggest improvement in the existing system he agreed that in practice all the same thing should be done. As for the appointment of a joint finance secretary, he said the purpose of the authors of the proposal was that these persons should be the technical advisor of the Ministers. When asked by Dr. Paranjpye whether this secretary would have been allowed to scrutinize the financial proposals of the reserved half with a view to find out wasteful expenditure, Sir Frederic dismissed such a proposition and suggested that the Finance Member would be an honourable man and hold the balance even between the two halves. He admitted to Mr. Jinnah that this secretary would be a Finance department man but disagreed on the suggestion of friction by remarking that it depended upon the persons. He was taken by surprise by a question by Mr. Jinnah from the U. P. Government's letter that in that province a convention had been established that the Finance department's decision shall prevail unless upset by the local Government. Witness confessed this went beyond the rules on the question of control. Sir Alexander Muddiman felt satisfied on receiving an assurance from witness in refutation of the charges levelled by the ex-Ministers, that the Finance department did not go into policy, but in an unguarded moment Sir Frederic in reply to Sir Henry Moncrieff-Smith stated that the Finance department considered it essential to tell the Minister or the member that it considered useless expenditure on certain schemes which meant disapproval of the policy underlying the scheme. Sir Alexander came to his rescue and got from witness the statement that Treasury control in England was far stronger than in India. Of course, he did not consider that the Government in England is national while refusal of expenditure in India has been mainly due to the desire to retard such progress as would hasten advancement towards the moral and material uplift of the country. As for the purse, he said the possibility of separate purse was also considered but it was given up because under strict division the reserved departments might go on building up cash balances and the transferred departments might find the allotted funds insufficient. Thus at least he recognised that the transferred departments offer real field for expenditure. Another difficulty, he said, was the division of the field for taxation between the two halves under a system of separate purse. Sir Sivaswami mentioned the instance of taxation being raised for particular purposes in England. Witness thereupon modified his statement and agreed that this might be done in India as well in exceptional cases. Dr. Paranjpye pointed out that Ministers could get money by taxation but they could not be sure that it would be given to them alone, Sir Sivaswami gave an instance of a province where the Minister raised money on this understanding but that was not kept. Sir Frederic considered honour demanded the word being kept. Sir Sivaswami also brought to the notice of Sir Frederic the case of the secretaries of the U. P. Government who were staying in the *de facto* headquarters of Government at Lucknow and still drawing camp allowance. Witness was taken by surprise and as this falls within his department he promised to investigate the matter and set it right.

Evidence of Mr. N. M. Joshi

On August 30th Mr. N. M. Joshi, the nominated labour member of the Assembly, appeared before the Committee on behalf of the Bombay Presidency Association. His evidence turned mainly on the Central Government and advocated the transfer of all departments to Indian Ministers responsible to the Assembly with Army and Foreign affairs in the hands of the Viceroy.

After the conclusion of Mr. Joshi's evidence the Committee adjourned till the 16th October.

Evidence of Sir P. C. Mitter

After a month and a half's adjournment the Reforms Enquiry Committee re-assembled on OCTOBER 16th and examined Sir Provash Chandra Mitter, who was a Minister in the first reformed Legislative Council, Bengal.

Sir Provash Chandra Mitter's evidence was very interesting. He laid great stress on the need for removing the present bitterness between Indians and Britishers, because without their co-operation the future would be gloomy. He suggested a committee to consider the economic self-interests of Britain and India which he believed can be accommodated without detriment to either side. He as Minister worked as one who was favourably inclined towards dyarchy, but now believed it could not be worked at all. His solution was the grant of provincial autonomy with certain powers to the central Government under the federal system, but he would consider provincial autonomy risky if the present franchise stood unaltered. The electors were immature and gullible though they were intelligent and did not lack in judgment. He would establish electoral colleges in the case of big rural constituencies while retaining direct election in urban areas and small rural constituencies. He advocated the extension of the bicameral system to provinces. He said both the Swarajists and Ministerialists in the Councils were responsible for the corrupt practices in the Council. While he would not penalise this because Government prosecution would lend a political colour to it, he would take other milder steps. He suggested that the members' oaths might include allegiance to the constitution with a view to provide against professed obstruction. There was only one party, namely, the Swaraj party, but as the working of the Calcutta Corporation had shown, the moment responsibility was granted the party system would develop. The Bengal Indian press while praising the Swarajist action in the Council was severely criticising the Swarajists' work in the Corporation. He did not feel that the Ministers in the first Council accomplished much because of financial stringency though they laid a foundation for good schemes.

The President referred to the statement of witness that time was not yet for the grant of full provincial autonomy and that dyarchy also could not be worked.

Sir Provas Chandra Mitter said he had submitted three memorandas, one in June, one in July, and one in October. His first two statements were based on the idea that the scope of the Committee was limited, but after seeking the newspaper reports he had submitted his last memorandum giving his opinion about constitutional advance if he had a free hand, but the common points in all his memoranda were that he had condemned dyarchy throughout, had urged the necessity for evolving the party system, had throughout expressed dissatisfaction with the present state of things. In his memorandum of June he held that the voters were not yet fit for provincial autonomy, but in his memorandum of July he suggested provincial autonomy with an upper House as one of two alternative schemes. Witness further explained that on the present electorate provincial autonomy would be risky. The electorate was gullible and immature though there was nothing fundamentally wrong about the intelligence or judgment of the electorate. At present the constituencies were too large and some of them contained as many as a million electors. It was impossible for rival candidates to get into touch with them. He suggested therefore that the franchise be altered and electoral colleges established in the case of large rural constituencies, while direct election could be retained in the case of urban seats and small rural constituencies. He admitted to the President that he would not have autonomy without altering the franchise, but his alternatives to dyarchy were either unified Government or institution of two chambers. He admitted that provincial autonomy must be subject to some limitations under the federal system. The Central Government must have powers to discharge its duties.

Questioned by the President he agreed that the abolition of communal representation was not practical politics today though it would be a good thing for India to get rid of it.

Sir Purushottamas Thakurdas

Next day, OCTOBER 17th, Sir Purshottamas Thakurdas, representative of the Indian Merchants' Chamber and Bureau, Bombay, was examined in his personal capacity on his memorandum in which he had urged the abolition of dyarchy, the introduction of provincial autonomy and increased responsibility in the Central Government as desired by every political party in India. In setting forth this demand Sir Purshottamas answered several objections raised against it. As belonging to the commercial community he arrived at his opinions after fully weighing the risk India might be running in adopting a change in the constitution of the Government. No Indian in his zeal for the safeguarding of property and person could for ever stand in the way of constitutional reforms because after all the best school for responsibility was responsibility itself. The only form of loyalty which conduced to the stability of the Government was the loyalty of those who understood and appreciated the benefits of good administration and such loyalty could only come from the intelligentsia, and the conciliation of the intelligentsia must, therefore, form the main goal of statesmanship. Referring to dyarchy, witness quoted the opinion of Sir Michael O'Dwyer that under this system there would be no strong Government but a divided Government leading to delay and friction, besides being costly and complex. A unitary system had the full adherence of witness who pointed out that both business and Government drew their sustentances from finance and a business prospered best when the application of funds at its command was based on a united understanding and directed by a united will to further a common object and discharge a common responsibility. None of these conditions could be satisfied under the dyarchical form of government. It was impossible to work an unworkable system and the change must take the form of complete ministerial responsibility in the provinces rather than a reversion to the old time autocracy. Meeting the objections advanced against change Sir Purshottamas said that the smaller Indian agriculturist no less than the industrial workman had a good measure of common sense and should make a good elector. Even a literacy test should ultimately prove no barrier to the increase in the number of voters. As regards the communal differences the best method was to devise a machinery which would reduce the friction to a minimum and accelerate the pace of reform. Here witness suggested the constitution of advisory committees at all district and divisional headquarters, whose duty would be to work in close cooperation with the local authorities to avert an outbreak of communal passion. No legislation likely to affect the interests of a community or a backward class adversely should be passed unless supported by a three-fourths majority of the local Council. As an alternative he suggested the creation of separate special institutions adapted to the standards and needs of such classes, so that they might develop in their own way till they were fit to come into line with the more advanced communities.

Coming to the Central Government, Sir Purshottamas met the argument that dyarchy which is accursed in the provinces should not be hailed as a blessing for the central organism by pointing out that the only fair test of the Indians' capacity for government was their ability to work a system which they willingly accepted. The presence of the Indian members on the Executive Council seldom harmonised the policy of the Government with the wishes of the unofficial majority. In any system of representative government harmony between the executive and the legislature was not a matter of race but of community of political ideals and purpose. The fundamental defect consisted in the absence of any real connecting link between the executive and the legislature. This could only be remedied by converting an irresponsible and irremovable Council into a Cabinet responsible to and removable by the Legislature. The military budget could be protected against capricious reduction by fixing an amount after full consideration of the actual figures of past expenditure which should not be varied for five years and which should constitute a primary statutory charge on the central revenues. The budget itself should be revised quinquennially by an independent committee. The Commander-in-Chief should not have a seat in the Cabinet but be replaced by a Minister. The Indian Princes instead of being encouraged to regard themselves detached spectators of events in British India

might be brought into the main current of our progress. The Cabinet must be formed by the Chief Minister selected by the Governor General from the dominant party in the Legislature after each election, and should not resign unless overthrown by a three-fourths majority of the Assembly or dismissed by the Governor-General. In the sphere of foreign affairs the Governor-General would have the power of veto while in regard to the Army the Cabinet would not be competent to upset the financial settlement in vogue for a particular quinquennium. There must be no nominated official in the Assembly when there was responsibility in the Central Government.

Asked about withdrawal of British troops from India, Sir Purushottam gave an astoundingly bold reply. He was not in favour of the withdrawal, and this gave great satisfaction to Sir Alexandar Muddiman. But, rejoined Sir Purushottam, the reason why he wanted to retain the British troops was mainly because British vested interests in India would not be otherwise reconciled, and because there were communal disturbances which called for British troops. But what if Parliament did not sanction any advance before 1929? The reply the witness gave has since become classic. He believed that if the material placed before the committee was correctly judged, the case for advance had been fully made out, and he had still confidence in British statesmanship that when the Reforms Committee's recommendations went to Parliament it would sanction advance, but if Parliament did not agree, then all he could say, exclaimed Sir Purushottam, was that Heaven help India!

Mr. Fazl ul Huq's Evidence

On October 18th great interest centred round the evidence of Mr. Fazl-ul-Huq, ex-Minister of Bengal. His evidence was full of pique for the great humiliation he had suffered in the Bengal Council and so his views cannot be taken seriously. He was for the continuation of dyarchy as it had not had a fair trial and the electorate was not educated enough for further advance. He would not advocate transfer of more subjects and certainly not in any case law and order and police as these would be exploited for party ends like the Calcutta Corporation. He spoke bitterly against bribery, corruption and intimidation which took away votes from him. Between Sir Muhammad Shafi and witness there seemed to be perfect cordiality. In fact the cross-examination at this stage meant nothing more than witness amiably assenting to Sir Muhammad Shafi's propositions. Bengal Muslims, he said, were keenly dissatisfied with the Lucknow pact as it applied to Bengal. There was no difficulty between the Ministers and the Secretaries, and with the Lee recommendations carried out, even the possibility of friction would disappear; there was no need to make rules under section 19-A as conventions of non-interference were sure to grow up, and so on.

Then came a revelation! To the Maharaja of Burdwan he admitted that four years ago he favoured complete autonomy, but experience had made him a wiser man! After a brief intervention by Sir Arthur Froom and another by Dr. Paranjpye came some masterly examination by Sir Tej Bahadur Sapru which was the feature of the proceedings. Witness looked most uncomfortable as Sir Tej Bahadur Sapru asked him plainly whether he had not declared that the Cabinet pronouncement of the 20th August, 1917, was a great blunder. Chapter and verse were asked for and promptly supplied by Sir Tej Bahadur Sapru, who read out the opening passage from Mr. Fazl-ul-Huq's memorandum submitted to the Bengal Government. This had been withheld from the press for obvious reasons though a similar memorandum of Sir P. C. Mitter was not treated the day before as confidential. Realising that escape was impossible witness confessed he had made the statement that dyarchy was an evil, but as Parliament would not scrap the Reforms he felt he had to make the most of it. If he had the choice, he was compelled to admit in answer to the next question, he would certainly go back to the halcyon days before even the Minto-Morley Reforms were introduced! In saying this he believed he was expressing the view of the bulk of the Mahomedan community in Bengal. Another citation was made this time from witness's speech in the Bengal

Council last August in which he favoured the abolition of dyarchy. He admitted he meant by it going back to the time when India had no representative institutions. With such views, was he surprised at the Swarajist attitude, and would not a Hindu Minister have been treated similarly if he had subscribed to them? asked Sir T. B. Saprú. Witness had perforce to admit the soundness of Sir T. B. Saprú's contention and thus retract his previous statements. Sir T. B. Saprú's handling of witness, if severe, was thorough and elicited warm commendation even from those not friendly to Indian aspirations.

Sir John Maynard's Evidence

On October 20th the official game of summoning witnesses representing the provincial Governments as an off-set against the views of the ex-Ministers was played when Sir John Maynard appeared with the object of contradicting all that Lala Harkishen Lal had said. Although he spoke for half an hour explaining why he was opposed to the transfer of any more subjects, he was much shaken in cross-examination by Sir Tej Bahadur Saprú. Sir John Maynard is the seniormost member of the Punjab Government and is in charge of Finance and Home portfolios. He thought the Reforms were just beginning to get a trial because the first Council was boycotted and there was financial stringency. He told Sir Alexander Muddiman that the Punjab Government had worked as a unitary system throughout. Then it means, suggested Sir T. B. Saprú, that witness thought that dyarchy would have been a miserable failure if it had been enforced. Sir John admitted it. Sir Tej Bahadur thereupon suggested that the unitary form of government really worked and not dyarchy and that the success of the administration was due to both halves having acted together. Sir John Maynard had to admit that as well. Sir T. B. Saprú thereupon carried him a point further, namely, that when the Ministers took part in all consultations they were morally responsible, if not technically, for the decisions of the Government even on the reserved side and were prepared to publicly side with the Government in supporting those decisions. That was also true, acknowledged the witness. Then it came to this, concluded Sir T. B. Saprú, that dyarchy was unworkable, that the Ministers were facing full responsibility for the actions of the Government as a whole. The only inference from these admissions of the witness was that not only dyarchy must go but that the Ministers were capable of shouldering the burden of the Government's responsibility for the maintenance of law and order. In fact, as pointed out by Dr. Paranjpye and Sir T. B. Saprú, witness in his written statement had admitted that the two Ministers wanted more drastic measures to prevent the Akalis from taking forcible possession of the shrines than the reserved half was prepared to take.

Sir John Maynard was on stronger ground when he explained the peculiar communal situation in the Punjab. Here the Mahomedan community had created such distrust among the Hindus and the Sikhs that they have been loudly urging the Governor to intervene and put a stop to Mr. Fazli Hussain's activities. Sir Muhammad Shafi attempted in vain to get Sir John Maynard controvert his statement that the Muslim bloc always supported the Muslim Minister. Indeed, the weakness of the Government in preventing Mr. Fazli Hussain from going too far was due to a fact which was mentioned by Sir John Maynard, namely, that the Government's fate was always decided by the Muslim majority. The Government was therefore naturally anxious to let Mr. Fazli Hussain have full play in order to secure his followers to prevent a series of Government defeats. But perhaps the biggest disappointment of Sir Muhammad Shafi was when Sir John told him to his face that Mahomedan representation in the Punjab Council was substantial and there was really no felling among the Mahomedans generally for increasing it. Sir Muhammad in vain reminded witness of the protest of the Punjab Muslim League against the Lucknow pact. Sir Muhammad Shafi further added that even the All-India Muslim League at its last session had urged a revision of the representation. Sir John Maynard's reply was the All-India Muslim League's resolution was perhaps intended for the Reforms Enquiry.

Sir Chimanlal Setalvad

On the 21st October extraordinary revelations were made by Sir Chimanlal Setalvad based on his experience of the working of the Reforms during his two years' membership of the Bombay Government when Sir George Lloyd ruled over it. It seems that members of the committee were anxious to withhold these from the public, but as a copy of his memorandum had already fallen into the hands of the Associated Press, Sir Chimanlal was heard in public. According to Sir Chimanlal's description of the position, Bombay seems to have been the most unhappy province. There, according to Sir Chimanlal, the late Bombay Government not only completely perverted the intentions of the framers of the Government of India Act but also subverted the provisions of the Act itself. For instance the Governor's interpretation of the Act was that he was not called upon to hold joint meetings of Ministers. The result was that one Minister did not know what was happening in the departments of the other Ministers. Above all the Governor considered the Minister as his mere adviser to be overruled whenever there was sufficient cause and not under exceptional circumstances as was contemplated by the Joint Committee and provided for in the Instrument of Instructions from the King to his Governors. The funniest part of it all was that, as pointed out by Dr. Paranjpye, it was declared that the law advisers of the Governor held that the Governor's interpretation was right. The explanation of the position of the Ministers in Bombay so much jarred upon the ears of Sir Alexander Muddiman that despite Sir Chimanlal's unwillingness to be harsh, the President suggested that in effect the whole purpose of the Government of India Act appeared from the case presented by witness to have been defied in Bombay and even the Instrument of Instructions disobeyed. The President thereupon suggested that dyarchy had not then been really worked in Bombay. That was so, replied Sir Chimanlal. Mr. Jinnah at once caught the implications of the question and hastened to ask whether if another Governor who would behave better were to work dyarchy, he would agree to work it. No, was the emphatic reply. Sir T. B. Sapru cleared the position still further by asking whether, even if good-will were restored, he would try dyarchy again in the provinces. Sir Chimanlal felt that no amount of professions of good-will on the part of the Government would create confidence. Only a real move in the forward direction would achieve that.

Sir Chimanlal said that dyarchy as a system was not unworkable but the Government's blunders, which forced the country to non-co-operation, had shattered all faith in the Government's intentions, and actions like those of the Governor of Bombay further intensified that distrust. His solution, therefore, was the grant of provincial autonomy to the major provinces and the introduction of dyarchy in the Central Government. It was in respect of the safeguards that he suggested that a real difference of opinion arose. Sir Chimanlal was a little overcautious. He did not want that the advance should be uniform all over India and persisted in his proposition despite the difficulties pointed out by Sir Tej Bahadur Sapru and Mr. Jinnah. Then, again, he advocated that the Governor should have emergency powers to maintain law and order and that the question of a Second Chamber in the provinces was worth consideration. He also did not see that there would be great friction under his proposal that while law and order should be transferred in the provinces they should be reserved in the centre. Sir Sivaswamy Iyer suggested emergency powers being given to the Governor-General while law and order be transferred. Witness did not fall in even with this view. Sir Chimanlal had, however, touched a very important point by stating in his memorandum that unless effective steps were taken to Indianise the army, confidence in the good faith of the Government would not be restored. Mr. Jinnah tried to get amplified the views of the witness on this point, whereupon the President suggested that they were not enquiring into army reform but into the working of the Act. Mr. Jinnah quickly retorted that it all depended upon how the Act was amended and showed that he was within his rights in putting the questions. With Sir M. Shafi Sir Chimanlal agreed that it was desirable to have a convention that the Secretary of State should not interfere when the Government and the Legislature agreed.

But Mr. Jinnah made the witness admit that under section 131 of the Government of India Act, the Secretary of State could never divest himself of his powers over the administration of India. As a cry had been raised by die-hards that the obstruction in certain Councils proved that no more concessions should be granted, Sir Chimanlal gave it as his emphatic opinion that obstruction was launched because the Swarajists wanted to end dyarchy, and that if it was ended and a proper system introduced, the obstruction would disappear automatically.

Mr. Kabiruddin Ahmed.

On OCTOBER 22nd a most disgusting affair cropped up when Mr. Kabiruddin Ahmed was giving evidence. It is well-known how the formation of the so-called Parliamentary Muslim party in the Assembly had been engineered and although well-known Muslim leaders like Mr. Jinnah did not belong to it and had opposed it, its constitution had nevertheless been recognised to divide the national forces by pitting one community against the other. Therefore when Mr. Kabiruddin Ahmed appeared before the Committee on behalf of his party, it was clear that he would receive unusual patronage from the official section of the Committee. Sir Muhammad Shafi espousing the extreme Muslim demands put, following the example of the President, several leading questions to which witness had only to reply in the affirmative. It all seemed so well-planned and arranged and worked very smoothly so long as the President, Sir Muhammad Shafi and Sir Arthur Froom examined witness, but Sir Sivaswami Iyer was puzzled at Mr. Kabiruddin's admission to the President that he did not want any change either in the provinces or in the centre. Sir Sivaswami therefore read the following extract from the memorandum:—'The present position where an irremovable executive stands confronted with a legislative house the majority of which is hostile is intolerable.' Sir Sivaswami asked how witness would remove this intolerable position. Mr. Kabiruddin Ahmed said his reply was given in the next sentence which read: 'It (the position) is unfair to the executive itself and unless the position is improved is bound to lead to a series of continued deadlocks'. Sir Sivaswami Iyer suggested that this was not an explanation and asked what improvement would the witness suggest. Mr. Kabiruddin was at his wit's end. Sir Alexander Muddiman at once suggested that the improvement proposed by witness was that a larger number of Mahomedans should be in the Assembly. Sir Muhammad Shafi suggested that Mr. Kabiruddin Ahmed had already given an answer in his memorandum that partial responsibility be introduced in the central Government provided one-third of the Ministers were Mahomedans. Sir Sivaswami Iyer protested that he wanted the witness to answer and not others to suggest. Sir Alexander Muddiman asked the witness whether he agreed with his (President's) reading of the point of view of the witness or not. Mr. Kabiruddin Ahmed naturally nodded his assent. But Mr. Kabiruddin was very insulting to Sir Sivaswami Iyer throughout. For instance, he told Sir Sivaswami Iyer that he did not want to waste his time in answering questions which were not intelligent to him and that he would refuse to answer questions for which a reply was to be already found in the memorandum. The President gave Mr. Kabiruddin Ahmed too long a rope and the self-respecting members of the committee could not therefore recognize the existence of such a witness. The climax came when Mr. Kabiruddin told Sir Sivaswami Iyer in a low remark but which was quite within the hearing of Dr. Paranjpye and Sir Tej Bahadur who were sitting near the witness, that he was not prepared to be cross examined by a two-rupee lawyer. Thereupon Dr. Paranjpye and Sir Tej Bahadur refused to cross-examine the witness. The President then felt that the affair had been bungled and this friend of officials had gone beyond the limits of decency. The President thereupon called upon the witness to withdraw if he had used the words complained of. The President said he himself did not hear them. Then Mr. Kabiruddin explained that he did not use the words in the sense put by Sir T. B. Sapru and when the President remarked that in whatever sense the words might have been used, if they were used, they should be withdrawn, Mr. Kabiruddin Ahmed altogether denied having uttered them! The President

felt satisfied but Sir T. B. Sarpu and Dr. Paranjpye were not and did not reconsider their decision.

Sir T. B. Sarpu thereupon withdrew and returned only when Mr. Kabiruddin Ahmed's evidence was finished. The evidence itself had no weight and had not even a smattering of reasonableness about it. It was a die-hard case put to suit the official view. Mr. Kabiruddin Ahmed represented that every Muslim who thought against him was a traitor to his community, a puppet in the hands of pro-Hindns, and a nonentity.

Sir Abdur Rahim's Evidence.

On OCTOBER 23rd Sir Abdur Rahim appeared on behalf of the Bengal Government but beyond answering a few questions of Sir Alexander Muddiman, giving the Bengal Government's view, he was really examined on his own note. Unfortunately both the Bengal Government's letter and Sir Abdur Rahim's note were kept confidential and only the course of examination suggested what their contents were like.

Sir Abdur Rahim's evidence was unique in that he was there to support the Bengal Government's case for tightening the present autocratic grip of the Government with a view to defy the wreckers of dyarchy and therefore to implant it more firmly than even the genius of the British Parliament could. Sir Alexander Muddiman suggested and witness agreed that total refusal of the Ministers' salary should be prohibited and the President of the Council guarded against orders of the court. Mr. Jinnah and Sir Tej Bahadur Sarpu pointed out that in such a case the Ministers might persist in clinging to their office despite the vote of censure as the Mahomedan Ministers did in Bengal. Sir Abdur Rahim replied that the speeches on that occasion showed that the Ministers were not distrusted, but the Swarajists were out to wreck dyarchy. Sir Abdur Rahim then launched on a lecture which would have done honour to any conservative peer. He said no stable responsible government could be run today and that dyarchy was quite workable and must be used to gain experience. He even went in a diametrically opposite direction to the view of his own Government on the subject. Like the Punjab Government, the Bengal Government found it impossible after six months or a year's experience to work dyarchy by holding meetings of the two halves separately and introduced joint consultation and joint deliberations, thereby undertaking unitary administration while retaining the outward form of dyarchy. Sir Abdur Rahim would go a step further. He thought we had not had real dyarchy. He would give the Ministers a separate purse, their own Council secretaries, would abolish the right of secretaries to have access to the C. would reduce the Governor to a more or less constitutional head on the transferred side, and would ask official members not to vote in debates relating to transferred subjects. Of course he profusely assured Sir Alexander Muddiman that his advocacy of separate purse, of taking away the right of the secretaries and curtailing the interference of the Governor did not mean a reflection upon the way these matters had been managed hitherto. He was full of praise for the officials. Only dyarchy must be fully enforced. Dr. Paranjpya and Sir Sivaswamy Iyer looked bewildered and asked him to state whether in such a case the Ministers would advise their party to vote against resolutions on reserved subjects, which in the majority of cases were bound to be against the popular view. Sir Abdur Rahim stumbled and admitted that this was a grave defect in his scheme and the Bengal Government's view about joint consultation looked sounder. Sir Tej Bahadur Sarpu was anxious to know how the witness could defeat the Swarajists who were bound to gain further strength if no concession was made. Sir Abdur Rahim said the franchise should be re-arranged to get the loyal Mahomedan element in a larger number to support the Government. Sir Tej Bahadur discovered that Sir Abdur Rahim had stated in his note that influential and responsible men had asked for an advance. As witness had said that Bengal did not want it, Sir T. B. Sarpu asked whether Bengal did not possess responsible men. The witness was at his wit's ends to explain this discrepancy.

On OCTOBER 24th the committee held the last sitting and examined two official witnesses. Mr. JUKES of the Finance department speaking for himself

had submitted a memorandum in which he showed how without amending the Act, financial autonomy could be granted to the provinces. Sir Alexander Muddiman appeared so much moved by this memorandum that he dubbed it valuable and did not examine witness for more than five minutes. Sir Tej Bahadur Sapru and Mr. Jinnah, however, exposed the show by making witness admit that so long as the revenues of India were vested in his Majesty's Secretary of State, the provinces could not have their way with their revenues. Therefore real financial autonomy could only be achieved by an amendment of the Act and not by merely altering the rules here and there. Sir Alexander Muddiman felt the weakness of the position and attempted to save it by suggesting that if financial autonomy was not achieved, at any rate, the preliminaries essential for it would be realised by accepting Mr. Jukes' suggestions, the most important of which was to separate provincial cash balances and enable the provinces to raise their own ways and means advances from the Imperial Bank. In the matter of loan, he said, Simla must continue to exercise control over the provinces. As was expected from an officer of the Government of India, Mr. Jukes told Sir Arthur Froom that he thought the Meston award reasonable.

Mr. SPENCE, the next witness, was practically examined by Sir Moncrieff-Smith who, it appeared, had summoned his deputy to openly refute the charges made by witnesses from the provinces and also charges which seem to have been made against the Legislative department by the provincial Governments about unduly delaying provincial Bills sent up for sanction and obstructing them in some cases. Mr. Spence represented that his department was right and the provincial critics were all unreasonable. In one or two instances really the provincial Governments were at fault and it turned out that these instances occurred when Sir Tej Bahadur Sapru was the Law Member. Thus Sir Tej Bahadur told the committee and M. Spence corroborated the fact that Sir Herbert Butler's Government sent their Oudh Rent Bill with seven

protested against _____

Government had the audacity to send a request to the Legislative department to arrange for the assent of the Governor-General by a specific date. Against this Dr. Sapru strongly protested and the U. P. Government had to apologise. Mr. Spence threw some further light by remarking that the Secretary of State sent suggestions for liberalising the Rent Bill when it was under discussion and that these were communicated to the local Government who, however, did not incorporate them as they said they were anxious to get through the Bill as soon as possible. Another instance was when 50 clauses of the Calcutta Municipal Bill were sent and it was intimated that others would follow. There was also trouble about the Madras Land Settlement Bill. Dr. Paranjpye got from the witness an admission that the Bombay Government sat tight over Rao Bahadur Kale's Religious Endowments Bill for an inordinate length which resulted in its lapsing when the Council was dissolved. Mr. Spence admitted that the requirement of previous sanction of the Government of India to substantial amendments to a Bill, as happened in the case of the Allahabad University Bill, was very inconvenient but he could suggest no remedy except a radical alteration of the law of sanction.

CLOSE OF THE COMMITTEE'S WORK.

This closed the public examination of witnesses by the Committee after which the Committee met in camera to discuss the preliminaries in drawing up the report. For this purpose the Committee meet formally after an adjournment on November 24th. The final report was issued only in March last.

The Central Legislature
The Legislative Assembly
The Council of State
Sept. 1924

Statement showing Resolutions adopted by the LEGISLATIVE ASSEMBLY during the DELHI SESSION 1924, and action taken by Government thereon.

Date on which moved.	By whom.	Subject of Resolution.	Action taken by Government.
5th February 1924.	Mr. B. Venkatapatiraju ...	Amalgamation of the Indian Territorial Force with the Auxiliary Force.	A Committee has been appointed and will assemble shortly.
7th February 1924.	Mr. K. C. Neogy ...	Countervailing duty on South African coal.	The Government has as yet taken no action on this Resolution.
5th, 8th, 13th and 18th February 1924.	Diwan Bahadur T. Rangachariar.	Full Self-Governing Dominion Status for India.	A copy of the Resolution adopted by the Assembly, together with the debates thereon, was communicated to the Secretary of State on the 6th March 1924. The subsequent action taken in conformity with the undertaking of the Honourable Sir Malcolm Hailey given in the discussion of the Resolution has been announced in Communiqués which have been issued.
18th February 1924.	Mr. K. Ahmed ...	Answering of all questions in the Assembly regarding subjects over which Government of India have power of superintendence and control.	The question is under consideration.
Ditto ...	Haji Wajuddin ...	Measures for the convenience of Indian passengers.	A copy of the discussion on the subject in the Assembly was forwarded to all Railway Administrations for consideration.
14th February 1924.	Diwan Bahadur Ramachandra Rao.	M. Assembly's approval in regard to certain contracts.	The Government of India have decided that they cannot be bound by the Resolution, but that should they consider it in the public interest to do so they may at their discretion consult an appropriate committee of the Legislature before entering into a contract of the nature contemplated.
Ditto ...	Mr. M. A. Jinnah ...	Purchase of Stores ...	The matter is under consideration.

Statements showing Resolutions adopted by the LEGISLATIVE ASSEMBLY during the DELHI SESSION 1924, and action taken by Government thereon—contd.

Date on which moved.	By whom.	Subject of Resolution.	Action taken by Government.
Ditto ...	Maulvi Mohamad Yakub.	Greetings to the Labour Party	A copy of the Resolution adopted by the Assembly, together with the debates thereon, was duly communicated to the Secretary of State.
19th February 1924.	Mr. V. J. Patel ...	Removal of restrictions in the way of Mr. B. G. Horniman to return to India.	The Government of India have not been able to accept the recommendations contained in the Resolution. No action has accordingly been taken other than to report the result of the debate to the Secretary of State.
26th February 1924.	Sardar Gulab Singh ...	Appointment of a Committee to inquire into the grievances of the Sikh community.	Ditto
Ditto ...	Sardar Kartar Singh ...	Release of Sardar Kharak Singh.	In accordance with the undertaking given by the Honourable the Home Member during the debate, the Punjab Government were consulted and it has been decided that there are no grounds for interference at present.
Ditto ...	Mr. B. Sadiq Hasan ...	Release of Maulana Hasrat Mohani.	The Governor General in Council has not accepted the recommendations made in the Resolution and no action has accordingly been taken thereon.
8th March 1924	The Honourable Sir Malcolm Hailey.	Ratification of International Convention for suppression of obscene publications.	The Secretary of State has been informed that the Government of India agree that the Convention should be ratified on behalf of India, and Local Governments have been consulted on the amendment which will be necessary in the Indian Penal Code and the Original Procedure Code. It is proposed to undertake the necessary legislation in the September session.
20th March 1924	Mr. Amar Nath Dutt ...	Repeal of Bengal Regulation III of 1818.	For the reasons stated in the course of the debate, the Government of India have been unable to accept the Resolution and no action has been taken other than to communicate a report on the debate to the Secretary of State.

*Statement showing the Resolutions adopted by the COUNCIL OF STATE during the DELHI SESSION 1924. and
action taken by Government thereon.*

Date on which moved.	By whom.	Subject of Resolution.	Action taken by Government.
4th February 1924.	The Honourable Mr. Phirose C. Sethna.	Inquiry into the economic conditions of the people of India.	The Local Governments have been consulted as to the desirability of undertaking the enquiry and asked whether they would be prepared to support the proposal for the appointment of a Committee and to co-operate in its labour, if appointed.
5th February 1924.	The Honourable Sir Maneckji B. Dadabhoj.	Award of the Nobel prize for peace to His Highness the Aga Khan.	A certified copy of the Resolution, together with a copy of the debate on the subject, was forwarded on the 11th April 1924 to the Secretary of the Nobel Committee of the Norwegian Parliament, for the information of that Committee.
11th February 1924.	The Honourable Mr. Phirose C. Sethna.	Mural paintings in Government buildings at Raisina.	No action has yet been taken as the work of mural paintings in the buildings in Raisina cannot yet be taken in hand.
13th February 1924.	The Honourable Mr. S. Vedamurti.	Reconstitution of the New Capital Committee, Delhi with a non-official majority.	The Resolution, as adopted, has been given effect to.
18th February 1924.	Ditto	Substitution of a provident fund for the existing pension system.	The matter will be considered after the report of the Public Services Commission has been published.
5th March 1924	The Honourable Sardar Jogendra Singh.	Survey of irrigation possibilities and the organisation of power lift irrigation from wells.	Copies of the Debates in the Council of State and of the Resolutions have been forwarded to major Local Governments for their views before deciding what action, if any, is desirable.

Statement showing the Resolutions adopted by the COUNCIL OF STATE during the DELHI SESSION 1924, and action taken by Government thereon—contd.

Date on which moved.	By whom.	Subject of Resolution.	Action taken by Government.
10th and 12th March 1924.	Ditto ...	Development of the sugar industry.	A copy of the Resolution, as adopted, was forwarded to all Local Governments and the Administration of the N.-W. F. P. for information and such action as might be considered necessary with the remark that the Government of India, who are interested in the question, would be glad to be kept informed of developments.
11th March 1924	The Honourable Mr. J. Grewar.	Ratification of the International Convention for the suppression of the circulation of and traffic in obscene publication.	The Secretary of State has been informed that the Government of India agree that the Convention should be ratified on behalf of India, and Local Governments have been consulted on the amendments which will be necessary in the Indian Penal Code and the Criminal Procedure Code. It is proposed to undertake the necessary legislation in the September session.
18th March 1924	The Honourable Mr. A. H. Ley.	Draft Convention of the International Labour Conference concerning the use of white lead in painting.	The Resolution adopted was forwarded on 22nd April 1924 to His Majesty's Under Secretary of State for India for communication to the Secretary General of the League of Nations.
19th and 20th March 1924	The Honourable Mr. G. A. Natesan.	Restrictions and disabilities imposed on Indians in South Africa.	The gist of the Resolution was communicated in a cable to the Secretary of State for India on the 28th March 1924. The Class Areas Bill, which was the subject of discussion, has since lapsed owing to the dissolution of the Union Parliament.

The Legislative Assembly

SEPTEMBER SESSION—1924

The Legislative session at Simla began on the 3rd September 1924 when the *COUNCIL OF STATE* met under the presidency of Sir Montagu Butler, and the *LEGISLATIVE ASSEMBLY* under Sir Frederick Whyte. The most important business of the session was of course the discussion of the *Lee Report* (see Vol. I., p. 525) on which the Government showed an attitude of profound hostility to the Indian view and roundly declared that they were not going to accept the popular demands.

The natural outcome of this unbending autocratic attitude of the Government was that they suffered the most ignominious defeats almost at every turn during the 14 days that the Assembly sat in this session.

The most crushing Government defeats were made possible by the co-ordination among non-officials by the formation of the Independent Party under the leadership of Mr. Jinnah. It should be remembered that when the new Assembly met at Delhi, the Swarajists found themselves 48 strong ranged against the same number on the side of Government. The Independents held the balance. Negotiations then ensued and the Nationalist coalition was formed for the purpose of putting forward a common demand for an early examination of the Constitution and that, failing an acceptable gesture in that direction within a month, the coalition would resort to the method of constitutional dead-lock and throw out the budget. But very often in Delhi the Government was defeated only by bare majority, and division was always uncertain because the bare majority might be lost by the unexpected absence of one or two members of the coalition. The defect lay in the fact that the Independents were not an organised group and were free to act as they chose on any particular occasion, and as they held the balance, the absence of their allegiance to any party made voting generally uncertain. The need for the formation of an Independent party was recognised in Delhi but specific efforts were not made in that direction. The special May—June session also passed without its formation because its business was such that practically the whole House including Government benches were anxious to pass the Steel Protection Act. But as soon as the members came up for the September session and found themselves faced with a series of important public questions for disposal, the Independents at once sat together and formed themselves into a party with 28 members. Two motives led to its formation. There were some Independents who thought that the Nationalist coalition ought to be put on a stable basis by their organisation; there were others who felt that as every popular vote could be carried only by their help they ought to be able to claim credit for this performance as an organised body and on that basis go back to the country and claim a legitimate share in the achievements of the Assembly.

Government was not keeping quiet all this while and tried in their own interest to divide the Nationalist camp. Communal feelings and agents were set up to bring about the formation of a Parliamentary Muslim party in the Assembly. If there were a Muslim party in the Assembly it would command 40 votes and if the Mahomedan members of the Swaraj party and the Independent party made their allegiance to the Nationalist group subject to their allegiance to the Muslim party, then the Government purpose was achieved. The Muslims would then hold the balance between the Government and the Nationalists. With this aim Mr. Abdul Kasem, a nominated member from Bengal, Mr. Kabiruddin Ahmed and Sir Abdul Qaiyum tried almost with frenzy to form a Muslim group. But wiser counsels led by Mr. Jinnah prevailed and there was no likelihood of undesirable elements gaining the upper hand. Sir Alexander Muddiman threw them a bait by promising to re-open a question

which his predecessor, Sir Malcolm Hailey, had assured the Assembly was closed, and to consider the introduction of communal representation in the public services. Mr. Jinnah knew full well, as a member of the Reforms Enquiry Committee, how anxious his official colleagues were to exploit the Moslems, and frustrated the attempt to form a separate Muslim party in the Assembly subservient to Government.

Legislation.

The official legislative programme of the session was not important as the Government postponed till the next Delhi Session the introduction of highly important measures, including a revision of the Sea Customs Act, enactment of laws recognising Trade Unions and providing for settlement of trade disputes, and the amendment of the Legal Practitioner's Act with a view to give effect to the Bar Committee's report to remove the uncalled for distinctions between vakils and barristers. The Mercantile Marine Committee's Report, the Reforms Enquiry Committee's Report and the Bray Report about the Frontier Provinces was also postponed to be considered in Delhi.

The non-official legislative programme was of a far-reaching character. But unfortunately Government allotted only two days for non-official Bills with the result that out of thirty new Bills hardly more than three could be introduced, of which two concerned labour by proposing to provide for the payment of weekly wages and grant of maternity benefits to women workers. The third Bill introduced was of Mr. Neogy for prohibiting the reservation of railway compartments for any community or race. Among the Bills which came under the guillotine were the important measures of Mr. Kelkar for providing for the registration of political associations and for amending the provision about the grant of passports, and that of Mr. Rangaswami Iyengar for amending the sedition sections of the Indian Penal Code. The inadequacy of non-official days was the cause of grave discontent among the members, and it was only when threatened that all official Bills would be postponed, that Sir Alexander Muddiman secured the grant of two more non-official days for the discussion of resolutions. Great interest was evoked on the second and third reading of Dr. Gour's Bill to repeal the Criminal Law Amendment Act. The debate on this Bill was the most heated and one of the best of the session, and it was here that the Governments' case was the weakest. Part I of the Act, which provided means for dealing with secret societies, was repealed two years ago, but Part 11 could not be dealt with then, because all it could do was to proclaim them as unlawful.

The following is a list of the legislative work in this session:—

A Bill to repeal certain enactments whereby breaches of contracts by labourers had been made punishable under sections 490 and 492 of the Indian Penal Code in regard to service during a voyage was introduced.

A Bill to re-enact with amendments the Indian Soldier's Litigation Act, 1918, to meet certain exigencies of service in the Indian Army during the great war, was passed by the Council of State. The Assembly referred it to a Select Committee.

A Bill to amend further the Indian Motor Vehicles Act, 1914, to maintain a careful control over breaches of the law relating to motor traffic, was passed.

A Bill entitled "the Indian Criminal Law Amendment Bill" intended to amend the Indian Penal Code and the Code of Criminal Procedure for affording greater protection of boys and girls under the age of eighteen years against immorality was passed.

A Bill to give effect to certain articles of the International Convention for the suppression of and traffic in obscene publications was passed by the Council of State; but the Assembly referred it to a Select Committee.

A Bill was brought in to amend and consolidate the law relating to Provident Funds in order to make more effective the purpose of the existing Act.

A Bill to provide for the better regulation of cotton-ginning and other press factories was circulated for eliciting public opinion.

A Bill to consolidate, amend and extend the law relating to the levy of duties or customs on articles imported or exported by land from or to territory outside British India was passed into law.

A Bill to amend the Imperial Bank of India Act was passed. It had reference only to Banking Companies whose capital was expressed in rupees. An amendment to bring within the scope of the Bill Co-operative Banks established under the Co-operative Societies Act, 1912 was passed.

Of the non-official bills may be mentioned :—

Dr. Gour's Bill to make provision for the better management of Hindu religious and charitable trust proper and for ensuring the keeping and publication of proper accounts of such trusts was adjourned.

Dr. Gour's Bill to repeal certain provisions of the Indian Criminal Law Amendment Act, 1908 was passed by 71 votes to 40 defeating all attempts of Government to shelve it.

Mr. K. Rama Aiyangar's Bill further to amend the Registration Act, 1908 was referred to Select Committee by 42 votes to 38.

Mr. T. Rangachariar's Bill further to amend the Indian Registration Act, 1908 was circulated for eliciting public opinion.

Mr. Rangachariar's Bill to provide that when fire-arms are used for the purpose of dispersing an assembly, preliminary warning should in certain circumstances be given, was referred to Select Committee by 58 votes against 38.

Mr. Chaman Lal introduced a Bill to make provision for the weekly payment of wages to workmen, domestic servants and other employees.

Mr. Joshi introduced a Bill to regulate the employment of women in factories and mines on estates to which the Assam Labour and Emigration Act, 1901 applied.

Mr. K. C. Neogy introduced a Bill intended to prohibit the reservation of compartments in railway trains for the exclusive use of persons belonging to any particular community, race or creed. To his Bills which were still pending before the Legislature, Dr. Gour added another when he introduced his Special Marriage (Amendment) Bill in order to correct what he called an anachronism under the existing law.

Resolutions

The most important resolution of the session was the Government motion on the Lee Report. It was moved by the Home Member in the Assembly on the 10th September and in the Council of State by the Home Secretary on the 15th September, the discussion in the former place lasting 3 days and in the latter 2 days. Government suffered defeat in the Assembly but, as usual, they got the Upper House pass their motion. This debate is given in full on pp. 72—88.

RAILWAY FINANCE

The next most important resolution was in connection with Railway Finance. It came up before the Legislative Assembly on the 17th September 1924 when the adjourned debate on the resolution regarding the separation of the railway from general finance was resumed. The resolution before the House which Sir Charles Innes had moved at Delhi on the 3rd March 1924 ran as follows :—

"This Assembly recommends to the Governor-General in Council that in order to relieve the general budget from the violent fluctuations caused by the incorporation therein of the railway estimates and to enable the railways to carry out a continuous railway policy based on the necessity of making a definite return over a period of years to the State on the capital expended on railways :

- (1) The railway finances shall be separated from the general finances of the country and the general revenues shall receive a definite annual contribution from railways which shall be the first charge on railway earnings.

- (2) The contribution shall be a sum equal to five-fifths of 1 per cent. on the capital at charge of railway (excluding capital contributed by Companies and Indian States and capital expenditure on strategic railways) at the end of the penultimate financial year *plus* one-fifth of any surplus profits remaining after payment of this fixed return, subject to the condition that if in any year railway revenues are insufficient to provide the percentage of five-sixths of 1 per cent. on the capital at charge, surplus profits in the next or subsequent years will not be deemed to have accrued for purposes of division until such deficiency has been made good.

From the contribution so fixed will be deducted the loss in working, and the interest on capital expenditure on strategic lines.

- (3) Any surplus profits that exist after payment of these charges shall be available for the railway administration to be utilised in—
- (a) forming reserves for—
 - (i) equalising dividends, that is to say, for securing the payment of the percentage contribution to the general revenues in lean years,
 - (ii) depreciation,
 - (iii) writing down and writing off capital :
 - (b) the improvement of services rendered to the public.
 - (c) the reduction of rates.
- (4) The railway administration shall be entitled, subject to such conditions as may be prescribed by the Government of India, to borrow temporarily from capital or from the reserves for the purpose of meeting expenditure for which there is no provision or insufficient provision in the revenue budget, subject to the obligation to make repayment of such borrowings out of the revenue budgets of subsequent years.
- (5) In accordance with present practice the figures of gross receipts and expenditure of railways will be included in the Budget Statement. The proposed expenditure will, as at present, be placed before the Legislative Assembly in the form of a demand for grants, and on a separate day or days among the days allotted for the discussion of the demands for grants the Member in charge of Railways will make a general statement on railway accounts and working. Any reductions in the demand for grants for railway resulting from the vote of the Legislative Assembly will not enure to general revenues *i.e.*, will not have the effect of increasing the fixed contribution for the year.
- (6) The Railway Department will place the estimates of railway expenditure before the Central Advisory Council on some date prior to the date for the discussion of the demand for grants for railways.

To this Sir Henry Moncrieff Smith moved the following amendment :—

“That for the original Resolutions the following be substituted, namely :

This Assembly recommends to the Governor-General in Council that in order to relieve the general budget from the violent fluctuations caused by the incorporation therein of the railway estimates and to enable railways to carry out a continuous railway policy based on the necessity of making a definite return to general revenues, on the money expended by the State on railways :—

- (1) The railway finances shall be separated from the general finances of the country and the general revenues shall receive a definite annual contribution from railways which shall be the first charge on the net receipts of railways.
- (2) The contribution shall be based on the capital at charge and working results of commercial lines, and shall be a sum equal to one per cent. on the capital at charge of commercial lines (excluding capital contributed by companies and Indian States) at the end of the penultimate financial year *plus* one-fifth of any surplus profits remaining

SEPARATION OF RAILWAY FINANCE

after payment of this fixed return, subject to the condition that, if in any year railway revenues are insufficient to provide the percentage of one per cent. on the capital at charge, surplus profits in the next or subsequent years will not be deemed to have accrued for purposes of division until such deficiency has been made good.

The interest on the capital at charge of and the loss in working strategic lines shall be borne by general revenues and shall consequently be deducted from the contribution so calculated in order to arrive at the net amount payable from railway to general revenues each year.

- (3) Any surplus remaining after this payment to general revenues shall be transferred to a railway reserve; provided that if the amount available for transfer to the railway reserve exceeds in any year three crores of rupees, only two-thirds of the excess over three crores shall be transferred to the railway reserve and the remaining one third shall accrue to general revenues.
 - (4) The railway reserve shall be used to secure the payment of the annual contribution to general revenues: to provide, if necessary, for arrears of depreciation and for writing down and writing off capital; and to strengthen the financial position of railways in order that the services rendered to the public may be improved and rates may be reduced.
 - (5) The railway administration shall be entitled, subject to such conditions as may be prescribed by the Government of India, to borrow temporarily from capital or from the reserves for the purpose of meeting expenditure for which there is no provision or insufficient provision in the revenue budget subject to the obligation to make repayment of such borrowings out of the revenue budgets of subsequent years.
 - (6) A Standing Finance Committee for Railways shall be constituted consisting of two nominated official members of the Legislative Assembly one of whom should be Chairman, and ten members elected by the Legislative Assembly from their body. The members of the Standing Finance Committee for Railways shall be *ex-officio* members of the Central Advisory Council, which shall consist, in addition, of not more than two further nominated official members, five non-official members selected from a panel of eight elected by the Council of State from their body and five non-official members selected from a panel of eight elected by the Legislative Assembly from their body.
- The Railway Department shall place the estimates of railway expenditure before the Standing Finance Committee for Railways on some date prior to the date for the discussion of the demand for grants for railways.
- (7) The railway budget shall be presented to the Legislative Assembly if possible in advance of the general budget in order that more time may be allotted for its discussion, and the Member in charge of railways shall then make a general statement on railway accounts and working. The expenditure proposed in the railway budget including expenditure from the depreciation fund and the railway reserve, shall be placed before the Legislative Assembly in the form of demands for grants. The form the budget shall take after separation, the detail it shall give and the number of demands for grants into which the total vote shall be divided shall be considered by the Railway Board in consultation with the proposed Standing Finance Committee for Railways with a view to the introduction of improvements in time for the next budget, if possible.
 - (8) These arrangements shall be subject to periodic revision but shall be provisionally tried for at least three years."

During the debate several amendments were made (see pp. 98—104) and the resolution as finally adopted ran,—

"This Assembly recommends to the Governor-General in Council that in order to relieve the general budget from the violent fluctuations caused by the

incorporation therein of the railway estimates and to enable railways to carry out a continuous railway policy based on the necessity of making a definite return to general revenues, on the money expended by the State on railways :—

- (1) The railway finances shall be separated from the general finances of the country and the general revenues shall receive a definite annual contribution from railways which shall be the first charge on the net receipts of railways.
- (2) The contribution shall be based on the capital at charge and working results of commercial lines, and shall be a sum equal to one per cent. on the capital at charge of commercial lines (excluding capital contributed by companies and Indian States) at the end of the penultimate financial year plus one-fifth of any surplus profits remaining after payment of this fixed return, subject to the condition that, if in any year railway revenues are insufficient to provide the percentage of one per cent. on the capital at charge, surplus profits to the next or subsequent years will not be deemed to have accrued for purposes of division until such deficiency has been made good.

The interest on the capital at charge of, and the loss in working strategic lines shall be borne by general revenues and shall consequently be deducted from the contribution so calculated in order to arrive at the net amount payable from railway to general revenues each year.

- (3) Any surplus remaining after this payment to general revenues shall be transferred to a railway reserve ; provided that if the amount available for transfer to the railway reserve exceeds in any year three crores of rupees only two-thirds of the excess over three crores shall be transferred to the railway reserve and the remaining one-third shall accrue to general revenues.
- (4) The railway reserve shall be used to secure the payment of the annual contribution to general revenues ; to provide, if necessary, for arrears of depreciation and for writing down and writing off capital ; and to strengthen the financial position of railways in order that the services rendered to the public may be improved and rates may be reduced.
- (5) The railway administration shall be entitled, subject to such conditions as may be prescribed by the Government of India, to borrow temporarily from capital or from the reserves for the purpose of meeting expenditure for which there is no provision or insufficient provision in the revenue budget subject to the obligation to make repayment of such borrowings out of the revenue budgets of subsequent years.
- (6) A Standing Finance Committee for Railways shall be constituted of one nominated official member of the Legislative Assembly who should be Chairman and eleven members elected by the Legislative Assembly from their body. The members of the Standing Finance Committee for Railways shall be *ex-officio* members of the Central Advisory Council, which shall consist, in addition, of not more than one further nominated official member, six non-official members selected from a panel of eight elected by the Council of State from their body and six non-official members selected from a panel of eight elected by the Legislative Assembly from their body.

The Railway Department shall place the estimates of railway expenditure before the Standing Finance Committee for Railways on some date prior to the date for the discussion of the demand for grants for railways and shall, as far as possible, instead of the expenditure programme revenue show the expenditure under a depreciation fund created as per the new rules for charge to capital and revenue.

- (7) The railway budget shall be presented to the Legislative Assembly if

possible in advance of the general budget and separate days shall be allotted for its discussion, and the Member in charge of railways shall then make a general statement on railway accounts and working. The expenditure proposed in the railway budget, including expenditure from the depreciation fund and the railway reserve, shall be placed before the Legislative Assembly in the form of demands for grants. The form the budget shall take after separation, the detail it shall give and the number of demands for grants into which the total vote shall be divided, shall be considered by the Railway Board in consultation with the proposed Standing Finance Committee for Railways with a view to the introduction of improvements in time for the next budget if possible.

- (8) These arrangements shall be subject to periodic revision but shall be provisionally tried for at least three years.
- (9) In view of the fact that the Assembly adheres to the Resolution passed in February 1923 in favour of State management of Indian Railways, these arrangements shall hold good only so long as the East Indian Railway and the Great Indian Peninsula Railway and existing State managed Railways remain under State management. But if in spite of the Assembly's Resolution above referred to Government should enter on any negotiations for the transfer of any of the above Railways to Company management, such negotiations shall not be concluded until facilities have been given for a discussion of the whole matter in the Assembly. If any contract for the transfer of any of the above Railway to Company management is concluded against the advice of the Assembly, the Assembly will be at liberty to terminate the arrangements in this Resolution.

Apart from the above convention this Assembly further recommends :—

- (i) that the Railway services should be rapidly Indianised, and further that Indians should be appointed as Members of the Railway Board as early as possible, and
- (ii) that the purchase of stores for the State Railways should be undertaken through the organisation of Stores Purchase Department of the Government of India."

RESOLUTION ON TAXATION COMMITTEE

Another important resolution carried against the Government both by the Assembly and the Council of State referred to the Taxation Enquiry Committee (see p. 104). There was great and almost universal opposition to the personnel of the Committee. What the country required was not a taxation Committee but an economic enquiry Committee.

COTTON EXCISE DUTY.

The third resolution of importance was the one urging the abolition of the Cotton Excise Duty. This was moved on the 22nd September by Mr. Kasturbhai Lalbhai, having been adjourned from the 20th March 1924, in the following terms :—

"This Assembly recommends to the Governor-General-in-Council to take early steps to abolish the Cotton Excise Duty as recommended by a majority of the Indian members on the Indian Fiscal Commission and to be pleased to direct the tariff board to further examine the question of protection to the Indian Cotton Mill industry at an early date."

The debate was continued on the 24th when it was passed with an amendment of Mr. Neogy that all words after "Indian Fiscal Commission" be omitted (see p. 114).

LEGISLATIVE ASSEMBLY—3rd & 8th SEPTEMBER

On the 3rd SEPTEMBER the Assembly opened and sat only for some 2 hours for interpellations and official business. As Sir Alexander Muddiman declared, the convening of the session so early was really for the purpose of getting together sufficient number of members for the Select Committees to sit in the next week. He then announced the programme of the session.

Mr. Bhore referred his bill amending the Merchant Shipping Act to a Select Committee and Sir Basil Blackett's motion to refer to Select committees the Imperial Bank Amendment Bill and the Land Customs Bill was passed. Sir Charles Innes introduced the Bill for the better regulation of Cotton ginning and Cotton pressing factories. Mr. A. C. Chatterjee then introduced the last Bill on the agenda for amending the Post Office Act.

On September 8th the Assembly sat for over four hours to consider further stages of the three Bills introduced on the 3rd. The question of the Opium policy of the Govt. was raised in a long series of questions; Sir Basil Blackett obstinately defended the shameful policy by laying the blame on those countries which were importing Opium from India.

A Select Committee on the Cotton ginning and pressing factory Bill was moved by Sir Charles Innes but on the motion of Mr. Aney the Bill was sent for circulation. The Land Customs Bill was then sent to a Select Committee and Mr. A. C. Chatterjee's Post Office Amendment Bill was passed.

SIMLA—10TH SEPTEMBER

Resolution on the Lee Report

On the 10th September the galleries were packed in the Assembly and utmost enthusiasm prevailed on the forth coming debate. Question time produced a little preliminary skirmish of the Nationalist with the Government over Mr. Ramchandra Rao's question regarding the publication of the evidence tendered before the Lee Commission. Government declared that the Secretary of State had decided not to comply with the Assembly's request to publish the evidence.

Sir Alexander MUDDIMAN then rose and moved his resolution on the Lee Report and spoke for an hour from his printed speech.

The Resolution was in the following terms :—

This Assembly recommends to the Governor-General in Council ;—

- (1) that the following recommendations of the Royal Commission on the Superior Civil Services in India be in principle approved—
- (a) that while the existing system of appointment and control of the All-India Services should, in present conditions, be maintained in reserved fields, the following Services operating in transferred fields, namely, the Indian Educational Service, the Indian Agricultural Service, the Indian Veterinary Service, the Buildings and Roads Branch of the Indian Service of Engineers in those provinces in which the two branches have been separated, and the Indian Forest Service in Bombay and Burma, should, so far as future recruits are concerned, be appointed and controlled by local Governments ;
- (b) that recruitment of Indians for the Services in reserved fields should be increased as recommended ;
- (c) that having particular regard to recommendation (a), early steps be taken to constitute the Public Service Commission contemplated by section 96-C of the Government of India Act and to enact such legislation as may be necessary ;
- (2) that pay, passage, concessions and pensions be granted to the officers of the Superior Civil Services in India approximately on the scale recommended ; and
- (3) that the recommendation of the Royal Commission regarding the constitution of Provincial Medical Services in Governor's Provinces be accepted in principle subject to—
 - (a) the employment in the province of an adequate military reserve ;
 - (b) the provision of adequate medical attendance for British officers in the Civil Services and their families ; and
 - (c) the further consideration of the conditions necessary to secure an adequate number of British medical recruits for the needs of the Army.

Realising that he would have a sensitive Chamber to address, SIR ALEXANDER avoided fireworks. His speech was delivered almost entirely from manuscript. It was more in the nature of a carefully prepared memorandum on the Lee Report than an oratorical exposition of the Government's case. Now and then Sir Alexander broke away from his paper and elaborated a point with a homely turn of phrase which prevented monotony. It was clear that if by any chance reasoned argument could prevail, he was ready to assist. He appealed to the Assembly as a fair-minded House, not to let its judgment be clouded by the knowledge that the Lee Commission had been appointed against the wish of its predecessor. He emphasised the weight of the Commission's authority, presided over by an ex-Cabinet Minister, who with two of his colleagues had no Indian interest past or future, and containing only one active Service member, as well as four Indians of distinction and "the last of the Lieutenant-Governors." They had come to an unanimous finding and that in itself suggested that the compromise effected was of value.

Then came a little disquisition on the status of the Public Services. In no country did they come in direct contact with the Legislature, between which and them the Government acted as a buffer. Even in England nine-tenths of the day to day administration was carried on by the Services. There was no Legislature, however much informed with wisdom, and no Government, however able, which could function without the Services. Indeed, without the Services they would be like a man without arms. So, if they disagreed with the Government's policy, let them criticise the Government. The Government had a broad back and it was there to be hit, but let them leave the Services alone.

And what was to happen to these Services under the Lee proposals? All but the two security Services and the Irrigation and the Forest Service (the last excluding Bombay and Burma) were to be provincialised. For the sake of argument he would take provincialisation to mean Indianisation. What was the final picture? Eventually there would be only 1,300 British officers in the All-India Services, including doctors and the military medical reserve, and of the 675 Englishmen in the Indian Civil Service, less than 400 would be filling posts of major responsibility and the remainder would be under training or on leave. Was that excessive in a country of 300 million people?

Here the Lee Commission had indeed gone to the very limit of safety. He did not want to lay too much stress on communal differences and provincial feeling. He had been told they were lessening: he had been 25 years in India and had seen no signs of it. He did not believe that the country could afford or wanted to dispense with British officers. He had heard it suggested that British recruitment should be stopped only for a time. Did they think that once stopped recruitment could be revived?

The Home Member marshalled his arguments with great thoroughness. His explanation of the rise in the cost of living in the days before the war necessitating the appointment of the Islington Commission, of the causes which rendered the belated and partial adoption of that Commission's proposals inadequate, because within a year the basis on which it had rested was shattered by the crash in the rupee exchange and of the further rise in the cost of living since the War, was smoothly and unanswerably developed. The Commission's finding should be regarded as the verdict of a jury.

He briefly explained how the Government proposed to give effect to the proposals by stating where they differed from the Commission. Amid roars of laughter from the benches round him, the Home Member stated that the Government did not agree to increase the pensions of Members of Council and Governors. They deferred consideration of the medical proposals, as already explained, the matter being very complex. They proposed to extend the award of overseas allowances to administrative officers drawing Rs.3,000 and under, thus steering a middle course between the divergent views of the European and Indian members of the Commission. They had decided to state the overseas-pay straightaway in sterling, in order that the officer might be protected against loss when the rupee was below 1s. 4d. and the Government might benefit when it was over that figure.

Incidentally the Lee Report was approximately accurate in its estimate of

the immediate additional cost of its proposals, but had under-estimated the eventual saving owing to increased Indianisation. But we are to hear more on that point from Sir Basil Blackett, just as Sir Narasimha Sarma is going to speak on the Medical Services. The refusal of increased pensions to Governors was justified on the ground of uniformity and on the principle of affording relief to those who needed it most. The Home Member's reference to recruitment was brief but telling. The Indian Civil Service was 75 per cent. under strength. The Lee Report's recommendations, reducing as they did the British element, yet required 22 British officers each year in that service. But in the last examination only 21 British candidates had been forthcoming, as against 200 before the War, and the years 1921, 1922 and 1923 had produced only 20, 19 and 38 candidates respectively. Financial considerations played an important part in recruitment and he maintained that if they recruited Englishmen those should be good Englishmen. In this matter the British Parliament was anxious. This was a great occasion, a great opportunity. Would the Assembly rise to it?

It had been suggested that the British were actuated by a desire to obtain posts in India for their relations. On the basis of the Lee Report the number of posts would be 45 annually. That was no more than a large British firm might recruit in a year. Was an Empire like the British Empire likely to be obsessed by such trifling considerations? Were people like the British likely to take such a line? Lord Lee had recently stated that if his proposals were adopted he would assist in recruitment and there were indications that, given a favourable atmosphere, recruitment would improve.

Sir Alexander concluded with a telling peroration. He did not base his claim on an appeal for the Services, but he had seen it somewhere stated that British officers constituted a horde of mercenary officials battering on India. The gibe stung. He did not trouble about his own Service. History would pass judgment on it. But was it really in that light that Indians viewed the other Services? What about the doctors, the engineers, the police, who had spent their lives, laid down their lives in the service of India? He felt comforted, however, that there was no sting in the word 'mercenary', for they were mercenaries in the same way as that great army of whom it is written, "These on the day when heaven was falling, the hour when the earth's foundation fled, followed their mercenary calling and took their wages and are dead". The speech was warmly applauded.

PT. MOTILAL'S AMENDMENT.

When the Assembly resumed after lunch Pandit MOTILAL NEHRU moved his amendment on behalf of the Nationalist party and dealt with its clauses one by one and explained the justification for them.

The amendment runs:—

"That having regard to the following among other facts viz.,

- (A) That the Royal Commission on the Superior Civil Services in India was appointed and allowed to enter upon its functions in utter disregard of the resolutions passed by the first Assembly.
- (B) That all the questions affecting the Civil Services are inseparably connected with and entirely dependent upon the larger question of the grant of Responsible Government to India and cannot be entertained and satisfactorily dealt with unless and until the resolution of this House on Responsible Government, adopted on the 18th February, 1924, is substantially complied with.
- (C) That the terms of reference to the said Royal Commission and the recommendations made by it involve the perpetuation of an antiquated and anachronistic system of public services without any attempt to reconstruct the administrative machinery to suit the present day conditions of India, which are widely different from those prevailing when it was inaugurated.
- (D) That the said terms of reference to the said Royal Commission and the recommendations made by it are based on the unwarranted assumption that the existing system of Government, both Central and

- Provincial, and the present position, powers and functions of the Secretary of State, the Governor-General and the Governors of the Provinces would continue indefinitely.
- (E) That some of the recommendations of the Royal Commission are intended to deprive the Legislatures even of their existing powers by suggesting devices to transfer the items of expenditure hitherto subject to the vote of the Assembly and the Provincial Councils to the head of non-votable items.
- (F) That the said recommendations have introduced racial discriminations in the treatment of the All-India Services.
- (G) That the said recommendations make the extraordinary provision that the officers appointed to the All-India Services after 1919, as also those to be appointed hereafter, shall have the guarantee against and compensation for being transferred from the Reserved to the Transferred field of service—a contingency which they must be taken to be well aware of when they were appointed. The said provision is moreover likely seriously to prejudice the development of the constitution.
- (H) That the enquiry held by the Royal Commission has been unsatisfactory in that the bulk of the evidence on which the bold recommendations of the Commission are based was allowed to be tendered, and accepted in camera and no material evidence is either indicated or made available to this Assembly.

RECOMMENDATIONS.

- "This Assembly recommends to the Governor-General-in-Council that the recommendations of the Royal Commission on the Superior Services of India be not accepted and this Assembly further recommends that instead of the recommendations, referred to in clause (1) sub-clauses A, B, and C and clause (2) of Sir Alexander Muddiman's resolution, so far as the latter relates to future entrants into the Civil Services, being approved, the following steps be taken in respect of the future recruiting and control of the Services, namely :
- (1) That all further recruitment in England for the Civil Services in India, including the Medical Services under the existing rules be stopped.
 - (2) That the Secretary of State be requested to take the necessary steps for the purpose of transferring the powers of appointment and control of the Services now vested in him to the Government of India and the local Governments, such powers to be exercised under laws to be passed by the Indian and Local legislatures regulating the Public Services, including the classification of the Civil Services in India, the methods of their recruitment, their conditions of service, pay and allowance and discipline and conduct.
 - (3) That a Public Services Commission be established in India and the constitution and functions of that Commission be determined on the recommendations of a Committee elected by this Assembly.
- "This Assembly is unable, in view of the present financial condition of India and on the materials before it, to satisfy itself as to the propriety and reasonableness of the recommendations of the Royal Commission in respect of the alleged grievances of those at present holding office in the Civil Services and cannot with due regard to the interests of the tax-payer assent to the imposing of the fresh burdens on the already over-burdened finances of the country; but in view of the financial relief involved in the stoppage of all recruitment outside India under the existing rules as recommended above, this Assembly recommends that instead of approving the recommendation contained in clause (2) of Sir Alexander Muddiman's resolution, so far as it relates to the present incumbents, the Governor-General-in-Council will be pleased to take steps to enable this House to elect a committee to go at once into the entire question on all the materials available to the Royal Commission including the evidence taken in camera and to make its recommendations to this House as early as possible."

In moving his long amendment, Pandit Motilal made it clear at the outset that it was a Nationalist Party amendment. He congratulated the Home Member on the great ability and perspicacity with which he had dealt with the subject in his resolution. But Sir Alexander had not placed before the House any new material which was not known to them before he made the speech. The Pandit dissented from the Home Member on the latter's points that the recommendations were the result of a compromise and that the Indian members on the Commission were representative Indians. He asked, who elected the Indian Members on the Commission and whom did they represent and what position did they occupy in the public life of India? Sir Alexander had asked the House to take the Commission's Report as the verdict of a jury. As one acquainted with the jurors, the Pandit asked where was the evidence taken in open court, when did the judge lay all the facts recorded before the jurors and ask for their verdict? In the absence of these factors the verdict of this Commission meant nothing. The objections of the Assembly and the people to the adoption of the Report vitiated the whole of the proceedings and went to the very root of the recommendations of the Commission.

The Pandit referred to the Government resolution which wanted the Assembly to accept in principle the recommendations of the Commission which were a string of "ipse dixit", based on evidence which were shut out of the House. He was glad that the Government only accepted the recommendations in principle because that showed that they did not accept the recommendations in the form and to the extent which was laid down. That being so, the Pandit confidently asserted that there was not a single recommendation of the Commission which had been accepted by the Government as it stood without any qualification or modification. Then again Sir Alexander Muddiman only wanted that financial proposals should be approximately given effect to. The principle of the recommendations was that the existing Services should be paid more money and be better treated than at present. This principle was known to Indians long before the galaxy of President and Members of the Royal Commission met together and spent five lakhs of the tax-payers' money. The Government resolution was in effect a demand for a free hand to do what they pleased, because everything could be justified as coming under the principle referred to, but the whole country urges the Government not to accept the recommendations of the Commission.

The "Pioneer" (which was the great champion of official world both here and in England) had itself admitted in its issue of 8th September that as regards the reorganisation of Medical Services, the Government could not recommend acceptance of the principle of these proposals without considerable reservation, that there must be a complete review of the whole question involved and that the scheme in the present state of recruitment would be quite impracticable.

As regards the first clause of his own amendment that the Commission was appointed in utter disregard of the first Assembly's views, the Pandit referred in detail to the history of this matter and said that the Royal Commission was forced on the country in spite of the protests of the first Assembly, which had the backing of general opinion in the country and in the press. In that debate it turned out that the Government of India itself was at one time opposed to the appointment of the Commission; but the Government of India had to bene before the will of the Government in England and it was but natural that the Governor-General should have certified the amount asked for it. On these facts alone, the Pandit would have refused to look into the report. But the present Government in England and the present Secretary of State were not responsible for their previous Government. The present Government in England in the debate in the House of Lords had asked Indians to base themselves on the merits of the Report. That was why they went into the merits of the question and after consideration and discussion they said that the recommendations of the Commission should not be accepted. But, let it be remembered that the Congress (including Swarajists) and Liberals (including the Moderates) had both pronounced against the procedure and were from the beginning opposed to the constitution of the Commission. If any strange Liberal here and a strange Liberal there gave evidence before the Commission it was in his own personal capacity. "I put it to the Labour Government to place themselves in our position and tell us how they would treat the report."

Dealing with the second clause, the Pandit said that the Civil Services were inseparably connected with the question of the grant of Responsible Government. It was impossible to conceive how any Service could be properly organised or rules framed for its maintenance until the Indians knew the master these public servants had got to serve. Indians claimed the right to lay down the policy and to enforce it and if the Public Services would not carry them out, then they had a right of exercising their disciplinary jurisdiction over them. He asked whether the policy which the Government was now pursuing had any relation whatever to the grant of Responsible Government. At the rate at which they were going he feared it would take hundreds of years for Indians to get Responsible Government. "We do not want simply a brown bureaucracy to be substituted for a white bureaucracy. We want substantial powers in the administration of the country, and if our White friends will agree to stay on and take part we shall be glad to have them (hear hear). But the system of the Services is now the same as it was in 1813, and in the year of grace 1924 the old "man bap" system exists. The "ma bap" principle will not help you any longer to govern the country. It must give place to "Bahin Bai" system. That is, we want to treat you as brothers and sisters, but no more of your "ma bap"."

Proceeding, Pandit Motilal Nehru approvingly quoted from the "Times of India" Bombay, of a recent date, in which it was stated that the system by which the Public Services were recruited was not what the country really required and there was no justification for perpetuating a regime which was introduced at a time now long past. The Pandit maintained that the system was antiquated and anachronistic. But he denied any member of this House or any Legislature had said that the European servicemen were hordes of mercenary officials. At the same time, he would call Sir Alexander Muddiman as an anachronism (laughter). He knew that Englishmen were able. But were they wanted—that was the question which must be faced. The Pandit then referred to the passage allowances and provident funds which were made non-votable and asked whether that was the way to advance Self-Government in India.

The speaker then dwelt on the non-publication of evidence tendered before the Royal Commission and objected to the argument that because the bulk of the evidence was given "in camera" therefore the whole of the evidence could not be made public. The Commission ought to have examined "in camera" only those witnesses who had divulged certain State secrets and they ought to have insisted on taking the evidence of the witnesses generally in public. Instead of that, what had happened? From the "Madras Mail" it appeared that the Commission asked the Secretary of a Service Association to give his evidence "in camera" while he was prepared to give in public, and it further appeared that the other members of that Service Association protested against their Secretary having accepted to be examined "in camera." The Pandit quoted another case in which a Service Officer of Madras sent in his memorandum containing views independent of his Association. He wanted to be examined in public while the Commission insisted on examining him "in camera." The result was that he was not examined at all. He maintained that the Royal Commission failed to take evidence in the proper manner and therefore he was not prepared to admit the contention that much of the evidence was "in camera" and that it should not be published. The Pandit pointed out that the standard of recruitment of Europeans should not be that a certain proportion should be retained but because a certain kind of work was to be done for which Europeans were specially qualified. He could not therefore accept the 'obiter dicta' of the Lee Commission as regards recruitment.

Concluding the Pandit said: "The Government of India Act, 1919, was a departure in the art of governing the subject races. It is said that as India is progressively entitled to Responsible Government, something must be done to the Services. You know that there were some cynical people who ungraciously examined the gift horse in its mouth. But no sooner did they examine than it was found that it was a hollow wooden horse, (laughter). The most venturesome of cynical people refused to ride the horse, They set out in right earnest for the real horse even if they lost their saddle. The less venturesome of them tried to ride; if they rode it, they shook themselves violently on it. But it was fixed to a steel frame underneath and it refused to rock (laughter). In their

disappointment they had to ask for the removal of the steel frame so as to give a little play to the wooden horse. Their request was listened to and a Royal Commission was appointed and Indianisation was promised. But, what it is that was done? Some screws and nails were taken from the front and fixed behind with the result that the horse is still immovable. The whole attempt in the Report is to stave off the evil day as long as it can be done and meanwhile dig the foundations of British rule deeper and deeper so that when the day for Swaraj actually comes there will be nothing to hand over (hear, hear). I feel therefore that this House should not encourage that feeling by accepting any of the recommendations of the Commission, but throw them out in their entirety" (loud applause).

SIR CHARLES INNES

At about quarter past four the Pandit had finished and Sir CHARLES INNES rose to give the Assembly a taste of his fighting qualities. No lawyer, he could not interest himself in Pandit Motilal Nehru's dialectics, but he came like a keen summer breeze into the Assembly Chamber and brushed aside vigorously the evasive protests against the Lee Commission's appointment and against acting on the Report until the constitutional enquiry was completed. First, the Assembly should not treat lightly the Report of a body appointed by the King. Secondly, the Lee Commission had not been asked to report on the Constitution but on the Services. If the Pandit and his friends wanted to discuss constitutional issues, there was no use continuing the debate.

Ironical cheers greeted this direct challenge. The question was not, said Sir Charles Innes, whether dyarchy was bad, so why continue the debate? Amid the renewed cheers, Sir Charles was asked what effect the proposals would have on any Constitutional change. "No effect at all, declared the Commerce Member and then proceeded to try and shake the Assembly from the placid dream conjured up in its decorous slumbers on the green leather benches in the white halls of Simla and Delhi. Whatever form of Government there was, the business of the administration would go on. Leaving the chair alone for a moment, Sir Charles spoke direct: "You gentlemen find changes here but in the districts there is remarkable little change."

Perhaps it was an extravagant estimate to say that five millions of the people cared about politics. At any rate it was a conservative estimate that 240 millions were not at all interested. They only wanted to be governed. Whatever the British might do in India, when they left they would endeavour to leave behind a strong, efficient, pure and incorruptible administration and it was with that end in view that the Lee Commission had reported. Quoting old time salaries Sir Charles declared that the mouth of officials watered when they thought of them. They did not want it to be forgotten that there had been a war. They did not expect to live again the glorious nineties, but when the cost of living had risen 100 per cent. and the increase in pay had been only about 10 or 11 per cent. in one Service alone, it was obvious that relief was necessary.

And in discussing the Commission he regretted to find the Pandit casting aspersions on the Indian members, who were men of great public spirit and it did not become the Assembly to condemn the performance of their difficult task because they had not been elected by the Legislature. Whatever had happened in the Government, there had, as he had said, been remarkable little change in the districts. The district officers, it was true, advised where they formerly controlled District Boards and the like; but they would always be required, especially in a country of vast distances and great expenses. The Pandit might describe personal Government as "na bap Government," but the fact remained that the people, the real people of India liked it and the District Officer would have to exercise it so that he was available to hear and settle the people's grievances.

Sir Charles reminded the Assembly that no country could be great without having a respect for law and order, and in that respect there had been a tendency to sap in recent years. It was a serious matter in India, where there was much inflammable material in communal, racial, religious and caste differences, which might at any time cause a conflagration. Was it likely that the Assembly would persuade Parliament that the Englishman was unnecessary.

He reminded them that only recently the depressed classes had petitioned for more British officers. In the short space of about 20 minutes, Sir Charles Innes had brought the Assembly face to face with the real facts of the case, and he was warmly cheered by his European non-officials as he sat down after a speech in which he had completely exposed what he called the unreality of the Pandit's position.

Sir Charles Innes thanked Pandit Motilal for offering the Olive branch but regretted that the Government could not accept it. The Commission appointed by the King deserved respectful treatment. The Commission was not asked to consider whether dyarchy was workable or whether provincial autonomy be granted. It did its job regarding the position of Services well while at the same time it kept in view the possibility of constitutional changes when it recommended that, when reserved services are transferred to Ministers' control, officers serving in them should be allowed certain rights. He felt that if the House was not desirous of discussing the report on its merits there was no use carrying on the debate. Replying to Mr. Jinnah's interjection Sir Charles opined that the report would not effect any constitutional advance. As for Pandit Nehru's remarks that they were trying to dig the foundation of their rule deeper and deeper he said : "There is one thing that the Government can, will and should hand over to India when she gets Swaraj, namely, a strong, thoroughly efficient and incorruptible Public Service and that is one of the main objects of this Report (loud applause). As for the fact that the system of services had lasted so long, he said it was a question of survival of the fittest. When he considered the scale of pay of Collectors in 1913 it simply made his mouth water. (laughter). They could change the Government of India but he emphasised that they could not change the people of India who liked personal rule and whatever system of Government India might have, she would have to maintain a service like the I. C. S. so that the District Officer might be the Chief Agent of the Government in the district taking personal interest in the welfare of the people. The unitary system would have to be maintained. Moreover a strong Service was needed to maintain law and order. India was full of inflammable materials with so many diverse communities and races inhabiting her. The mind of British Parliament had been exercised by demands of some Indians for the entire stoppage of British recruitment. On the other hand, representatives of the depressed classes before the Commission had asked for more European officers rather than less.

Next day, the 11th September the debate was continued when Sir B. N. Sarma on behalf of Government expressed their views about the Medical Service.

Colonel GIDNEY made a strong plea for a definite statement from the Government on the status of his community. The Lee Commission had studiously refrained from mentioning the word "Anglo-Indian" and the community was perturbed at its prospects in the changing conditions of India. [This plea was later endorsed by Colonel Crawford, making an interesting maiden speech.] Colonel Gidney showed that the perturbation was justified. He quoted only four examples. An Anglo-Indian Deputy Superintendent of a nursing institution had been saved from dismissal in order to make way for an Indian only by the intervention of Lord Lytton. 28 Anglo-Indian employees of a railway company had been dismissed *en masse* and their places filled by Indian ex-sepoys purely on the ground of Indianisation. A Major of the Indian Cavalry on retirement, had been refused permission to join the Indian Army Reserve because he was an Anglo-Indian. Three sons of a prominent European in Burma, boys who had been educated in England, were rejected by the military authorities at Rangoon for the Reserve on the same grounds. In what category was he to consider himself? Later he answered the question by calling himself an Indian, amid cheers. Turning to the medical proposals of the Commission he strongly condemned them and asked the Government to appoint a Committee to examine the whole subject. Mr. Burdon in his speech explained that the Government had come to no decision on the subject and Sir Narasimha Sarma, who had preceded him, said the same thing adding that the Government would welcome any criticisms or suggestions on a complex problem.

Sir NARASIMHA SARMA'S speech not only dealt with the Medical proposals, but it touched on the general recommendations which the Government were accepting. He realised that there was a fear lest the question of a constitutional advance should be prejudiced by action on the Report that has been removed by the Home Member's speech. He knew too that the financial burden involved was criticised, but it was only fair to say that British officers serving under him had complained of financial embarrassment. There had been an appreciable number of retirements on proportionate pensions and there were difficulties in recruitment, difficulties which no doubt were partly due to the effects of the War. But he appealed to his fellow countrymen to weigh the far-reaching Indianisation proposal against the financial factor. The Lee Report had laid down the new principle of bringing the Service working in a transferred field under the control of the Local Governments. Whatever doubt there might be whether those proposals would tend to further national consolidation there was no doubt that they had merits which deserved recognition. Let the Assembly note that in future Ministers would not be able to say that they had no control of the nation-building departments. During a transitional period no doubt the rights of vested interests would limit this control in some respects, but vested interests could not be sacrificed without compensation and for some time India would want the help and guidance of those officers who had played such a great part in building up national industries, such as agriculture. The Report removed a source of irritation, and he believed that when the Ministers had full control they would appreciate the need for getting the best men and indeed for extending recruitment of Englishmen to the departments under them.

He explained that the medical problem involved the absorption of 195 officers as a War Reserve. That was absolutely necessary and his experience as a member of Council showed him that provincial and communal jealousies greatly embarrassed the Government of India in filling posts. It was, therefore, desirable to have a leaven of British officers well in touch with the latest medical science trained to the discipline of the Army, for they would best form the War Reserve which, so long as India was exposed to the risk of attack, was necessary.

This point Mr. Burdon after lunch elaborated by stating that the existence of 5,000 miles of Frontier, much of it requiring special watching, made the maintenance of the Army in India on an active service basis essential. Hence the need for the War Reserve.

Sir SIVASWAMI AIYER said that he was not for the wholesale rejection of the Report nor did he desire the disappearance of the British and was prepared to grant such relief as the circumstances justified. He thought the members of the Commission were as competent as any member in the Assembly and conceded that they approached their work in fairness and with a desire to solve it. He however felt that there was an intimate connection between the question of the organisation of the Services and constitutional reforms (Hear hear). But he was glad to hear from the Government that they considered that the Report would in no way prejudice the consideration of the constitutional issues. As for the organisation of the Services, he believed that the Forest and the Irrigation Services could be safely transferred and that there was no insuperable difficulty in transferring those subjects. He was however emphatic that the I. C. S., and the I. P. S., should continue as All-India Services. He believed that every sane Indian desired the maintenance of a proper standard of administration, but at the same time they must devise a measure to use the talents of the people of the country and develop it. He conceded that at present they should aim at making it half and half European and Indian element.

He claimed to be a practical politician when he urged that the British recruitment be stopped because it would take ten to twelve years even with the existing element to attain equality in the cadre. He said that constitutional changes were impending and who could say that within the next ten years there would not be any constitutional advance? Was it then, he asked, fair to the English recruits to ask them to enter the Services with this cloud of uncertainty hanging over them and then promising them compensation for this uncertainty by way of a right of retirement on proportionate pensions? Was it fair to India to

recruit more Europeans when they were already in such a large number? He believed that the country would invite them when it needed them and he hoped that they would come to India as hitherto when needed. It was contended that the stoppage would produce a gap in the British official hierarchy, and that by the time the new British Officers came on the resumption of recruitment the senior British Officers would retire and that the senior officers would be Indians. He hoped that when Indians had served so long under British seniors the Britisher would not object to serve under an Indian.

As for Medical Services, he from his past experience of the War Office would say, the less the control of the War Office the better for India. The R. A. M. C's door was not open to Indians. How could they then entrust it with military work wholly? He fully recognised the necessity for providing a military reserve, but suggested that it could be maintained in the Provincial Medical Services by providing for a compulsory medical training to the required extent. Moreover the efficiency of the I. M. S. on military work had been questioned by the Esher Report. He considered it natural that the Britisher should desire the attendance by British Doctors, but what he questioned was as to why the basis of organisation of the service in this particular Service be adopted not according to the needs of the population but to cater for the needs of the Officers scattered here and there? He wanted that the Provincial Medical Service should absorb 75 per cent. of posts held by the I.M.S., Officers in civil employ, that the I.M.S., be so organised as to cater to the needs of Indian Units of the Indian Army and to provide officers to fill up 25 per cent of the Civil Posts now held by the I.M.S.

As for financial relief he felt that it would not be fair to put off the Service by promising another enquiry. He would grant them some relief though not all that the Commission recommended,

Mr. BURDON, Army Secretary, said that attention had been diverted by some speakers from the central issues of the Report. The question of Military Medical organisation was plainly outside the scope of the consideration of the report. The Government have arrived at no conclusion and had not even considered the matter of Military Medical Service. He was glad to find that Sir Sivaswamy Aiyer had admitted the necessity of having a trained Military Reserve. India had a Frontier of 5,000 miles, and because of its peculiar circumstances, had to maintain the army almost on an active service basis and the necessity for Military Reserve was consequential. He said that the Government were carrying on retrenchment as recommended by the Inchcape Committee. The cadre of the Service would be reduced by a process of reducing wastage and economies in respect of hospital expenses were being carried out.

Mr. Burdon strongly objected to the remarks of Colonel Gidney disparaging the efficiency and the bonafides of General Burtchell who was till recently the Director of Medical Services. Charges had been made by a member of a sister organisation on the distinguished officer of the R. A. M. C. The General had gone to England. He was quite capable of defending himself if he were in India, for his work in India was in his departmental capacity. He endeavoured to secure for the Indian troops the same degree of medical care and attention which for many years had been given to British troops.

Mr. RANGACHARIAR claimed to be a practical man, but he did not believe in too much sugar-coating his pill (Laughter.) His difficulty was that the various proposals were inter-dependent, and when he examined the Report he found that he had either to accept the whole or reject the whole. There was no question of accepting some part and rejecting the other, as Sir Sivaswamy Aiyer had proposed. He saw that the Home Member had repeated Lord Lee's remark that the Commission was in the position of a Jury whose verdict His Majesty's Government should as Judge accept. If he said that the Government were accepting the Report, why did they ask the Assembly to waste time by debating it? He was however willing to concede that the Labour Government was genuinely desirous of ascertaining the Indian feeling. He said that the Report would result in adding a crore and a quarter of additional expenses and he pitied the Government of India who were accepting that obligation without looking into the material on which the recommendation was based. The members of the Commission were able men, but the Assembly Members were also blessed

with intelligence. Was it that wisdom and judgment was to be found only in those gentlemen? (laughter.)

As for the financial proposals, he said that when the revision of 1919-20 took place prices had already reached the high water mark, and all factors were then taken into consideration and that a total increase of over a crore in emoluments were sanctioned. There was absolutely no mention of the fact that exchange consideration had anything to do with the revision. Did any sane man, either Indian or English, think that exchange would continue at that level? (Laughter.) If he did, the speaker would challenge his sanity (renewed laughter). But as soon as Mr. Montagu resigned, his successor explained that considerations of exchange were there. The speaker mentioned that even the King-Emperor's Budget had not been increased due to the high prices. Now that prices had fallen, they were asked to sanction an increase costing another crore and a quarter. They must, in the interest of the tax-payer and in justice to their constituents, examine closely every bit of fresh expenditure.

As for the grant of passages, they were introducing a dangerous precedent. A Madras Officer who came to Simla from 2,000 miles away might as well claim the expense of journey to his home. As for medical attendance, if British Officers insisted on British Doctors, a Muhammadan would insist on a Muhammadan Doctor and he, as a Brahmin, would like to have a Brahmin Doctor. (Laughter.) Where would it all end? They were however prepared to examine the legitimate grievances of their English friends.

Mr. SHUNMUGHAM CHETTY said that whatever the personnel of the Services they would serve to offer obstacles to constitutional progress. The acceptance of the Commission's Report would further enhance the difficulties in this respect. Already there were too many safeguards and guarantees given to the Services by the Montagu-Chelmsford Reforms. The terms of reference of the Lee Commission were fundamentally defective. That was why the House found it difficult to accept it. The principle underlying the report is deep distrust of the Indian Legislatures which was evident from the safeguards provided. He criticised the action of the Indian Members of the Commission who thought that they had secured a victory by ensuring more posts for Indians. Indianisation was not the end but a means to an end.

Col. CRAWFORD, representative of the Bengal Europeans, in his maiden speech, pointed out that he was a constant critic of Government policy and was not opposed to the legitimate aspirations of Indians and their country (applause). But he honestly differed in his opinion as to the method of progress. He was glad to find support for his amendment from unexpected quarters. He had advocated the deletion of the qualifying words 'in principle' and "approximately" from the Home Member's resolution, and Pandit Motilal had also taken objection to those words (laughter) though for a different reason. He was glad to receive Sir Charles Innes's assurance that though those words were used, the Government intend to accept the Report not merely in principle but also in details. His experience of the Government of India was that a very just and reasonable demand was accepted in principle only to be turned down by the Finance Department whose only duty appeared to be to refuse all demands.

As for Pandit Motilal's amendment, the speaker emphasised that the maintenance of the European element in the Services was one of the safeguards under which the Government of India Act was approved by the various minorities in this country. The Home Member in his speech had referred to the state of apprehension among Muhamedans. The speaker knew from personal knowledge that the members of that community realised that they were backward. Unless there was the British element they had little chance of getting their share in the administrative services. He felt that if the House passed the Report without any reservation, it would establish an irresistible claim for further powers. It would prove itself capable of looking after the Services and show that there should be no fear if the Services were controlled by it. On the other hand, if the Pandit's amendment was carried, the House would show that it was not a civilised body.

Mr. RAMACHANDRA RAO took objection to that remark and raised a point of order.

The PRESIDENT :—It seems to me to be entirely what interpretation you place upon the word 'civilisation' (laughter).

Continuing, Col. Crawford said that the House was representative to some extent of the intelligentsia of India, but it did not represent the voice of the people of India. When there was communal riot, both Hindus and Muhamedans wanted British troops to restore quiet, and a British Magistrate to try the case. The Assembly did not represent the voice of the depressed classes who cheered the Prince of Wales. It did not voice the opinion of the Commissioned Officers of the Indian Army who refused to serve in Indianised Regiments.

Proceeding, Col. Crawford said that he believed the people of India desired to retain the European element in the Services. (Voices: we do not deny that.) The Colonel further explained the financial difficulties of the Officers. He himself served in the Army for 20 years and left it because his pay could not meet his expenses. He had no doubt that other Officers were in a similar position. As for Indianisation, he voiced the grave misgivings which the European community felt at the rate of Indianisation proposed by the Commission, but as the Commission was in the position of an Umpire, they were prepared to accept its recommendations. The British Officer was needed because of his recognised efficiency, honesty and impartiality. He said he was sometime back sent to Russia as Assistant Food Controller. He found that as a result of Communism, real men of ability had been replaced by Tom, Dick and Harry, and these men did not know how to distribute food among the famine-stricken people. The speaker emphasised that the Britisher's demand for attendance by men of his own race was reasonable. He personally got treated by Indian Doctors but where prejudice existed, it should be met. He appealed to the Government that if the terms proposed did not attract British recruits then, the matter should be further considered.

Dr. GOUR, in the course of a lengthy speech supporting the amendment of Pandit Motilal Nehru, criticised the non-publication of the evidence given in public. He asked how could a settlement be made regarding the pay and prospects of the Civil Services unless they know what would be the future constitution of the country. He asked why the Government should not give a bonus to the I. C. S. Officers on the index system as was prevalent in the case of the Home and Colonial Civil Services.

At this stage the Assembly adjourned. Next day, September 12th., the debate was resumed. After Mr. Calvert, a Punjab official had spoken—

Sir PURUSHOTTAMDAS THAKURDAS said that Sir Charles Innes had appealed for the consideration of the Commission's Report, because it was appointed by the King. He said the King was a constitutional monarch and could do no wrong to his subject, except on the advice of his Ministers. The Report could not therefore be considered on sentiment. As for the Home Member's reference to the horde of mercenaries, Mr. Chetty had suggested that the Home Member perhaps referred to it only to fit it in with his last quotation. The speaker paid a tribute to the work done by the Services. He admitted the Services had done well by India, but India had also treated them very well.

Sir ALEXANDER MUDDIMAN, interrupting, pointed out that he referred to the hordes of mercenaries not for the reason suggested by Mr. Chetty, but because he felt it.

Sir Purushottandas said he quite appreciated the feeling. Proceeding, he quoted passages from the speeches of Lord Inchcape, Lord Curzon and others from the recent debate in the House of Lords on the question of the Services and commented that the only thing these Lords were anxious about was to maintain the supremacy of England over India. Lord Lee made much of the compromise. So far as the speaker could judge, the Indian Commissioners gave the substance away in return for the shadow. He was still waiting to hear from the Government whether they accepted the report of any Committee without examining its evidence as they were doing in the case of the Lee Commission. He was surprised that only 35 per cent of the witnesses elected to stand the light of public examination. Mr. Calvert had

suggested that the Services had nothing to hide and Pandit Motilal had shown that private hearing was forced on some by the Commission. He wished the Commission or the Government had told the House how the rise in the cost of living in India compared with other countries, what increases did other countries sanction for their services, the increases given by the average commercial firm during the period of trade boom and the cuts made since 1921, and average increases granted to provincial and subordinate services. He also wanted information about the time scale, leave rules and changes in Pension Rules. Without such materials the Assembly could not decide whether proposed increases were justified.

Proceeding, Sir Purushottamdas stated that the comparison made by the Lee Commission about the position of the employees in the mercantile offices was very misleading. Even Lord Inchcape, who participated in the debate on the invitation of Lord Lee, admitted that the emoluments in the firms were regulated by the display of individual ability and merit. The speaker emphasised that the prospects in the firms were entirely dependent upon the conditions of trade and merit and that not all rose to high position. In the case of service everyone rose by the ladder of the time scale. Then again the Services had security about their pensions and other prospects which the employees in mercantile offices did not enjoy, and further where could the employees of a firm ask for proportionate pension?

Sir CHIMANLAL SETALVAD referred to the atmosphere of suspicion and distrust both on the side of Europeans and Indians. He regretted the existence of such an atmosphere and said that the association of the European element in the Public Services was not only desirable but necessary even when India attained Self-Government. But the constitution of the Services was a matter to be determined not by some authority six thousand miles away, and Sir Chimanlal referred to the fear in the Indians' mind that so long as the Services were manned by Europeans, their hopes of attaining Self-Government were frustrated to that extent. Indians desired that the Services should be in the real sense Services as they were in other countries, and not as masters and arbitrators (hear hear). That was the problem before the country and Sir Chimanlal asked if the Royal Commission had succeeded in solving that problem (cries of no.) He did not blame the Commission for arriving at a compromise because compromise was the essence of politics, but the problem of making the Services real services and not masters had not been tackled.

In view of the growing needs of public economy, a basic salary for Indians should have been fixed at a level lower than the present one, and the basic salary for Europeans should also have been fixed. There was a desire on the part of India to get rid of the British element than whom a more loyal devoted and hardworking lot it was difficult to find and Sir Chimanlal agreed that it was necessary to give them security of tenure, but there was the question of constitutional change which must be tackled, if not immediately, at any rate in 1929 by the Statutory Commission, and any recruitment in Britain at present would only complicate that issue if the recommendations of the Lee Commission were at once adopted. He therefore urged that recruitment of European element should be stopped for the present. He recognised the need of granting pecuniary relief to the existing incumbents and therefore he suggested that the recommendations of the Lee Commission should be put into execution for that purpose.

Mr. JAMNADAS MEHTA also urged that Services must not be masters. A concrete suggestion put by him was that the successors of the occupants of the first row in the Treasury benches (Executive Councillors) should not come without the permission of the Assembly (Laughter.)

Mr. JINNAH appreciated the matter, tone and manner of Sir Alexander Muddiman's speech before referring to the Lee Report. Mr. Jinnah said that the position of the Mahomedans must be fairly recognised. The Mahomedans desired nothing else but their just and fair share in their proper rights. He also felt confident that there was no Hindu member in this House who would for a single moment grudge their Mussalman friends their just and fair rights

(Cries of hear, hear.) He was glad that the Home Member had recognised this fact in his speech.

Proceeding, Mr. Jinnah protested against the manner in which the Royal Commission was appointed. He criticised the standpoint of the Commission that the question of control and the recruitment of Service must vest in the Secretary of State, that the Commission had made provision that if any member of the superior Service was in the reserved side, which was later transferred, he was entitled to retire on proportionate pension. It was evident that the Lee Commission was forced to make this recommendation on the assumption that the Government of India could not be altered. If the Government were going to carry the recommendations of the Lee Commission with regard to further recruitment, that would place serious obstacles in the way of both Indians and the Government. Last February the Assembly had by a large majority made its demand for constitutional advance and the Government of India appointed a Reforms Enquiry Committee, and at this time to ask the Assembly to accept the recommendations of the Lee Commission was indeed not right.

Recruitment in England must stop. The present system was entirely out of date. Any attempt to carry the recommendation of the Lee Commission in this respect would only mean that the British Government were delaying further Reforms. The recruitment and control must be transferred at once to the Government of India, and Mr. Jinnah assured them that there was no man in this House who would break the promises made to the Services. Whatever might be the fault of the Assembly, it would be just and fair towards the Services. The House was prepared to straightway appoint a committee to consider and recommend steps towards relief to Service-men, and meet their just aspirations. That was the olive branch the non-officials held out, but which the officials in their speeches had rejected.

As regards the Medical Services, he was surprised to find Sir. B. N. Sarma (who when he was a non-official was never convinced by Government members) now growing enthusiastic over recommendations of the Lee Commission. Those recommendations adopted the vicious and intolerable principle that Europeans should get European medical attendance, no matter whatever their qualification. This Assembly had its so many qualifications and achieved the reputation of being an "uncivilised House". If the House now accepts the recommendations of the Lee Commission it would only worsen that reputation (Loud cheers).

Mr. WILSON, representative of the Associated Chamber of Commerce, said that he had the backing of almost the entire European commercial opinion on behalf of that community which paid the highest rate of taxes in India. He claimed that they had a right to ask for a stable and efficient Government and they had also a right to demand that the Government should not in any way deviate and concede less than was outlined in the Lee Report. He held the British Government to its pledges under the Government of India Act. The Report must be accepted as a whole. Otherwise there would be weakening of non-official European support to the Government (ironical cheers and cries of 'hear, hear'). He gave this warning with all the weight behind him of the Associated Chamber of Commerce. The Service-men had real hardships and parsimony in their case would not pay. The Report of the Commission could not be taken objection to, because they were in the direction of Indianisation of the Services. The necessity for European element was great, because the system of Government here was Western.

Captain HIRA SINGH expressed the opinion that British Officers were more needed today than ever, because they were first impartial and honest. His own Province was rich and prosperous only due to the efforts of English Officers. If the British element withdrew, what happened at Kohat the other day would happen everyday and everywhere; and there would be no protection of minorities. If General Birdwood withdrew British troops from India, had any of his friends in the Assembly Officers and soldiers to quell those disturbances? (A voice: what about you?).

Captain Hira Singh—Yes. If there is disturbance here in the House, and I have a revolver and gun, I would quell it. (Loud laughter).

He said he believed they were walking too fast and would soon tumble down. It was the attitude of politicians which was responsible for the scarcity of British recruits.

Dr. S. K. DATTA said that they had seen a century of blasted hopes of Indians, and no wonder that Indians were viewing with suspicion the Government proposals. As a member of the Lytton Committee he found great unrest among the students in England, for the reason that they found that even British students of mediocre ability get into the Indian Services while Indian students were debarred beyond a small number. When he was in England he found a letter in the "Times" from the head of the Oxford University who appeared to hold that India was for I. C. S. and I. C. S. was for Oxford. (Laughter). The speaker believed the position would not improve unless India had full control of her Services (Applause). He said that his Christian religion distinguished between faith and work. Englishmen during 150 years did immense work but they had no faith. He found Swarajists on the other hand had not accomplished much but had faith (Applause). He believed that there was not much essential difference between the Government and non-officials, one hoped that the Government would come forward and meet the non-official point of view. He believed that the grievances of the Services were just and should be dealt with.

Mr. V. J. PATEL said that his opinion expressed in June last that the Lee Report should be thrown into the waste-paper basket remained unchanged. He said a good deal had been said in praise of the Services. He wanted to present the other side of the picture. They must judge the Services by the result of their work. When Europeans came to trade and managed to remain here as rulers, India was one of the richest countries of the world. Today she is the poorest. He would have nothing to do with the Report until constitutional advance was granted. He was quite clear in his mind that India could do today without Englishmen. It was all camouflage to say that India wanted the guidance of Englishmen. He thought that the Services were amply paid, but if there were any grievances the Assembly would examine it only after obtaining full control over the Services and then pass orders. The Government, he said, had declared its willingness to give Self-Government. Indians wanted to take it. What then was the difference? Why should not they meet together and settle the stages to reach the goal? It was frequently stated that the British officers were required to stand between the Hindus and Muslims, and between the higher and the depressed classes. Yes; it was because the British stood in their way, that they could not unite. (Laughter). They must therefore eliminate the European if they wanted to unite. The speaker hoped to get Belgaum Congress to devote itself only to the question of settlement of mutual differences.

MOULVI ABUL KASIM said that he could neither support the resolution of Sir Alexander Muddiman nor the amendment of Pandit Motilal Nehru. But before the House give its vote, he entered a note of warning in terms of the amendment of which he had given notice but which he did not move, because it was certain that Pandit Motilal would carry the day. He knew there were cries of cheers when Mr. Jinnah spoke on behalf of Mahomedans for their rightful and fair share, but professions and practice differed. In the Punjab there had been the unedifying spectacle of non-Mahomedan Indian Members of the Legislative Council going in deputation before the Governor for the removal of a Mahomedan Minister because it was alleged that he was giving appointment to Mahomedans. Secondly, the Hindu Members of certain Municipalities in the Punjab went out of the Municipalities because the Chairmen were Mahomedans. Then again, in Bengal Mr. C. R. Das went to the Maharaja of Nadia who now happens to be a Member of the Executive Council and it was on the 27th August last that they asked the Maharaja to get the Mahomedan Collector of Nadia removed from the district, because he had Moslem proclivities.

At this stage, Mr. T. C. Goswami and Mr. Amarnath Dutt, both Swarajist Members from Bengal, rose to a point of order and the former challenged the Moulvi's statement and characterised it as a deliberate falsehood.

Mr. Amarnath Dutt was heard to ask whether that Collector was not a relation of Maulvi Abul Kasim.

President:—I would ask the Honourable Members not to be so provocative.

Maulvi Abul Kasim:—My statement has been challenged. Those who challenge my statement can get it verified from the Maharaja of Nadia. Proceeding, the Maulvi referred to the fact that in Bengal, on 26th August last, there was the unedifying spectacle of foster fathers and promoters of Reforms joining hands with those who wanted to wreck the constitution. His reading of the situation was that they went and joined hands with the wreckers of Dyarchy because they found Dyarchy run by Mahomedans.

At this stage Pundit Shamlal Nehru asked if he represented the Mahomedans.

The Maulvi said he represented none, but wanted his opinion to be recorded.

Several members cried 'Oh, he is a nominated member', and Mr. Amarnath Dutt said Moulvi Kasim had been unsuccessful in two constituencies.

Concluding, Moulvi Abul Kasim said that if they wanted India to progress and attain Responsible and Representative Government then they must raise the Mahomedans and bring them to the same standard as others, so that both the communities might walk hand in hand. Otherwise the progress would be dangerous.

Mr. A. RANGASWAMY IYENGAR said they were placed in a vicious circle. They were told on the one hand that unless the grievances of the existing men were remedied fresh recruitment would be impossible, and that unless there was fresh recruitment the existing men would retire prematurely. Mr. Rangaswamy Iyengar pointed out that a Blue Book giving the views of the Local Governments had been circulated to the members while they were busy with the debate and could find little time to read it. The speaker found that the Blue Book merely supported his case. The Madras Government, the Raja of Mahamudabad and Ministers had supported the case for stoppage of recruitment; and the speaker emphasised that this course was desirable in the interest both of the British and Indian people. He strongly objected to compensation being given because of political changes. The Government of India originally did not propose proportionate pensions on this ground; but Mr. Montagu agreed to it later on with a view to save his Reform Bill. He drew the attention of the House to the fact that the initial pay of an officer has been raised from Rs. 400 to 600. Thus an Officer now started with 50 per cent. higher salary than his predecessor, and accordingly set up before himself a high standard. Mr. Rangaswamy Iyengar laid down that India wanted the ruling class to cease dominating India, that the Services should become mere agents of the Legislature, that India did not want to pay higher for the Foreign element when she had material in India for her Services, that recruitment should be made in India, and that if a Public Services Commission was set up, it must be controlled by the Indian Government. He invited the Government to place the material before them, give them opportunity to sift it and then to express its verdict.

Mr. MAUNG TOK KYI, Burman representative, supported the claim put forward by the Burma Legislature about reconstructing Burman Services on the Provincial lines. People could not bear any more the burden of expenditure. There was, he said, an Act called the Burma Village Act under whose authority an officer could go to any village and demand supply of milk, eggs, books and any other requirement at any time of the day or night, and pay only a nominal price. Burma allowance to Officers should be stopped because of the benefits they derived under this Act.

Mr. SARFARAZ HUSSAIN KHAN repudiated the speech of Mr. Abul Kassim and assured that the Mahomedans stood by the Hindus and were ready to shed blood with them.

Pundit **MADAN MOHAN MALAVIYA** said the House owed it to the people of India to look to the grievances of the public servants, and it also owed it to the people not to burden them with expenditure without the fullest scrutiny. He said that Mr. Wilson had threatened that if the Assembly's wishes were accepted by the Government, the European Commercial Chambers with all the capital behind them would revolt. Colonel Crawford had stated that the Assembly would then be an uncivilized body and Mr. Hudson had opined that the Assembly would be considered unfit for further advance. He felt that these friends had not appreciated the sincerity of the Assembly's motion to examine the materials in all earnestness to do justice to the Services. He said India wanted I. C. S.

men by virtue of their merit and not because they were Europeans. He claimed a chance to India to build up her own public service, as honest, as efficient, and as incorruptible as required by Sir Charles Innes, if not better. As for the Hindu-Muslim quarrel, he said it was due to the absence of education of the masses and added that similar riots occurred even in England when masses were uneducated. He deplored that with all the fine work of the Indian Civil Service there were still persons in India like Mr. Abul Kassim who could not take a proper view. (Laughter). The mistake lay with Government which opposed Gokhale's Compulsory Education Bill. As for the Depressed Classes here the Indian Civil Service had done very little to uplift them. The question was mainly one of lack of education and economic condition. If education was spread among them, the solution of the question of the depressed classes would be easy. He emphasised that the Swarajists, Independents, Sir Sivaswami Iyer and Sir Chimanlal Setalvad were all agreed on one point, namely, that the future recruitment must be stopped and he requested the Home Member to communicate this unanimous desire of the House to the Secretary of State.

Sir ALEXANDER MUDDIMAN, in winding up the debate, said that he was glad that with few exceptions the debate had been conducted in a passive spirit. He assured Colonel Gidney and Colonel Crawford that the term 'Indian' would be taken as including all statutory natives of India. He differed from the view that no advance has been made as a result of the Report. The proposals went a long way in the matter of establishing Provincial control over the Services. It was a great advance though not as big as the House desired. As for the Indianisation he regretted that the House had not fully kept in view the analysis he gave on the 10th. He made it quite clear that the Government of India in view of the present circumstances of India considered it essential in the best interests of this country to have Europeans in the Services and he was surprised to find that no member had replied to his point that, if the British recruitment was stopped, it would have serious effect on the present members. Already during the past four years over and above normal retirements, 324 officers had prematurely retired. That was a great number. He had great faith in the wisdom of the Indian Legislature and the wisdom of the mover of the amendment; but he felt that the decision of another Committee of the House on the Services was not likely to be more wise than that of the Royal Commission. He did not want to deal with the question of the Depressed Classes at that late hour. He thought that he himself belonged to the depressed class. (Laughter). Finally, he referred to Mr. Patel's speech wherein with his usual acumen he (Mr. Patel) had explained the real object of the amendment. Sir Alexander concluded: "It means that you are going to vote against provincialisation and such measure of Indianisation as the Report gives and against relief to the Services."

The Amendment Carried.

Pandit Motilal Nehru here made some observation with regard to the concluding remark of the Home Member. Pandit Motilal was not audible in the Press gallery.

The Home Member replying to the Pandit's remark corrected himself by remarking that the House by voting with Pandit Motilal would be voting against such measures of provincialisation and Indianisation as the Report had recommended.

At seven the House divided and carried Pandit Motilal's amendment by 68 votes against 46 amidst loud and prolonged applause.

GOVERNMENT BILLS—15TH SEPTEMBER

The Assembly met again on the 15th September to discuss official bills.

WORKMEN'S BREACH OF CONTRACT.

SIR ALEXANDER MUDDIMAN first introduced the Bill to repeal the Workmen's Breach of Contract Act. The statement of objects and reasons explained that on the 20th February, 1923, Mr. K. C. Neogy asked for leave to introduce a Bill in the Legislative Assembly to repeal the Workmen's Breach of Contract Act, 1859, as amended in 1920. The motion, which was finally rejected by the Assembly, was opposed by the Government on the ground that though the Act might not be necessary as an All-India measure, Local Governments must be at liberty to place before their own Legislatures some measure to give protection where necessary, to employers and industrialists in particular areas and in particular circumstances. It was also pointed out that time must be given to employers and industrialists to adjust themselves to the changed conditions which would follow when the Act was repealed. An undertaking was, however, given that the Government would take the necessary steps to repeal the Act with effect from 1926. This Bill was intended to give effect to that undertaking and sought to repeal, with effect from the 1st April, 1926, the Act of 1859. An opportunity had at the same time been taken of repealing Sections 490 and 492 of the Indian Penal Code which deal with cognate matters, as their repeal seemed to be a logical development of the repeal of the Act of 1859.

INDIAN SOLDIERS' LITIGATION.

Sir Alexander Muddiman asked the House to take into consideration the Indian Soldiers' Litigation Bill, as passed by the Council of State. Sir Sivaswamy Iyer proposed its reference to Select Committee and the House agreed to the motion.

IMPERIAL BANK ACT AMENDMENT.

Sir Basil Blackett then moved for consideration of the Select Committee's report on the Bill amending the Imperial Bank of India Act, as amended by the Select Committee. Mr. Maung Tok Kyi moved the inclusion of Co-operative Banks within the operation of the Bill. Sir Basil Blackett strongly opposed this, but when put to the vote, the motion was carried by a majority of one vote, the division being 46 to 45. Thereupon Sir Basil Blackett announced that, in view of the amendment, he was not then prepared to ask the House to proceed with the Bill.

MOTOR VEHICLES ACT BILL.

On re-assembling after lunch the House agreed, on the motion of Mr. Tonkinson, to pass the Bill amending the Motor Vehicles Act, as passed by the Council of State, without any change.

REPORT ON "MORALITY" BILL.

Sir Alexander Muddiman moved the consideration of the report of the Select Committee on the "Morality" Bill which was passed

OBSCENE PUBLICATIONS BILL.

Sir Alexander Muddiman moved the adoption of the Obscene Publication Bill, as passed by the Council of State. Mr. Doraiswami Iyengar moved its reference to a Select Committee, which was adopted.

IMPERIAL BANK BILL PASSED.

Sir Basil Blackett then proposed the final passage of the Imperial Bank Act (Amendment) Bill. He said he did not consider that the motion for the inclusion of Co-operative Bank was relevant, and he did not treat it seriously. Now that it had been carried, however, some formal amendments were necessary to put the Bill in legal form. These were moved by Sir Henry Moncrieff-Smith and carried.

Sir Basil Blackett further explained that while he thought that the inclusion of Co-operative Banks was inoffensive and would remain inoperative, if it appeared on further consideration that their inclusion was not desirable he

retained the liberty of excluding them in the Council of State. As for the object of the Bill, he laid strong emphasis on the fact that this Bill should be regarded as a very small contribution by legislation to the solution of a great problem, whose satisfactory settlement would really depend upon habitual co-operation between the leaders of banks and industries. The Bill was then passed and the Assembly adjourned.

NON-OFFICIAL BILLS—SIMLA, 16th SEPTEMBER.

This was the first non-official day of this session of the Legislative Assembly, and a large number of non-official Bills appeared on the order paper, but only a few could be moved.

ACTION ON BAR COMMITTEE'S REPORT.

Mr. RANGACHARIAR first moved for a Select Committee on his Bill to amend the Legal Practitioners Act. He wanted a statement by the Government as to what they proposed to do about the Bar Committee's report.

Mr. Tonkinson said the Government of India had asked Local Governments for their opinion and also for the opinions of High Courts and legal associations. As soon as the replies were received the Government of India proposed to come to their conclusion immediately. Some of the recommendations could be put into operation by the High Courts and these Courts were already beginning to take steps in those directions. As regards recommendations which might require legislative action, Government confidently expected to bring forward legislation next session.

In view of this statement Mr. Rangachariar withdrew his motion.

HINDU RELIGIONS TRUST BILL.

Dr. GOUR moved that the HINDU RELIGIOUS and CHARITABLE TRUST BILL be referred to a Select Committee. He said that the principle of the Bill had been generally accepted. So far as he was aware, four objections had been taken to it, namely: (1) That the term "Hindu" should be defined; (2) that the Bill did not exclude private trusts; (3) that it should be confined to trusts of the value of Rs. 3,000 and upwards; and (4) that these trusts were of a varied character and that religious trusts were Provincial Transferred subjects, and as such legislation with regard to these trusts should be initiated in the Local Councils. Dr. Gour said that all these questions were mainly matters of detail and could be dealt with by the Select Committee. As regards the last objection he quoted the precedent of the Moslem Waqf Bill which was passed by the Legislative Assembly last year. If those objects were valid, the Government of India could not have agreed to the passing of the Waqf Bill. All previous Acts dealing with religious endowments were enactments by the Government of India and were All-India Acts. Religious endowments could not be subjects for legislation by Provincial Councils, but should be brought under a national register.

Mr. Belvi suggested that sufficient provision already existed in present enactments. If the Assembly agreed to this motion, it would be a clear case of interference with the functions of Provincial Councils, which should not be done unless it was absolutely necessary. Specially in view of further consideration of Reforms, there could not be any interference with Transferred subjects. He strongly objected to a national register.

Mr. A. N. Dutt very much wished that the measure had been initiated by an orthodox Hindu like Pandit Madan Mohan Malaviya. Amidst laughter he suggested the names of six Mahomedan members and one Christian member of the Assembly to be added to the Select Committee.

Mr. M. K. Acharya objected to the Bill in principle and said he regretted that such a measure had been brought before the House. There was inherent danger in legislation of this kind.

Sir Purshotamdas Thakurdas approved of the principle of the Bill and expressed surprise at the opposition.

Mr. Duraiswamy Aiyangar, supporting Dr. Gour's motion, said that religious endowments were much mismanaged and complained that in several cases the Government diverted the surplus from some temples to provincial purposes and then cited the opinion of the Madras High Court in reference to the management of a temple in Madras. He ridiculed the idea that temple like Biswesawara of Benares, Jugganath of Puri and of Badrinath could be called provincial temples.

Pandit Motilal Nehru was surprised that the provisions of this Bill could be taken objection to by any Hindu.

Mr. Harchandrai Vishindas said it was no use trying to draw the "red herring" of orthodoxy across this question. All Hindus should rejoice that legislation of this kind should be proposed.

Mr. Ramachandra Rao said that if any Provincial Legislature wished to legislate on the question of religious endowments, this Bill would not stand in the way and there was no force in the argument at all that it interfered with Transferred Subjects.

Mr. Jinnah said that the Bill was not intended to interfere with the Hindus' religion nor was it a piece of social reform.

Baba Ujagar Singh Bedi said that there was no need to oppose the principle of the Bill at this stage. That time had passed.

Pandit Madan Mohan Malaviya said that some of the provisions were certainly open to objection but there was no harm in the Bill being examined by a Select Committee.

Sir Alexander Muddiman said that he had only recently received the opinion of Local Governments and the Government of India had not been able to form their opinion on the subject. From a cursory glance he found that some Provincial Governments objected to the matter being dealt with by the Imperial Legislature, as it concerned a Provincial subject. The Bill was modelled on the Moslem Waqf Act and it required very careful examination whether a Bill on those lines was really the Bill needed. He advised the utmost caution, and as the Select Committee even if appointed could not meet, he suggested that the debate be postponed till the Delhi session by which time he would be able to communicate to the House the Government of India's views. The fact that a dispute had arisen in connection with temples in one province where legislation had been passed indicated the need for caution.

Dr. Gour said that the Hindu community was not provincial and the Bill was merely supplementary and complementary to the Moslem Waqf Act. He wanted to take it to the Select Committee, but in view of the Home Member's suggestion he accepted the postponement, and the debate was accordingly adjourned till the Delhi session.

Criminal Law Amendment.

Then came the most important measure of the day, namely the repeal of the Part II of the Criminal Law Act, under which Government had for the last few years been doing havoc with the liberties of the people. The Bill was passed defeating Government heavily.

Dr. GOUR moved that his bill to repeal Part II of the Criminal Law Amendment Act be taken into consideration. He said that the Repressive Laws Committee had unanimously condemned the Act and had expected that it might be repealed in the Delhi Session of 1922. He believed conspirators could be brought to book under the ordinary law of the country. The Act was passed in 1908 by the old Legislature which was merely a branch of the Executive.

Sir ALEXANDER MUDDIMAN strongly opposed the motion. He said by training he viewed with very great suspicion anything in the nature of legislation which took away ordinary law and gave special power to the Executive Government; but one fundamental law governed all Governments, whether responsible or irresponsible, namely that if the ordinary law failed to maintain law and order, other means must be found to maintain it. The Act was passed in 1908 and no one contested that anarchy then existed in Bengal. He quoted from the Re-

pressive Laws Committee's report showing that the Committee considered that the time was not ripe to repeal the Act then. Again on the 3rd June a motion for repeal of this Act was rejected by the last Assembly. This clearly showed that the Act was not only passed by the pre-reform Legislature which Dr. Gour described as subordinate to the Executive but that the first Assembly considered, at any rate at that time, that it should not be repealed.

Sir Malcolm Hailey speaking on the Bill had said that associations with the objective of assassination and murder had started. That was a big statement and the speaker wanted to substantiate it by enumerating what occurred only since December last. On the 14th December Rs. 17,000 belonging to B. B. Railway was taken away by armed dacoits. Ten days later pistols and cartridges were discovered with certain men, and the gravity of the position was that those cartridges were of the kind which were not available in India and must therefore have been imported. On the 14th January Mr. Day was murdered in mistake for the Calcutta Police Commissioner, to whose admirable work the Home Member paid a tribute. Here again the cartridge used was an imported one. On the 15th March the police discovered dangerous bombs which were not toy bombs but made by those skilled in the art. By the end of March the pistols lost by a firm of Calcutta were discovered. On the 13th April Mr. Bruce was shot, probably because the colour of his car was like that of the Commissioner of Police's and the assailants wanted to kill the Commissioner. Continuing, Sir Alexander referred to *Red Bengal* leaflets inciting to terrorism and murder of the police officials. These leaflets were widely distributed at a meeting held to protest against certain remarks of Lord Lytton. From past experience the Government knew that shortly after publication of such leaflets outrages followed. These then were the facts facing them. The leader of the Swaraj Party (Mr. C. R. Das) in a press interview, which he apparently revised, stated that the anarchical movement was far more serious than the Government realised. Thus a statement made by a leader in whom the members of the Assembly had confidence had told the Government that the position was more serious than they imagined. Ordinary law was unable to deal with the situation and the mover was offering Government no substitute. Could they then expect that the Government who was responsible for law and order would throw away this weapon? He asked the House to remember that measures like these were always half way house between ordinary law and much more serious measures which might be called for if the situation grew grave. He pointed out that the allegation that the law had been misused could not prove that the law was not needed.

Concluding, he doubted whether if the House were responsible for law and order it would repeal the Act. If the House passed Dr. Gour's motion it would be taking on itself a very grave responsibility and he hoped wiser counsels would prevail.

Mr. ABHAYANKAR in supporting Dr. Gour's motion said that the very principle of the Criminal Law Amendment Act was obnoxious and allowed the executive to usurp the functions of the judiciary. The analogy between England and India did not hold water, as the executive in India was not only not responsible to the people but often contemptuous of popular opinion. So the argument that the executive should be armed with special powers as in England must fail in India. This act had not only been misused but abused. It even sentenced Pandit Motilal Nehru, the leader of the opposition in the House, to jail. He certainly did not belong to the gang on whom it was intended to operate. Yet Pt. Nehru was sentenced to six months under this Act. He hoped the House would reject the Home Member's argument. Otherwise it was not fit to embark on the voyage of Self-Government.

Mr. Amarnath Dutt said it was always the over-zealous police officers who gave a political complexion to ordinary crimes to suit their purpose.

Captain HIRA SINGH opposed Dr. Gour's motion and said that ordinary law failed to give adequate protection to life and property. Punjab was the home of the fighting classes who were just entering into political life and whatever protection the people in that province now enjoyed was due to the application of the Act which was now sought to be repealed. This Act was rarely used in the Punjab, but whenever it was used it was used very effectively.

Pandit MADAN MOHAN MALVAIYA said the dacoities and murders which had been committed in Bengal and which were mentioned by the Home Member were no justification for retaining this Act on the statute book. These cases could be very well dwelt with by the ordinary law of the land. He condemned the action of the Bengal Government in sending thousands of Congress volunteers to jail under this Act, and of the Punjab Government in declaring the Sikh Parbhandak Committee as an unlawful Assembly. The Government cannot say that this Act has been honourably, justly and fairly used. The principles of good government demanded that this law should be removed from the Statute Book.

Sir CHIMANLAL SETALVAD recognised the necessity of the executive being possessed of emergent powers, but there should be some safeguards in the Act for the prevention of abuse by allowing judicial authority to test the order declaring associations unlawful. If the Government accepted his suggestion and introduced the safeguard, there would not be any objection to this Act remaining on the Statute Book.

Pandit MOTILAL NEHRU strongly opposed Sir Chimanlal Setalvad's suggestion and hoped the House would not be misled by the plausible argument of the Home Member. What was ordinary law and what was extraordinary law? When the Government said that the ordinary law was not sufficient, it really meant that the Government had failed in the art of Government (Applause) and that the Government wanted to get license for law-breaking. The speaker paid a tribute to the system of English Jurisprudence, and if the Government failed to carry on under that system which was imported into this country, then they had no business to be in this country, and must give up all pretensions of ruling them. He emphasised that the Government arguments were camouflage that the Act was intended to suppress revolutionary crime. Really the Government wanted it for other purposes. He said that the part of the Act which had already been repealed could have dealt with anarchical activities, but not Part II because under that part they could only declare associations unlawful. Did anyone think that the associations of anarchists who worked secretly would be known, or if known, that they would stop in their aims because such associations were declared unlawful?

The evil, said Pandit Motilal, was the alien rule. The Government was functioning against the will of the people. They might manufacture any amount of repressive Legislation in the Council, but they could not suppress anarchy. He endorsed every word of Mr. Das's statement that anarchy was much more serious than the authorities realised. (Hear, hear.) "I go further and say that if you do not take care you might rise one fine morning to find the whole of the country in a state of conspiracy. You will not know what to do with it. (Applause.) I am saying this as a reasonable man. I know what hurts my countrymen. I know how waves of anarchism ebb and flow. If you think your repression laws put down anarchy in Bengal it is far from the truth. It was that Man, Gandhi, who by his non-violent non-co-operation put that effectual stop to anarchical crime. It is you who deprived him of the power that he possessed, and you must reap the result of it."

Continuing, he strongly opposed the idea that ordinary and extraordinary law should go hand in hand. If ordinary law came in, that was English conception. There was no question of giving Government a substitute for the act. It was needed not against anarchists but against Congressmen. Pandit Motilal observed that the Act was a blot on the English system of jurisprudence and a blot upon the English nation, but if this law continued in force and if it was applied in his own province or in any other province and if any notification was issued under it, he would consider it his highest duty to break the law, and would call upon others to break it. (Loud Applause.)

MR. CHATTERJEE, Industries Member, said in his present frame of mind Pandit Motilal had not the least chance of being proceeded against under this Act. (Laughter); whereas in 1921 the Pandit broke the Act he would not break it again. The speaker therefore urged the House not to be guided by any consideration of the Act being used against the Pandit. He contested the Pandit's statement that they were acting lawlessly. Any law passed by a constituted authority was law. Continuing, he pointed out that during the war anarchical crime

subsided, before the cult of Mahatma Gandhi, for whom he had the greatest respect, came into existence. Mahatma was now out of jail and why could he not restrain anarchists now? It is my friends opposite (Swarajists) who are responsible for it, and not Government (laughter). Having served as an Executive Officer, the speaker on behalf of the Executive Officers in India declared that they also viewed with suspicion and diffidence extraordinary laws, but they had a more sacred duty to perform in the face of very great danger and difficulty, namely the duty of maintaining the King's peace and use laws provided by constituted authority.

MR. JINNAH expressed surprise at the speech delivered by Mr. Chatterjee who had evidently forgotten whatever law he knew owing to close association with the executive. He was surprised that a man so well versed in the knowledge of history should stand up in the House and proclaim that this Act was indispensably necessary to enforce law and order and cite English analogy. Mr. Jinnah gave the history of the movement in Bengal which has been characterised as revolutionary, and ridiculed Mr. Chatterjee's contention that during the war there was no trouble because of the application of the Defence of India Act. Mr. Jinnah reminded Mr. Chatterjee that the Defence of India Act was put on the Statute Book with the support of almost all members of the then Imperial Council. It would never have been possible to enact the measure without popular support. That should have been an object lesson to the Government.

He asked them how was the function of the maintenance of law and order to be performed. Was it to be performed against the wishes of the people? If Government did not respond to the wishes of the people no amount of statutes would break the revolutionary crimes. He asked whether since Queen Victoria assumed the reins of the Government until 1906, was there a single revolutionary organization in India? What was then the explanation of the existence of revolutionary movements? It was because they denied to the people their legitimate rights. It was the Government which was the root cause of it. They did not respond to their ideals of freedom. He for himself would not support Sir Chimanlal's suggestion but urge for the Act to be entirely repealed. Mr. Jinnah concluded: "Respond to the feelings of the people, respond to their sentiments, respond to their legitimate aspirations. The English people shed their blood to establish their laws, and, if need be, I will also shed my blood to establish that law in India" (applause.)

Col. CRAWFORD regretted to find that not a single non-official leader in the Assembly had spoken a word in condemnation of anarchy, upon which he waxed eloquent and then expressed his great solicitude for Bengal.

Dr. GOUR in replying to the debate asked the Home Member whether any association in Bengal was to-day declared unlawful. He held that the Act was useless for that purpose.

Sir ALEXANDER MUDDIMEN winding up the debate said that the Pundit opposite had admitted that not only was there serious anarchical movement out, but that it might spread to other Provinces. Government would have to consider that and would never forget their primary duty of maintaining law and order. He referred to the position in Bengal because Dr. Gour had suggested that the position in the country was normal, and he referred to particular dacoities, because in those cases ammunition which could not be bought in this country was discovered. The Government had been practically advised to let matters drift and then to proclaim Martial Law if matters became worse. Well, he did not believe in that policy. He would rather extinguish fire immediately than after it had spread and destroyed the whole structure.

Mr. Patel—You want to extinguish the fire of patriotism?

The Home Member:—I desire to see India patriotic, but I do not desire to see India anarchic.

Continuing, the Home Member referred to Sir Chimanlal Setalvad's suggestion and very artfully said that the Government would consider it.

Sir Chimanlal thereupon asked for a definite assurance that legislation would be brought at an early date amending the Act with a view to allow the asso-

ciations declared unlawful to contest that order in the Courts. That assurance, he said, would determine his vote.

Sir Alexander Muddiman thus cornered egged out by saying that he had not consulted the Government of India and could not give such an assurance. The Government would however consider the suggestion. He said that he did not suggest that the members had uttered threats. He was quite prepared to take them as a friendly warning, but then, when such anarchical crime was facing them, could the Government divest themselves of its weapons?

Pandit Motilal was heard indistinctly to remark that it was no weapon at all.

The Home Member replied that he considered it a weapon. That might not be the Pandit's view. He realised that they could not effectively declare secret anarchical associations as unlawful but the Government could take action against the association which had not entirely gone over to the side of the enemy, so to say, but were about to.

Mr. Patel: You mean Congress Volunteers.

The Hon Member: If the creed of the Congress is changed to one of violence it would be so.

Continuing, the Home Member read the definition of an unlawful association as given in the Act and asked whether anybody could say that it was not a fair definition. He concluded: "Our witnesses are intimidated and shot. Am I to stand by when our Chief Commissioner of Police is being hunted for his life? Am I to stand by and see terrorism in the land and men with revolvers crying 'hands off'? No, Sir. So long as I am a member of the Government of India I will not" (applause).

The House then divided and carried Dr. Gour's motion by 71 votes against 31 amidst non-official cheers.

Dr. Gour at once represented that the final reading of the Bill be proceeded with, but the President adjourned it till the 23rd.

The Secretary of States' Allegations.

At question time good deal of interest was taken in the Assembly on the series of questions and answers about the remark of the Secretary of State that the Swarajists in the Bengal Council purchased votes.

Sardar MUTALIK asked: Will the Government be pleased to state: (a) whether it is a fact that the Secretary of State stated in the House of Lords, as is reported in the papers, that the Swaraj Party organized the purchase of votes for the purpose of procuring a majority of votes to embarrass the Government? (b) The extract from the speech which contains the statement; (c) whether the purchase of votes is meant to apply to the Party's system of work within the Council and the Assembly or at the time of the elections, and (d) if within the Councils or the Assembly, will the Government be pleased to state the grounds or reasons on which the statement was based; whether this Government sent any despatch to the Secretary of State supplying any information on this point and if so will the Government be pleased to place on the table a copy of the extract from the despatch supplying this information?

Sir ALEXANDER MUDDIMAN, replying, said:—

(a) & (b)—The Secretary of State did make statements of this character in his speech in the House of Lords on the 21st July. I will quote for the Hon'ble Member's information two extracts from the official report of the speech:

- (1) Referring to the Bengal Legislative Council, he said: "In that Assembly, the Swaraj Party, not being able actually to lead or to procure a majority of votes for the purpose of embarrassing the Government, organized the purchase for each of the requisite balances either of votes or of abstentions to enable them to win the narrow divisions which they did. This fact is notorious."

- (2) Again he said : "Such demonstrations as have been made in the Bengal Legislature, in so far as they are procured by methods of corruption or intimidation, not only are not demonstrations of the popular will but are demonstrations of the fact that the Legislature, who are so influenced, have no will at all of their own except a will to profit, and that any number of such politicians may be disregarded with complete equanimity as representing no kind of power. The significance and importance of a vote in a Parliamentary election or in a Parliament rest only upon the will or spirit in which it is given. If it is given on account of fear, those who are responsible for and who are entrusted with the power to carry on the King's Government know very well that they have no real force whatever to contend with, but only something which can be bought or frightened."

(c) and (d)—The extracts which I have quoted indicate clearly that the Secretary of State was referring to what he undertood to have been the method of working adopted by the Swarajist Party in the Bengal Legislative Council. The Government of India are unable to say definitely where the Secretary of State obtained the information upon which he based his speech. They understand however, that it has been freely stated in the public press that there was organised corruption. It may be that the Secretary of State's announcement was based upon private information. In any case, the Government of India have not themselves supplied any information in any manner. One Mohammedan supporter of the Government complained to the officials of the Council that he had been offered Rs 3,000 to abstain from the division on the grant for Ministers' salaries, and it has been stated on reliable authority that Rs. 40,000 were expended from the Swarajist Party funds during the session in bribing Government supporters in this way. That was the only reference to the matter which could have formed the basis of the Secretary of State's remarks (Hear, hear). They did however forward to him a letter from the Government of Bengal in which the following message occurred ; The Indian supporters of the Government were also subjected to continuous pressure from the Swarajist members to abstain from voting for Government and the Swarajist Party funds were freely spent in this.

Then followed a volley of supplementary questions.

Mr. Kabiruddin Ahmed asked a question about corruption in elections which was not heard.

Then Mr. T. C. Goswami : Will the Government seek information on the subject of the purchase of votes in the Bengal Council from the office of the Party of which the Advocate-General is the head and H. E. Lord Lytton the chief Patron ?

Sir Alexander Muddiman : That is not a question that I can answer here.

Mr. Chamanlal : May I ask whether the Hon. Member, in quoting that letter, was aware of the fact that there is not a Swaraj Party Fund at all from which any bribe could be made ?

Sir Alexander Muddiman : The question ought to be asked from another Member of the House (referring to Pandit Motilal).

Mr. Chamanlal : May I ask whether he is aware of the fact that there is really no Swaraj Party Fund and whether it was not his business to find out whether there was any such Fund ?

Sir Alexander Muddiman : I cannot agree with the Hon. Member on that point. I have no knowledge of the party funds of any Party.

Pandit Motilal Nehru : May I ask if the Government of Bengal sent any materials upon which they based the conclusions which expressed in the extract submitted by the Government of India to the Secretary of State ?

Sir Alexander Muddiman : No, Sir, the Statement I have read to the House and nothing more.

Pandit Motilal Nehru : Were any steps taken by the Government of India or the Government of Bengal to verify the fact ?

Sir Alexander Muddiman: Not by the Government of India. I presume the Government of Bengal verified it.

Mr. Amarnath Dutt: Does the Government know that a false criminal case was instituted by the agent of one member to overawe another member to vote for Minister's salary and subsequently Rs. 15,000 was extorted to have the case withdrawn?

Sir Alexander Muddiman: No, Sir, It will be a very unfortunate thing if it is so.

Mr. Chamanlal: May I ask the Hon. Member whether he is prepared to convey to the Secretary of State the utter disgust felt by the members of the Assembly at his remarks with reference to the Bengal Council?

Sir Alexander Muddiman: The questions and answers will be forwarded to the Secretary of State undoubtedly.

Mr. K. Ahmed: What steps do the Government propose to take to remove the grievances of the people in regard to payments for including candidates at elections and do they propose to bring about any change in the Rules with this object?

Mr. President: Hon'ble Members are quiet well aware that parliamentary candidates have these questions in their own hands.

Mr. Jinnah: Are the Government of India prepared to take steps to remove the reflections which were cast on the Swarajist Party by the speech of the Secretary of State?

Sir Alexander Muddiman: I can certainly give no undertaking on this point. What I have done is this. I am having the law examined to see what can be done in this matter.

Mr. K. Ahmed: Does the Government know whether the exact amount paid to a Dacca candidate, a member of the Bengal Council, by the Swaraj Party was Rs. 3,000 or more?

Mr. President: That question is certainly not in order here. Whether it is in the Bengal Legislative Council is a matter for the President of that Council to decide.

Pandit Motilal Nehru: Is the Government of India prepared to prosecute these persons against whom charges of bribery and corruption have been made or to hold a public enquiry generally into this matter?

Sir Alexander Muddiman: Does the Honourable Member refer to these particular allegations I have got here? It would not be a matter, I think, for the Government of India to initiate a prosecution. It is a matter for the Bengal Government to consider,

Mr. Jamnadas Mehta: Will you instruct them to do so?

Sir Alexander Muddiman: No, Sir.

Mr. Jamnadas Mehta: You do not regard the matter as of sufficient importance?

Sir Alexander Muddiman: I regard it as of very great importance and I am making enquiries. I am perfectly willing to forward to the Government of Bengal a copy of the questions and answers in this House and invite their attention to the points raised in them. It is not for the Government of India to instruct the Bengal Government to institute a prosecution.

Mr. Jamnadas Mehta: Is it true that the Government of Bengal offered to elect the third Minister out of those members who voted for the demand for the grant for Ministers' salaries?

Sir Alexander Muddiman: I am unaware of it.

Mr. Mehta: If that is so, is it corruption or what? (Laughter.)

Debate on Separation of Railway Finance

SIMLA—17TH SEPTEMBER

On this day the Assembly took up the discussion of the question of separation of Railway Finance from the General Budget. Sir Henry *MONCRIEFF SMITH* moved a new resolution substituting the one moved by Sir Charles Innes in Delhi in the last session. The resolution was the result of the discussion in the Railway Finance Committee of the Assembly where an agreement had been arrived at between the Government and the non-official members. This agreed formula was an improvement over the original Government scheme. The nationalist party wanted to make sure that the bargain did not end in favour of foreign capital on which Government was suspected to have an eye. It therefore insisted on the inclusion of three important provisos so as to leave nothing to chance. These were; (1) that no State-managed Company will in future be handed over to Company management without the consent of the Assembly, (2) that Indianisation would steadily and speedily progress, and (3) that the earliest opportunity would be taken to appoint an Indian to the Railway Board. The Government attitude at first on these safeguards was hostile, but subsequently negotiations were opened with the Opposition leaders, mainly under Sir Purushattandas Thakurdas, to arrive at a Settlement.

Sir CHARLES INNES, giving a lucid exposition, said that the Indian Railways were the most gigantic commercial undertaking in India. They must, therefore, look ahead and take a long view. He was the other day examining the proposal to rebuild a big station which would take 13 years. Considering how the efficiency of stations reacted on the efficiency of the whole line, remodelling was essential; but the Government would not safely embark on such a proposal so long as it depended on the exigency of the general budget. The main burden of the Acworth Committee's report was the separation of Railway budget and the recommendation of State management was made conditional upon carrying out the administrative and financial reforms proposed by the Committee. In every commercial undertaking, capital expenditure and revenue expenditure went hand in hand and, in the words of the Acworth Committee, "Railways must be treated as a continuously going concern with a carefully thought-out programme both of Revenue and Capital expenditure for years ahead with provisional financial arrangements to correspond." The Assembly has provided them with capital expenditure for five years by sanctioning 150 crores for the purpose; but the revenue expenditure still depended upon the exigencies of general revenues and it failed because they had no security with regard to the revenue programme. Then again, the programme of revenue expenditure was not voted for the year beginning with April 1st till the preceding March. This was one reason why they could not spend grants, and unexpended balances merely went to the general revenues along with railway surplus provisions. For arrears depreciation could not be made. There was no inducement to economy, because these benefited general revenue, not railways. There was no railway reserve and this was particularly embarrassing for railways whose returns depended upon good or bad season. The Finance Department felt a great inconvenience because of the violent fluctuations in railway returns thereby increasing the difficulty of framing budget estimates. Then again if they took more from Railways they merely taxed transportation. The Government's object therefore was to abolish the system of programme revenue and to establish a proper depreciation fund arranged on an intelligible and scientific basis. They wanted to build up railway reserves in order to make finance more elastic and, generally, they wanted to introduce a system which, while retaining the control of the Assembly unimpaired and while ensuring general revenues a fair return from railways, would be more suited to the needs of a vast commercial undertaking. The Government had considered the possibility of legislation, but preferred to ask this House to agree to a convention so that the conditions might be adjusted from time to time to suit the varying conditions and progress of the constitution.

The Commerce Member next dwelt on the form and amount of contribution proposed in the resolution. He said the amount originally fixed was five-sixth

or one per cent. on the capital at charge on commercial lines and one-fifth of the surplus profits. It has been modified and it is now proposed that one per cent. of the capital on charge plus one-fifth of surplus plus an additional one-third of the excess of any surplus above three crores. The contribution would be based not on the actuals of the penultimate year, but the current year. It would not be based on actuals of the last year because it would not be fair to the Finance Department to base it on the actuals of 1922-23 which was a bad year. This contribution meant that the Government would pay the gross contribution of about 689 lakhs or, after deducting loss in working and interest on capital on strategic lines, above 519 lakhs. Under the original scheme the Government proposed to pay only 446 lakhs. Thus they would pay seventy-three lakhs more than originally proposed. Some might say that this was not enough; he would ask them to bear in mind that the more they took from Railways the longer they postpone the day on which rates and fares could be reduced. Moreover Railways in addition to the contribution of 639 lakhs would have to pay charges amounting to nearly twenty-four crores more on account of interest.

Continuing, the Commerce Member referred to the question about which the members felt keenly. The scheme of separation, he assured, would in no way reduce the control of the Assembly over the budget. Of course, when a cut was made in the Railway budget it would not mean improvement in the general revenue as hitherto, but would merely go to the railway reserve; but the cuts made in their budget would put them in the same difficulty as at present. Supposing a cut was made, which could not be given effect to, then unless the Governor-General restored the grant, their position would be difficult. He showed that there was no basis in the suggestion that, if the Assembly admitted to work the railways as a commercial department, the Government would always turn round and say they could not give effect to the Assembly's wishes regarding Indianisation or something of that kind, because they could not do them consistently with economy and efficiency. In defence he pointed out that the Railway Board has been working for separation for the last 5 months. They had raised no objection to paying duty on stores and to the provisions of the Steel Protection Act and had not asked for lower contribution. These Acts increased the charge on their revenue by forty lakhs a year. If the proposal for separation was accepted the tax-payer would gain to this extent. As for the presentation of the Railway budget, they hoped to bring it before the House in February next before the general budget was presented and later on in September: but that would involve the amendment of the Government of India Act. They were also examining the form of the budget with a view to improve it. He further pointed out that the Government had agreed to the reconstitution of the Central Railway Advisory Council and to have a Standing Railway Finance Committee. These showed that the Government did not in any way want to get away from the control of the Assembly. He had placed the proposal which the Government thought would be best for railways, for the trade and commerce of the country, and for the Indian tax-payer, and he appealed to the House to consider the scheme on its merit and accept it. (Applause.)

THE NATIONALIST AMENDMENT.

Sir Purushotamdas THAKURDAS moved on behalf of the Nationalist Party an amendment proposing the addition of a clause approving the Government resolution but subject to:—

(a) That no railway line now under State management and no railway line now managed by a Company whose contract may hereafter expire should be handed over to Company management without the previous approval of the Legislative Assembly.

(b) That railway service should be rapidly Indianised, and further that Indians should be appointed as members of the Railway Board as early as possible.

Sir Purushotamdas said the Commerce Member had stated that the railways were of vital importance to India and were a great National asset.

That was precisely the reason why he wanted the Assembly to have a substantial say in Railway policy. The proposal had been under consideration of the Government for three years and within this time a good deal of correspondence must have passed between them and the Secretary of State, but the Government did not take into confidence even the sub-Committee with regard to this correspondence. This naturally raised the apprehension that the Government was not laying on the table all its cards. The reason why the House wanted to insist on the provision that the State managed lines should not be transferred to Company management without the express approval of the Assembly was because the Railways were the property of the tax-payer and the Assembly had a right to be heard in the matter. The Railway report for 1922-23 stated that the Government proposed to continue their efforts to work for getting a domiciled company to take over the management. Further, the Government had rejected the resolution of Mr. Ramchandra Rao passed by the Assembly asking that no contract be entered into with Companies without previously placing it before the Assembly.

Mr. Purushotamdas pointed out that under the scheme the Assembly was abandoning the right to make cuts in Railway budget, with a view to relieve the General Exchequer, or to transfer the Railway surplus to meet the deficit in any year. Was it therefore unreasonable to ask for an undertaking that the Assembly's approval be sought before any change in the management took place? Why should the Government distrust the Assembly if there was real Company management? The Assembly would appreciate the position. He approved of the separation and would be very sorry if the Government persisted in not giving an undertaking and thereby jeopardise the scheme. He gave an instance of the dangers before them. In 1910 the contract with the S. I. Ry. was entered into not only above the head of the people who felt a good deal of grievance, but also over the head of the Government of Madras and the Government of India and only the Reuter's telegram brought the first information to the Government of India that contract had been renewed by the Secretary of State. He did not want any repetition of that.

He made it clear that Indians while believing that the Railways should be worked on commercial lines were determined to see them worked compatible with national advancement and national good. They did not want that in a cheap spirit of economy Stores should not be purchased in India and that Indianisation of the services should proceed slow. The patience of Indians had been more than tried, they had waited for the past 70 years and now wanted Indians to be employed in large numbers. The Railways were the property of the Indian tax-payer and must be worked in the interest of India.

At this stage the Assembly rose for lunch.

On reassembling Sir Basil BLACKETT put in an able defence of the Government point of view and indicated the fullest extent to which the Government could go. He said: Sir Purushotamdas's amendment was both additional and conditional. Sir Purushotamdas agreed with the desirability of administrative reform proposed by Government, but declared that if the Government was unable to accept his conditions the whole scheme would be lost. The issue had thus been clouded. The speaker attached very great importance to the scheme as it would encourage economy in the Railway management and result in the stabilisation of general budget. As for the Assembly's control, the Finance Member opined that it would be more effective than at present. It was perfectly true that in normal circumstances they would not benefit general revenue by their cuts in Railway budget or transferring Railway surplus to meet any deficit. They would have to propose proper taxation if need be rather than to raid Railway reserve, but then they gained immensely in other directions.

Questions of Indianisation and management introduced by Sir Purushotamdas in his amendment were not strictly germane to the scheme before the House. The two issues were separate and must not be mixed up. As for Indianisation and purchase of stores, he said, theoretically it was competent for the Government to say that it would not Indianise and would purchase stores in the cheapest market, and this right was there now and would remain there even

if the scheme of separation was accomplished. But what were the facts. The Government was committed to the purchase of stores in India and the Lee Commission had recommended 25 per cent Indianisation of the Railway Engineers, and the process of Indianisation in Railways generally was proceeding as quickly as was in the best interest of the country. In fact there was no difference of opinion between the Government and the Assembly on these points.

The issue raised about the Railway Management in the amendment, he considered frankly to be unreal. What were the facts? The Government had stated that if the management was to be transferred to a company, it must be a real Indian Company with Indian capital. The Government were willing to go further: if ever the proposal for establishing an Indian Company was considered, the Government would bring the matter before the Railway Central Advisory Council. They were willing to let any member of the Advisory Council to bring that matter before the House if he so desired. This was, he said frankly, as far as it was in the power of the Government of India to go. They had no power under the constitution to go beyond that and give the required undertaking, but it must be apparent that in view of his statement the issue raised became unreal.

If however, the Assembly did not agree with the Government view and rejected the scheme, the result would be that the Government would merely carry on as at present without adopting the desirable administrative reform. He emphasised that, as Pandit Motilal said the other day, speaking on the Lee report that in this transitional stage administrative reforms were as vital and necessary as constitutional reforms. Here was proposed a very useful reform which generally speaking the House agreed was desirable. He therefore appealed for vote on the merit of the scheme. If it was rejected, who would suffer? The tax-payer suffers because he was paying tax on communication. Railway users suffer because both the producer and the consumer would have to pay more. The Assembly suffers because it was rejecting a proposal which gave it more powers, and the Government suffers because it could not carry out a very desirable reform.

Mr. NEOGY congratulated Sir Charles Innes on his ability to adjust himself to the atmosphere of the House he was speaking in; for, speaking in the Council of the elder statesmen (Council of State) a few days ago, he had said that Railways must be removed from the influence of the popular Assembly, because when a popular Assembly interfered with the State management of Railways, then the State management would become a failure. He (Mr. Neogy) did not deny that the scheme as proposed by Sir Charles Innes had many attractions, but he asked why the Government was anxious to force upon the Assembly this piece of reform which might fit in with the next instalment of constitutional reforms when they were likely to have some sort of responsibility in the Central Government. Sir William Acworth did not know the things that were happening in India since he left this country.

Proceeding. Mr. Neogy referred to the utterly poor rate of Indianisation in the several branches of Railway administration, and said that the attitude of the Government in regard to the Railway policy had been anti-Indian in every sphere from top to bottom. Of course reference had been made to the recommendations of the Lee Commission in respect of Railway Engineering service, but Mr. Neogy complained that the Lee Commission could not and had not dealt with the Subordinate Departments where there was overweighting of a particular community.

Dewan Bahadur RAMCHANDRA RAO wanted to know what the exact position of the Secretary of State was in regard to Railways in India and desired that he would express his opinion before any new contract was made with the Railways. On this point the Assembly had been given no answer. Further he urged that the Secretary of state ought in railway matters to delegate his powers to the Government of India so that the Assembly might deal with the Government of India.

Mr. WILSON pointed out that the difference between the Government and

comrades to the Gurdwara Tibi Sahib. Medical staff travelling with the Jatha and the store of medicines, etc., were taken in custody. No one was allowed to attend to the wounded. The dead bodies were not allowed to be removed and some persons who had succeeded in picking up a few of the wounded and dead were maltreated and the bodies were forcibly snatched. Water was not allowed to be taken from the well near by. A squadron of the cavalry was seen galloping towards the running people with naked swords.

"It seems that the authorities of the State had used all their skill in strategy in order to stop all access to Gurdwara Gangsar. Barbed wire fences had been made. Rows of bullock carts filled with thorns were fixed with heavy chains across the way to Gurdwara Gangsar.

"After depositing the wounded and the dead in the Gurdwara Tibi Sahib, the Jatha proceeded towards Gurdwara Gangsar. Our party decided to go back. We had gone only a short distance when we saw Tibi Sahib, in which the Faangat had taken shelter, being surrounded on all sides by the Military. At this stage our party was also pursued by the cavalry and we were separated. Prof. Harban Singh reached the boundary line of the Nabha and Faridkot territories where he met Mr. Zimand. Just when he reached that place a mounted officer who was said to be Sardar Fateh Singh of Faridkot approached them and having enquired Mr. Zimand's name asked him what he intended to do, whether he wanted to enter the Nabha territory or go back. Mr. Zimand replied that he wanted to enter Jaito but as the authorities had not permitted him he intended to go back. He said that he was waiting for his car. The officer definitely informed him that the car would not return. Mr. Zimand was then led by that officer in the direction of the Jaito Railway Station on foot. The Officer asked Prof. Harban Singh to leave that place. He also wanted to know Prof. Harban Singh's name, but the latter did not think it advisable to disclose it. Prof. Harban Singh and his companions walked some distance and met their car. They got into the car and motored back to Amritsar. Prof. Bhagat Ram Singh and Sardar Mahinder Singh of Madan and Co. Amritsar, walked up to Kot Kapura on foot and on their way they learnt that the Jatha after being severely beaten was tied hand and foot and conveyed in carts to the barbed wire enclosure.

Sardar Mahinder Singh, Librarian, Khalsa College, Amritsar, and Bhai Tara Singh Giana reached village Ram Singh Wala on their way to Kot Kapura. They stayed at Ram Singh Wala for the night. They saw two sowers who had come to the village in search of a wounded person conveyed to that place. The sowers demanded the wounded person from the villagers. In case the villagers failed to hand over the wounded person their properties would be confiscated by the State authorities. At Kot Kapura they came across an old woman who was an eye-witness of the whole tragedy. She related to them the fate of the Jatha which she said was very severely beaten and tied hand and foot. As to the treatment meted out to the ladies she told them that while they were under custody in Gurdwara Tibi Sahib they had the foulest language used to them and were roughly handled. Two of the young ladies were outrageously insulted. Two ladies died in the Tibi Sahib Gurdwara."

MR. GULAB SINGH'S STATEMENT

And here is another account given by Sardar Gulab Singh M. I. A. who issued the following statement:—

"A great tragedy has occurred at Jaito, Nabha State. Though the number of casualties so far ascertained is less, yet the moral significance is greater because the perpetrator of this tragedy was not an irresponsible and immoral Mahant employing badmashes but a civilized Power with high professions and well informed about the object and methods of its victims. At the same time the sacrifice is more precious to the Sikhs as the suffering Jatha was not caught unawares but from the very beginning of its march knew that the supreme sacrifice might be required of it, and knowing this voluntarily and cheerfully went to meet that fate, rather than surrender its dear religious right of freely visiting and worshipping in its beloved Guru's Gurdwara.

HISTORICAL

"The British Administration of Nabha, carried on by a civilian officer of the Government of India since the forcible deposition of the Maharaja, had stopped all access to the Gurdwara, Jaito, since the end of August 1923, and on the 14th September had arrested the whole congregation assembled there for the purpose of listening to the continual recitation "(Akhand Path)" of the Holy Guru Granth Sahib. Not only this, even the Granthi actually reciting at that time and the attendants on the Holy Scripture were dragged away from before the Holy Book and arrested and the recitation interrupted. This was the greatest desecration according to Sikh belief.

"The news spread quickly abroad and from the very next day, i.e., 15th September, parties of Sikh pilgrims began to arrive at Jaito for the purpose of visiting the Gurdwara and running the Akhand Path. But, as before, the Gurdwara was kept closed against them on the baseless plea that the Sikhs wanted to gather in that Gurdwara for the purpose of political agitation, while the fact is that all those arrested in the Gurdwara were doing nothing but either reciting the Holy Book or listening to the recitation. It is preposterous to hold that protesting within the boundaries of the Nabha State against the grievous wrong done to the Master of the State is sedition against his State and disobedience to his orders; it is still more preposterous to hold that reciting the Scriptures and praying for the Maharaja in the Gurdwara was anything political or seditious. Yet the British Administration of Nabha has been preventing the Sikhs from visiting the Gurdwara and praying therein for the last 5 months and more. About 5000 Sikhs had walked hundreds of miles to Jaito, and suffered untold hardships at the hands of the authorities without being able to visit the Gurdwara or reopen the Akhand Path.

"Seeing that all this sacrifice seemed to have no effect on the callous officials and to put an end to the prolonged agony of the Sikhs by an extreme sacrifice, it was decided that a congregation of 500 devoted Sikhs should walk on foot to Jaito and remaining perfectly non-violent to impress the authorities by their sacrifice about the sincerity and depth of the religious feeling of the Sikhs. The Jathedar of Sri Akal Takht issued an announcement to this effect in very clear terms full two weeks before the

departure of the Jatha. Only those Sikhs were allowed to join the Jatha who could be relied upon to remain perfectly non-violent under all circumstances. On February 9th, the Basant Panchami day, the Jatha assembled before Sri Akal Takht, Amritsar, and took the pledge of non-violence, the Jathedar again exhorting them solemnly to fulfil their vow. As instructed, the Jatha during its progress to Jaito abstained from making any speeches and confined itself to singing hymns or reciting from the Holy Scripture. The affection evoked by the Jatha on its way was a clear proof of the fact that it was going with the blessings of all Sikhs to fulfil their heart-felt desire.

"The composition of the Jatha itself was another proof of the support of all Sikhs. There were men drawn from all districts. There were men of different professions, and even a number of meek Sadhus. The Jathedar of Sri Akal Takht and a Granthi of the Golden Temple also accompanied the Jatha.

THE MARCH TO JAITO

"After 13 days' marching the Jatha, composed of only those who had started oath-bound from Sri Akal Takht, reached Jaito on the afternoon of the 21st February, the anniversary day of the great tragedy of Nankana Sahib. The authorities, as they had already announced, informed the Jatha that only 50 of its members could be allowed to enter the Gurdwara and complete Akhand Path on giving an undertaking that they would leave the Gurdwara immediately after. The Jatha already stated its position on the way and repeated it to the authorities at Jaito that it had come only for the purpose of visiting the Gurdwara and restoring the Akhand Path, and that submitting to the required conditions about the number of visitors and the time of stay would amount to surrendering the religious right of freely visiting, congregating and worshipping in a Gurdwara. On this it was asked to disperse. Fire was then opened. The Jatha remained unmoved and undeterred. It marched on until it reached Gurdwara Tibbi Sahib, which is about 400 yards from Gangsar Gurdwara, the destination. Here the dead and wounded were deposited and the Jatha again moved on singing hymns. The police and military then fell upon them with lathis and beat them down senseless, carried them bound with ropes as prisoners to the fort near by. It is also learnt that the authorities did not spare even the sight-seers and many casualties from firing are reported from among the crowd. The total number of casualties so far known is about 15 dead and 55 wounded.

"Sedulous attempt was made by the authorities to prevent important persons from watching the happening so that they might be free to do what they liked and afterwards manufacture any version they pleased. Mr. S. Zimard, an American journalist, who had come as a special correspondent of the "New York Times", was not allowed to enter into the Nabha territory and was ordered to quit the Faridkote territory at once. Members of the Assembly and the Punjab Council, like Raizada Hars Raj, Mr. S. Chetty, Sardar Partap Singh, and S. Tara Singh, were detained at the Railway Station, Jaito. Dr. Kitchlew and Principal Gidwani were arrested on their arrival near Jaito. All this is a proof that the authorities had much to conceal and now fancying themselves secure from light have issued a statement from Delhi that the Akalis resorting to violence, had fired shots before the authorities

opened fire. This is absolutely false, and a sufficient number of respectable witnesses will be forthcoming to expose the statement.

The attitude of the authorities is further evident from the fact that Dr. Kehar Singh, in charge of medical arrangements of the Jatha, was also arrested and all the medical stores and provisions, besides the tents and baggage, were seized.

"The Sikh Community is prepared to have the truth sifted by an independent inquiry and challenges the Government of India to substantiate the truth of its allegations, not through the farce of a magisterial inquiry but by a Committee of persons on whom the public may rely for truth and impartiality.

A S. G. P. C. communique issued about this time said:—

"The Shahidi Jatha accompanied by about 30 thousand Sikhs (both men and women) from different villages reached Jaito on 21st February at about 3-15 P.M. The State authorities had prepared a narrow passage leading to the fort and the temple of Gangsar. The passage was bounded on one side by a border of barbed wires and on the other by rows of several hundred bullock carts filled in with thorny bushes and barbed wires. At the end of the passage there was a barbed wire enclosure concealed behind some houses into which the Jatha was to be driven presumably for beating and arrest. But the Jatha turned to the right and marched to Gurdwara Tibi Sahib where they had to take leave of the Sikh Sangat and march by themselves to the Temple of Gangsar.

THE FIRING.

"On their way to Tibi Sahib they were accosted by the Administrator of Nabha State who ordered them to halt or he will open fire. The Jatha and the Sangat held up their hands and began to recite, 'Sat nam Sat namjee. Wahiguru Wahiguruji'—'True is the name of God, All Hail to the Wonderful Lord.' They had hardly gone a few steps when the soldiers stationed on the eminence of Tibi Sahib and the cavalry on the left opened fire, causing heavy casualties, but the heroic Sikhs did not waver and made straight for Tibi Sahib. About four minutes later the soldiers in the fort fired volleys. The Akalis were falling fast but they marched onward undaunted carrying their dead and wounded with them. Rounding the Tibi Sahib, the Jatha was proceeding in the direction of Gangsar when its progress was checked by a strong column of cavalry and infantry. A strong detachment of cavalry rushed on the Sikhs who were following the Jatha and galloping after scattered groups chased them out of the Nabha territory.

UNPROVOKED BRUTALITY.

"The Jatha was next surrounded by the soldiers and mercilessly beaten with heavy sticks mounted with iron spikes till they all became senseless when they were bound with ropes and removed to the fort in bullock carts. Doctors and dressers attached to the Jatha were arrested, and the bullock carts carrying beds, medicines and other necessary material were seized. Some ladies and gentlemen who had carried the dead and the wounded to Tibi Sahib and were tending the wounded were beaten outrageously and arrested. Doctor Kitchlew and Principal Gidwani were also arrested. An American gentleman who had come as a special correspondent of the 'New York Times' was not allowed to step into the Nabha

territory and was ordered to quit the Faridkot territory at once. Members of the Legislative Assembly and Council like Mr. Rainada Hansraj, Messrs. Shanmugam Chetty, Jamandar Portap Singh and S. Tarasingh were detained at the Railway station.

"The number of casualties so far ascertained is about 70-150 dead and about 55 wounded. This does not include a number of dead and wounded persons who had been carried away to the neighbouring villages by their own men.

SACRILEGIOUS FEATS.

"The sacred person of Gurn Granth Sahab was fired at and treated with shocking disrespect. The sacred Gurdwara of Tibi Sahib was used as shooting ground and the sacred precincts were covered with the blood of Sikh martyrs dying for the God-given right of free worship. By firing on a mass of peaceful, non-violent, religious people moving to a temple for performing religious ceremony of great sanctity, our civilised Government has in an era of enlightenment performed an administrative feat which has seldom been surpassed for cold-blooded brutality by the most barbarous ruler in the darkest period of Indian history.

THE NEXT JATHA.

"It has been decided that the next Shahidi Jatha of 500 shall start from Amritsar on the 2nd instant."

The Government Version.

A Government communique issued on the 22nd February from Delhi however gave an altogether different version and has since been found to be made up of deliberate lies. It runs :—

"The recent order issued by the administration of Nabha State regarding the conditions of admission to the Gurdwara at Jaito has been disregarded by the Akalis in spite of the frequent intimations and the jatha of 500 left Bargiri in the Faridkot state shortly after noon yesterday and advanced on Jaito screened by a body of some 6000 other Akalis who moved on six hundred yards front in great depth armed with lathis, ohhavis, spears and firearms.

"The Administrator with five State Officials advanced about 100 yards to meet the Akalis, gave them full warning and called on them to halt and explained that if they did not comply with the order he would be compelled to open fire. This warning was utterly disregarded by the Akalis who hotly pursued the Administrator and his party. At this point a Nabha villager received a wound from a bullet by the Akalis. The Administrator gave order to fire three rounds buckshot at leaders who were within a few yards. The line of Akalis then swerved to the right where a platoon of Nabha infantry was in position. Order to fire three rounds controlled fire with service ammunition was given by the Administrator. Akalis and Jatha then made for a small outlying Gurudwara called Tibi Sahib and one Squadron cavalry moved over to try and head them off. Akalis at this moment increased their fire and delivered determined attack led by a mounted Akali who gave orders in English to his comrades to charge. Fire from ten dismounted cavalry checked the Akalis but the Jatha advanced under Tibi Sahib. Whilst about 2,000 Akalis swarmed in the Tibi Sahib Gurudwara the remainder were already moving off and the party of 2,000 gradually broke up leaving only about 106

men who are now under arrest at Jaito. Medical assistance was promptly rendered to the wounded, after the firing. Dr. Kitchlew and Professor Gidwani arrived on the scene in motor and were taken into custody. The total casualties so far ascertained are fourteen dead and thirty four wounded. The Jatha itself was not fired on and no member of it was injured. Great care was taken not to interfere with Granth Sahib which has been deposited with due respect in the Dharmshala. Special enquiry by a Magistrate has been ordered."

That this statement of the violence used by the Akalis was absolutely false has since been proved to the hilt. The American Press Correspondent, Mr. Zimand, who was turned away from Nabha on the eve of the massacre and who knew the actual facts, however, kept long silent, presumably from official pressure, but prior to his departure to America he wrote a letter to Mahatma Gandhi in which the whole truth is told. This letter is reproduced below.

The S G P. C. Communique.

The reply to the above the Secretary of the Gurudwara Prabhndhak Committee issued the following Press communique on February 24th last:—

"In a Communique issued from Delhi on 22nd February the Government of India has made an utter misstatement of facts in order to whitewash the heartless doings of their agents at Jaito on February 21st.

"The Shahidi Jatha is alleged to have advanced on Jaito "screened by a body of some 6 thousand Akalis armed with lathis, chhavis, spears and fire arms." The Jatha was in fact marching in the following order: half of the Jatha was in the front, Guru Granth Sahib in the middle, and the other half brought up the rear, the Sikh Sangat moving on the flanks was reverentially keeping itself behind Sri Guru Granth Sahib. No man in the Sangat was carrying any chhavi, spear or firearm. Akalis have shown wonderful restraint and self-control under most trying conditions; and the allegation that they carried firearms and fired is another instance of giving a dog a bad name in order to hang it. The Akalis disregarded the warning of the Administrator which was nothing more than an order to halt and retire because they recognise no temporal authority in matters connected with religion and because they were proceeding on a perfectly non-violent and peaceful mission. The Administrator of Nabha has no right to impose conditions for admission to the Gurudwara Gangsar of Jaito and arrogate to himself the position of a religious dictator of the Sikhs.

"The Akalis never pursued the administrator or his party. That a nameless 'Nabha villager' received a wound from a bullet fired by the Akalis is another curious myth invented for the justification of the massacre. The Akalis could not evidently increase fire because they had no firearms with them, and they were all moving in a non-violent and deeply religious atmosphere. The Jatha had been marching for twelve days through the British territory and not a word of its carrying firearms, chhavis, spears etc, appeared in any official communique or the press.

"The question of a mounted Akali giving orders in English is another invention of official imagination. No Sikh can ride a horse

ahead of Sri Guru Granth Sahib when the Sangat is on foot. Numerous eye-witnesses report that the State authorities did not allow the Sikhs to attend to or help their wounded brethren, and many people died for lack of timely medical assistance and water. The Doctors and dressers in charge of the party were arrested and their medicines, etc. were seized. Even the ladies nursing the wounded in the Gurdwara of Tibi Sahib were insulted and arrested. The Government communique states that the Jatha itself was not fired on and that no member of it was injured. No baser attempt to make an utterly false statement could ever be made. Firing from Tibi Sahib was particularly aimed at the Shahidi Jatha. The rifles and Lewis guns fired indiscriminately, and casualties from the Shahidi Jatha so far known are 19 wounded and 7 killed. Five wounded from among the Shahidi Jatha have since reached Amritsar and are under treatment in Sri Guru Ram Das hospital. As regards Guru Granth Sahib it was in the midst of the Shahidi Jatha during the time of firing and the beating. No regard at all was given to its sacred presence at that time.

"The casualties have been very heavy: the number quoted in the Government communique is absurdly low.

"The Government has tried to throw dust into the eyes of the people by declaring that a special enquiry by a Magistrate has been ordered. A subordinate Magistrate cannot be expected to sit in judgment on the actions of the administrator of the Nabha State. The public can easily sift the facts by appointing a non-official commission of enquiry composed of responsible persons without any further delay. The Nabha administrator ordered wholesale firing on a religious Jatha and Sangat who have solemnly kept their pledge of non-violence, who were marching to a Sikh Temple for a sacred purpose under the lead of Sri Guru Granth Sahib and who have laid down their lives for the Sikh birth-right of free congregation and free worship. They have died fighting a non-violent, spiritual battle for their religious ideas and for no political ambition. No community can give a more convincing proof of its sincerity and earnestness.

"The ocean of Sikh religious fervour is in floods and the heroic disciples are eager to offer their lives in the cause of religious liberty. Another Jatha of 5 hundred will leave Amritsar on 26th February. They will probably meet the fate of their predecessor. We invite all God-fearing and pious men, whether Hindus, Mohammadians or Christians to appoint a representative committee of respectable men of independent position. This Committee should search the Jatha before it enters the Nabha territory and after satisfying themselves that no member of the Jatha is carrying "firearms, chhavis, spears or lathis" should issue a general certificate for the information of the public and the Government to the effect that the members of the Jatha do not carry any offensive weapon on their persons. They should further obtain permission from the Government of India to be present at the Morcha in order to watch the behaviour of the Sikhs and the State authorities. The Sikh community is determined to the last man to fight for their religious liberty in a peaceful manner by suffering all hardships and tortures inflicted on them in a meek and humble spirit even to the extent of making their bodies the targets of bullets and machine guns."

Mr. Zimand's Version

Mr. Zimand's accounts of the march of the Shahidi Jatha was given in a letter, which he wrote to Mahatma Gandhi long after the event, on April 9th last. He says:—

Dear Mr. Gandhi,

On the eve of my departure from India I want to tell you again how fortunate I consider myself to have had the opportunity of visiting your land. I want to use this opportunity of thanking through you your innumerable friends and countrymen for their gracious hospitality, unflinching courtesy and generous help they have rendered to me during my whole stay in India.

At my interview with you at Jubu, Bombay, you asked me a few questions about the occurrences at Jaito on February 21 of this year. I feel that in my anxiety to find out your views on the different political and social problems, I monopolised the long time which you kindly gave me and neglected to give a coherent description of what actually occurred at Jaito. I shall therefore try to tell you now, as truthfully as I know, about the incident at Jaito. I am especially anxious to send you my version of the incident because my name has repeatedly been mentioned in this connection by the press.

On the morning of February 20th I arrived in Amritsar. According to my previous arrangements I was to leave on the morning of the next day for Peshawar. A few hours after my arrival I decided to proceed to Jaito. I started from Amritsar by motor with Mr. Gidwani, Dr. Kitchlew, and a Sikh gentleman whose name I cannot recall at present. We motored the whole day and after dusk we reached Bargari village where the Jatha was encamped. It was in Fardkot State territory.

After the evening meal in a tent which was put at our disposal, I visited the different tents where the Jatha was resting. All was very peaceful and orderly. I went back to my tent and about 10 p. m. I walked out again. I noticed that a religious service was being held and that about 2000 villagers (from near-by places and also from Bargari village) were listening to the recitation of the Sikh Scripture. I passed the night together with Mr. Gidwani and Dr. Kitchlew. These two gentlemen were with me all the time. They did not address the crowd and as I followed them step by step I can say that they held no conferences whatever with the Jatha. All three of us retired at the same time.

On the morning of February 21st we went out to see the village. I saw a number of policemen and officers near the camp. I went back to the place where the Jatha was encamped and looked very carefully over the whole body of men, Jatha and Sangat, assembled there. I had the opportunity of observing practically the entire Jatha and the crowds accompanying the Jatha. I did not see anyone carrying fire-arms or any other weapons.

THE MARCH TO JAITO

The recitation of what the Sikhs call "Aei-Ki-ver" was over a little after 2 a.m. No speeches were delivered. By 11 o'clock the Jatha and Sangat took their meals at the near-by Gurdwara. About the same time I took another look around the open place where the Jatha was encamped and went into the interior of the village. Near the open space groups of good-humoured people were amusing themselves.

About twelve noon the Jatha started for Jaito. I suggested to Mr. Gidwani and Dr. Kitchlew that we might proceed in our motor ahead of the procession. First we walked for a mile and the car went ahead. On the way I noticed crowds of people waiting for the Jatha with

refreshments and others were clearing the roads from branches and leaves. We entered the motor again and drove for nearly two miles. I again asked that the car be stopped that I may again observe the Jatha in their marching order and also those who were accompanying the Jatha.

I would estimate the crowd following the Jatha at about 7000 men and women of all ages and children. Those following the Jatha and the people who were waiting for the arrival of the Jatha were shouting "Sat Sri Akal". There was no element of disturbance anywhere.

As soon as the Jatha got near we got into the car again and drove ahead near the Nabha frontier. As yet none of us had entered the Nabha State. At the frontier there were a number of uniformed officers and one in plain clothes on horse-back. One of them approached and asked us to stop the car. This request was immediately complied with. Then the officer handed over to Dr. Kitchlew a paper which Dr. Kitchlew read. It was an order from the Administrator for the Jatha. Dr. Kitchlew and Mr. Gidwani said that the paper was not meant for them because they did not belong to the Jatha. I stood up in the car and said: 'I am here merely as an observer'. The officer in plain clothes asked my name and galloped towards Jaito. That was the last I saw of him. While there had been no direct order stopping any of us from entering, I said that I should await the answer of the authorities, thinking all the time that the officer who had galloped towards Nabha would bring back some word.

At 1-50 p. m. the Jatha passed into the Nabha State. No official presented to them the paper from the Administrator which was handed over to Dr. Kitchlew. In fact, by this time, there was no officials at the frontier. The Jatha moved closely. The crowds were moving mostly in the rear and on the right of the Jatha. There were only a few people in front. Five Nisban Sahibs were in front and Guru Granth Sahib was in the middle of the Jatha. The crowds were shouting "Sat Sri Akal". The whole procession passed in front of me and again I saw no one carrying fire-arms or weapons of any kind. I saw the usual Sikh Kirpan and about 500 in the crowd had sticks. The latter were of the usual sort carried by farmers. We waited for some time on the Nabha frontier and then Mr. Gidwani sent a joint note to the Administrator asking him if we might proceed to Jaito. No answer came to this note.

THE FIRING

At 2-45 p. m. the first firing started. The firing was in regular volley and there were no desultory shots. This lasted for fully two minutes, i. e. from 2-45—2-47 p. m. At 2-55 p. m. I heard the second firing. It sounded like the first. It lasted till 2-58 p. m. That was all the firing I heard. None after and none before.

A short time after the second firing a young chap brought the news that there were many deaths and casualties and said that no arrangements had been made to take care of the wounded. It was at this juncture that Dr. Kitchlew and Mr. Gidwani decided to motor to Jaito in order that they might take care of the wounded. Up to this time Mr. Gidwani had been saying to me that he would not enter the Nabha State without permission from the authorities. Only after the bad news came of the wounded being left uncared for, he felt that it was his duty to go to help and to make adequate arrangements. I am convinced that had it not been for the news which aroused his concern for the wounded people Mr. Gidwani would not have entered the State. I did not enter Nabha territory because while there was yet no order stopping me from entering, I was waiting to hear what the authorities had to say.

MR. ZIMAND'S LETTER

111

At about 3-30 p. m. a mounted officer, who told me that his name was Sardar FATEH SINGH of Faridkot accompanied by six or seven policemen approached me at the boundary line of the Nabha and Faridkot territory where I was waiting. Sardar Fateh Singh enquired my name and asked me "whether I still intended to enter Jaito." I replied that I wanted to enter Jaito and waited to hear from the authorities.

He replied that I "was ordered to leave the State territory at once."

"But," said I, "I have not entered Nabha territory at all."

"You are asked," said he in reply, "to leave both Faridkot and Nabha territories at once."

I then told Mr. Fateh Singh that I was waiting for the car.

"That is just out," said he, "I did not want to let you wait indefinitely because the car will not return."

I was then led by the officer in the direction of the Jaito railway station. We had walked only a few steps when I sighted the motor in which I had come. I said that I preferred to go back by car. The officer assented to this and asked me to sign a paper saying that I was leaving the State territory at once. This I did.

I asked the Sardar if he would tell me who was responsible for the order. He gave me no direct reply to this question. "But," said he, "if you want to explain your position you had better write a letter to Colonel Minchin, Agent of the Governor-General for the Punjab States." I wrote the letter on the spot and handed it over to him.

THE STORY OF THE APOLOGY

In connection with this letter I read in a statement printed in the "Bombay Chronicle" of March 28th that the Administrator of Nabha told Dr. Kitchlew "that Mr. Zimand had apologised." What I did in the very hurriedly written letter was to explain my position and I ended up with the words: 'in my ignorance I have committed any offence I wish to apologise.' The authorities knew very well that I had committed no offence and that this last phrase was a mere sign of courtesy. If there were to be any apology the apology should have come from the other side. But it never came.

Before I departed my chauffeur said to the Sardar that he had in the car Dr. Kitchlew's luggage and asked if he (the Sardar) would be good enough to have it handed over to Dr. Kitchlew, because the latter had nothing with him. The Sardar turned and said to me; "I am sorry; I can not take back with me Dr. Kitchlew's luggage"

In connection with this incident a Punjab Government press communique issued at Lahore on March 3rd to contradict certain false (sic) statements with regard to the Jaito affair said that "Dr. Kitchlew's luggage was accidentally carried off in the car in which he and Mr. Gidwani had arrived and which took Mr. Zimand back to Amritsar." (quoted in the "Leader" of Allahabad March 5th 1924.)

A few days later while visiting Lahore I received the following note from the Senior Assistant Superintendent of Police of Lahore:

"Would you be good enough to proceed to Nabha State and report to the Administrator who requires your evidence in the enquiry re. the recent affair at Nabha. For any further particulars would you ring up either Mr. Clarke A. S. Police No. 583 or Mr. Stead S. S. Police No. 375. (Signed) SENIOR A. S. POLICE

As I did not go to Nabha State the Deputy Commissioner of Lahore, Mr. Emerson, asked me to testify before him concerning this. I did so under oath and the salient points mentioned in this letter are to be found in my testimony before the Deputy Commissioner of Lahore.

I have tried to tell you in this letter as truthfully as I can the history of the Jaito incident. The letter is rather a long one and there might be some danger of the main point being obscured. I want therefore to repeat again that I observed carefully the Jatha and the crowds following the Jatha from February 20th 7 p. m. till February 21st 2 p. m. when they entered Nabha territory and that to the best of my knowledge "the Jatha and the crowds following the Jatha were not armed, and behaved in a peaceful and orderly manner."

This statement has not since been challenged or contradicted by the authorities. An official enquiry was however ordered and held by Mr. Balwant Singh, a Punjab magistrate, and as usual an immaculate white-washing report substantially corroborating the first Government report was issued on 12th. March last (see *paste*).

Mahatma Gandhi's Letter to the Akalis

On February 25th. Mahatma Gandhi addressed the following letter to the Akalis asking them to stop the 2nd Shahidi Jatha of another 500 Akalis which was being got up to march to Jaito on the 28th Feb. :-

Dear Countrymen,—It was with great distress that I heard about the shooting of an Akali Jatha on the orders of the Administrator of the Nabha State resulting in several members being killed and many more wounded. In reply to telegrams, beyond sending a message of sympathy, I had no wish to say or do anything more. It is contrary to the wish of Col. Maddock who has covered me with every form of kindness during my illness that I am undertaking a moderate amount of activity in the shape of informing myself of the prevailing situation in the country.

The following telegram just received from Zira, "Come unminding health condition soob, Akali Jatha" compels me to say something in connection with the tragedy just mentioned. I do not happen to know the sender of the telegram, but had it been at all possible for me I would certainly have gone down in reply to the message. The wound being yet unhealed any such journey is a physical impossibility. I am therefore doing the next best thing.

I need hardly assure the Akali Sikhs of my sympathy in the loss of so many brave men and many more being wounded. Without full facts before me I am unable to say whether the march of large number of men in order to pay devotion to the shrine of Gangasar at Jaito was or was not justified. But I would ask the Akali Sikhs not to send any more jathas without further deliberation and consultation with those leaders outside the Sikh community who have hitherto been giving them advice. It would be well to stop and watch developments arising out of the tragedy. One of the telegrams received by me tells me that the jatha remained throughout strictly non-violent. You have from the very commencement claimed that your movement is perfectly non-violent and religious. I would like every one of us to understand all the implications of non-violence.

I am not unaware of the fact that non-violence is not your final creed. It is therefore doubly incumbent upon you to guard against any violence in thought or word creeping in the movement. Over 25 years' practice of non-violence in the political field has shown me as clearly as day-light that in every act of ours we have to watch our thoughts and words in connection with the movements in which we may be engaged. Non-violence is impossible without deep humility and the strictest regard for truth, and if such non-violence has been possible in connection with movements not termed religious

how much easier it should be with those like you who are conducting a strictly religious movement.

I have deemed it necessary to reiterate what I used to say about non-violence before my imprisonment because I have observed during my brief study of the events of the past year that we who claim to be engaged in a non-violent movement, have not fully in thought and speech confined ourselves to our creed during the past two years as we certainly did not during the previous years. I am sorry to have to say that what I wrote about ourselves in the pages of "Young India" during the three months prior to my arrest holds truer to-day than it did then. I have not the slightest doubt in my mind that had we practised non-violence in the sense I mean during all these five years we would not only have achieved our common goal but there would be to-day no differences and quarrels between Hindus and Musalmans.

In drawing your attention therefore to the necessity of non-violence in your special struggle about your Gurdwaras, I do not wish to be understood to mean that there has been greater disregard of the essentials of non-violence amongst you than amongst the other communities. But a word of caution is more necessary in your case because you have never flagged. You have been incessantly active in the pursuit of your special goal. I would therefore have you to search yourselves and if you find that you have not been true to the standard you set before yourselves to cease further demonstration for the time being and perform the necessary cleaning process before beginning anew, I doubt not that your efforts will be crowned with success."

Lala Lajpat Rai, who was about this time with Gandhi, also addressed a letter to the S. G. P. C. begging them to postpone sending further Jathas to Jaito, so that the national leaders may have time to consider the whole matter and then advise the Akalis as to their future course. The Akalis however could not accept the advice tendered for reasons stated below. The Secretary, S. G. P. C., issued the following Press Communique in reply:—

S. G. P. C.'S REPLY

"The message of Mahatma Gandhi besides conveying his sympathy with the Sikhs on the loss of so many brave men, has raised certain points which the S. G. P. C. takes the earliest opportunity to explain. Be it said to the credit of Mahatma Gandhi that with his unflinching love of fairness he has confessed his limitation by declaring that he had not got full facts before him and has therefore opined with the difference necessary in such a condition. He says, 'without full facts before me, I am unable to say whether the march of a large number of men in order to pay devotion to the shrine of Gangsar at Jaito was or was not justified.' It may be at once explained that the sheet-anchor of the Akali hopes is and has been perfect non-violent and unretaliatory suffering. The idea of enhancing the numbers is to impress the Government and the public about the depth and sincerity of Sikh religious feeling by the intensity and vastness of our sufferings. The question is one of principle. If it is right for one Sikh to assert the religious right of visiting and worshipping in a Gurdwara, after fulfilling the necessary conditions of non-violence, then it is equally right for a large number to do the same if they fulfil those conditions. Therefore the issue is whether the Sikhs were satisfied or not that the Shahidi Jatha fulfilled those conditions before its departure and carried them out in practice on its arrival at

Jaito. With the grace of God the Jatha has remained perfectly non-violent and deterred in the face of firing. This truth is recognised by the whole public and the S. G. P. C. notes with satisfaction that the false and perverted version of the authorities is being effectively exposed and will be finally exposed by an independent inquiry of which the Sikhs and all India have raised their voice. In this connection it may be noted that this very idea of trying to move the opponent's heart by the intensity and vastness of our suffering was at the basis of the sending of a Jatha of 100 oath-bound Sikhs every day for thirteen days to receive the inhuman beating at Guru-ka-Bagh. The agony of that suffering moved the revered Pandit Malaviyaji, Mr. Andrews and Hakim Ajmal Khan Sahab and other leaders to tears and the whole world bears witness to the meakness with which the Akalis took the beating. The question of large numbers of the Jatha no doubt creates the obligation of greater and stricter discipline and vaster powers of collective endurance. The S. G. P. C. claims, and events have fully proved it, that the Shahidi Jatha possesses that discipline and that endurance. It is a terrible responsibility to justify the marching of hundreds into the jaws of death without raising a little finger, but the cause is so dear and the training of suffering through which the Akalis have passed in the last years so severe that that responsibility can no longer be shirked.

As for consulting others, the S. G. P. C. has the satisfaction of carrying the best opinion of India with it in the present struggle as it had in the Guru-ka-Bagh and the Kenya affairs struggles. Mahtamaji is right in pointing out that as non-violence is not the final creed of the Sikhs it is doubly incumbent upon them to guard against any violence. The S. G. P. C. has more than once solemnly declared that having adopted non-violence as their policy, the Akalis will honestly and sincerely stick to it as if it was their creed. They have always been anxious to improve their practice of non-violence.

In the present case it has been found that the fact of a large Sangat accompanying the Jatha out of love and reverence had been used by the Nabha authorities to invent the lie of an Akali attack towards which they claim to have opened fire. While the testimony of one witness has convinced all, that not only the Jatha but also the Sangat remained absolutely non-violent and made to attack, yet to eliminate all possible chances of complication or embarrassment it has been decided that nobody except a few indispensable helpers such as doctors, reporters, etc., should accompany the Jatha on its march and its arrival at the destination.

The S. G. P. C. with a clear conscience feels satisfied that the Sikhs are acting up to the standard that they have set before themselves, and confidently hopes that with the mercy of God they will continue to do so.

From the above explanation and with the further precautions taken, Mahatmaji will see that there was no reason for postponing the departure of the Jatha. The rest lies in the hands of God.

The Second Shahidi Jatha.

The Communique further states that the Second Shahidi Jatha which will leave Sri Akal Takht on the 28th February to resume the interrupted Akhand Path in the Gurdwara Gangsar, Jaito, feels deeply pained at the

loss of life and the injuries sustained by the Sangat which accompanied the first Shahidi Jatha on the 21st February out of love and reverence. As the basic idea of these Shahidi Jathas is to confine all suffering only to themselves, therefore they earnestly wish that the Sangat should not suffer on this account. On the request of the Jatha the Jathedar of Sri Akal Takht has decided to enjoin on all Sikhs the duty of refraining from accompanying the Jatha on its march. All Sangats of villages by which the Jatha passes should content themselves with bidding farewell to the Jatha, just outside their villages, and should not march on with the Jatha, so that the Jatha may reach its sacred destination attended by no body except doctors, press reporters and such other indispensable helpers. The cause is so sacred that Sikhs should learn to control even the legitimate aspirations of their hearts so that the irresponsible and callous Nabha authorities finding themselves thwarted may not invent any story they like to justify their doing.

The Committee also sent two representatives to Poona to see and explain to Mahatma Gandhi the situation.

The Second Shahidi Jatha

On February 28th the 2nd Jatha marched from Amritsar. A very large crowd of Sikhs assembled in front of the Akal Takht to watch its departure. Like the first, it was composed of 500 Akalis dressed in yellow shirts, black turbans and kirpans, with small pouches for provisions on the way. The ceremony before the Takht was much delayed as great precaution was taken that non-violence was strictly imposed. The Jatha took a course different from the previous one and reached Jaito on the 14th March.

At Jaito Pandit Malaviya, Sardar Kartar Singh and Gulab Singh, and Messrs. D. P. Sinha, K. S. Bhatt, Rangaswami Iyengar and Vedamurthi had arrived previously with the permission of the authorities.

Immediately on arrival they, along with some Punjab M. L. C.'s, Messrs. Jawahar Singh, Maqbool Mahmud and Duli Chand, had a long conversation with the Administrator. Pandit Malaviya and party also visited the Gurdwara Gangsar and agreed that the hall of the Gurdwara could accommodate 400 people and the court-yard, into which the doors of the hall opened, was spacious enough to accommodate 1,000 people. Pandit Malaviya and party were of the opinion, of which they apprised the Administrator, that at one time only one Akhand Path could take place with due propriety but that if it was desired to hold simultaneous Paths 3 could be held without impropriety. In this way it would take 10 months if one Path were performed after the other, while 3 at a time would occupy about 3½ months for 101 Akhand Paths which the Shahidi Jatha were pledged to complete. The Administrator said that the duty he owed to the subjects of the State made it impossible for him to allow an invasion of the State territory by outside people for a period of ten months or even for that of 3 months. He said that the only basis on which a compromise could be considered or negotiations opened was a precedent guarantee from the S. G. P. C. that the Akhand Paths would be finished in a very short definite period, say seven days. Mr. Johnston proposed for this purpose the holding of 101, or at least 50 Paths simultaneously. As a result of the discussion

he was willing to admit the Jatha into the Gurdwara but only on the condition that Pt. Malaviya would give the required guarantee on behalf of the S. G. P. C. This the Pandit was not in a position to do. The latter emphasised that the only possible basis of solution could be the unconditional admission of the Jatha into the Gurdwara, since they were pledged to start the Akhand Path, and then to carry on negotiations with the S. G. P. C. He hoped that in view of the establishment of the principle of religious liberty by the unconditional admission of the Jatha, the S.G. P. C. would be persuaded to instruct the Jatha so as to finish the 101 Paths within a short time, although he was not prepared to admit that any time-limit can be legitimately placed on a fellow's worship, which he is entitled to carry on uninterruptedly even for the whole of his life. Mr. Johnston's main objection, however, was time.

Pandit Malaviya and party met the Jatha, which was preceded all along by about 100 fully-equipped mounted troops and about 80 infantry men. The 500 faces beamed with the happiness of expected martyrdom; all unarmed, except for the Kirpans, and there was not one spectator accompanying them except two press reporters and their red-cross brigade. Pandit Malaviya and Sirdars Kartar Singh and Gulab Singh talked to some of the Jatha and were told that they were pledged to begin the Akhand Path that day and had no desire to hold simultaneous Akhand Paths. They were, however, always prepared to obey the orders of the Akal Takht.

The Pandit's party came back and again discussed the situation with Mr. Johnston but he was not prepared to enter into any negotiations unless the requisite guarantee were forthcoming. Thereupon Pt. Malaviya and others wrote out a letter to the Administrator embodying their view of the situation and presented it to the Administrator who however said that he was not prepared to take it at that time.

THE ARREST.

Negotiations failing, the Administrator then proceeded to arrest the Jatha. The fields on both sides of the Kacheha path presented the sight of a veritable field of battle with observation posts, flash signal stations, small squadrons of troops lying behind bushes, cavalry people riding restlessly hither and thither across the cultivated fields, and couriers coursing along the path with "important" messages about the movements of the Jatha.

An hour or so later the Jatha was sighted, and the danda police, military men, and the cavalry were stationed at the bifurcation of the roads to meet it. The Jatha arrived at 3-10 p. m. On Mr. Johnston calling a halt, they halted and were immediately surrounded on all sides by the police. Mr. Johnston then spoke to some of the Jatha men and offered to allow them all to start the Akhand Path in Gurdwara Gangsar provided they promised to come out of the Gurdwara after the first Path had finished and await the result of the negotiations with the Akal Takht (which he was told by the Jatha men was the proper authority and not the S. G. P. C.). This the Jatha men resolutely refused to agree to. For them to leave the Gurdwara without completing the 101 Paths was as sacrilegious as to break the continuity of one Akhand Path. They also definitely refused to bide time voluntarily till some settlement was arrived at. They said that they had taken a vow to commence the Path that day or die

in the attempt. They were prepared for bullets, beating, and in fact anything.

All this parleying took about two hours after which time the Jatha having resolutely refused to accept any compromise they were placed under arrest and were led, happily without the use of any force, to a pen inside the Fort. They also insisted upon taking the Sowara Sahib with them and were permitted to do so. A shamiana and a Takht were provided for Guru Granth Sahib inside the pen.

THE THIRD SHAHIDI JATHA.

This was followed by a third Jatha which marched from Amritsar on the 22nd March and reached Jaito on April 14th. A fourth followed on the 27th and a fifth was made ready to start on the following Baisakhi days. On the 22nd March many outsiders came to witness the scene. Among those present to extend cordial good wishes were Lala Lajpat Rai, Dr. Kitchlow, Mr. Phookun of Assam, Dewan Daulat Rai C. I. E. of Rawalpindi, Mr. D. Chaman Lal M. L. A., Mr. Deep Narayan Singh of Patna and Mr. K. L. Panikkar. The Jatha collected in the Golden Temple below the Akal Takht at about 12 noon. The whole place was crowded with pilgrims from all parts of the Punjab. Overflowing the premises of the Temple the crowd which was estimated at more than 50,000 had spread into the streets and open spaces surrounding the Darbar Sahib. Women and Children of all ages came to see the martyrs go off and the neck of each was heavy with garlands with which his wife, children and other relations had wished him god-speed.

After the preliminary speeches in which the situation was carefully explained, the Jathedar of Akal Takht read out the "Hookamnama" to the Shahidi Jatha. In it the Jatha was called upon to go and resume the Akhand Path of Guru Granth Sahib at the Sri Gangsar shrine at Jaito. They were asked to observe non-violence in thought, deed and action and every one of them was asked to take a solemn vow for that purpose before the Takht. Amidst resounding shouts of 'Sat Sri Akal' the whole Jatha to a man vowed to do this. Then the Jathedar, a noble-looking old man and an ex-soldier, was asked to come forward and he was given a Kirpan which had been specially blessed. Then his second and third in command also underwent the same ceremony.

The procession started from the Golden Temple at about half past two. The enthusiasm among the people was indescribable. The streets were covered with flowers, and flowers were showered from every house-top. The Jatha carried the Granth Sahib in the middle and followed by a crowd of over 10,000 people passed along the narrow lanes of the city. The whole population demonstrated its strong sympathy with the Akali cause by crowding all the house-tops and throwing more flowers and 'attar'. When the Jatha reached the city-gates it was past six. Separate kitchen, a special ambulance corps under the charge of a qualified doctor and provisions for the way accompanied them. It was just like a regiment marching to war, with flags and bands but only with 10 arms. The Jatha took a circuitous route and marched in slow stages reaching Jaito in about two week's time.

The Official Report

The following is the report issued on the 8th. March by Mr. Balwant Singh of the Punjab Civil Service, Magistrate, First Class, who was deputed to enquire into the incidents that took place at Jaito on the 21st February, 1924.

Under the orders of the Local Government, I have held an enquiry into the unfortunate incident that took place on the 21st February, 1923 at Jaito in the Nabha State in connection with the arrival of the Shahidi Jatha of 500 men, with the announced object of resuming the alleged interrupted Akhand Path in Gurdwar Gangrar. I have examined so many as 56 witnesses, including the Administrator of the Nabha State, Mr. J. Wilson Johnston, the President and two members of the Faridkote Council of Regency, the Military Officers in charge of the operations that day, Lt. Col. J. C. Coldstream, D. C. Ferozepore, Lt. Col. E. G. Gregson, Superintendent of Police, Ferozepore, several Baisas and villagers of the Nabha State, and some Akali members of the Shahidi Jatha.

THE SHAHIDI JATHA

Before going into the evidence given by the witnesses, it may be explained here that a batch of about 25 Akalis is being daily arrested by the Nabha State authorities at Jaito on their way to the Gurdwara to resume the Akhand Path. They are usually non-violent in their character, but the declared object of the Shahidi Jatha, as the name implies, was a different one. It was to enter the Gurdwara, and to resume the Akhand Path at all costs, and not to sheepishly surrender themselves like other Akalis to the usual arrests only on their way to the Gurdwara, and even if they are once turned out, they would again and again come. In the attempt, they would even go to the extent of losing their lives. So, the object of the Jatha was unusually strong, and a different one at least. It is obvious enough that a marked distinction did really exist. From the evidence recorded, it seems that the announcement of the formation of such a Jatha was indeed a great news for the Akali public, and for the Nabha people it was an opportunity for daring ones to come to the forefront, get themselves enlisted in the ranks of the Jatha, and do something practically. It was also a welcome one for the Extremist section of the Congress, as is shown by the presence of Professor Gidwani and Dr. Kitchlew with the Jatha.

VISITED BY LARGE CROWDS

So, the arrival of such Jatha naturally attracted large crowds at every waiting place all along their way. Some of them brought sweets and refreshments for them; others came as mere spectators, paid their 'darshan' to the Jatha, and went away, but many more accompanied them, encouraged them, and openly declared their intention of using force against those who happen to intercept the onward march of the Shahidi Jatha, and a member of the Shahidi Jatha, Jagat Singh, relates the incident of an offer of a subsidy of 500 men to the Jatha.

THE DROLI JATHA

There is evidence to show that at Hari Ke Patan, the Droli Jatha visited the Shahidi Jatha, but they were told to go away, and they replied that they would go away then, but would join the Shahidi Jatha either at Lande or Bargari. It appears that at Lande a large number of the Droli Jatha arrived, including many who visited at Hari Ke Patan in a DEWAN held there. In the evening, a member of the Droli Jatha is said to have visited the Shahidi Jatha saying that he had brought 500 men for their safety, but the Shahidi Jatha must arrange for their food in their Langar, which was separate from that which was provided for the ordinary people coming to see the Jatha, and which had, until then, been exclusively used by the members of the Shahidi Jatha. Accordingly, the Shahidi Jatha fed them in their Langar. Further, there is also evidence that on their way from Bargari to Jaito, the Chief Jathedar halted the Jatha and addressed the Droli Jatha that the time for their work had come. There is evidence to show that the Shahidi Jatha, instead of proceeding to Samalgar, according to their published programme, went to Lance village in Moga Taluk, to which the principal members of the Droli Jatha belong, apparently with the object of obtaining help of all sorts from the members of the Droli Jatha.

"ARMED WITH REVOLVERS"

Lt. Col. Coldstream, Deputy Commissioner, Ferozepore, states that he received reports from the Tahsildar of Moga, after the Jatha had left its last camp in

Faridkot District, that the Droll men had left with the Shabidi Jatha, and some of them were armed with revolvers. In spite of the statement that they were mixed up with the crowd that it was hard to distinguish them, there is overwhelming evidence to show that they were really the leaders of the most noisy, yelling and disorderly majority of the mob following the Jatha. Ultimately, at Bargari in Faridkot territory, the last halting place of the Jatha, the number of the mob swelled up to between 8 to 10,000. There is evidence to show that at Bargari, a large number of the men belonging to the Nabha State waited upon the Shabidi Jatha to reason with them, and to dissuade them from coming in such large numbers, and in that military formation. A member of the Faridkot Council and other witnesses state that the mob, after they had left Bargari, armed themselves with TAMRAS (cudgels) freshly lopped off from trees on their side.

PREPARATIONS AT NABHA

The Nabha State officials were making preparations for the reception of the Jatha. Their arrangements, as is stated by Mr. J. Wilson Johnston, were all for the convenient handling of these 500 men and their Sawdars, which were expected to be not more than 200 to 300, by splitting them into small parties by the use of barbed wires and barriers in order to facilitate their arrest. Even in spite of the various reports which the Administrator received from time to time that a mob of Akalis were flocking round the Jatha in large numbers, he seems to have never thought that all this mass of uncontrolled individuals would really accompany the Shabidi Jatha. A deputation of villagers of Ilaka Nabha as above mentioned, requested the Shabidi Jatha to send away these big crowds, and specially the irresponsible Drolls whom they feared most, and also that they were welcome to enter the Gurdwara in batches of 50 at a time, but all this was to no purpose. There is evidence to show that the members of the Deputation were not only ridiculed, but were treated with considerable rudeness by the mob.

THE ADVANCE ON NABHA

On the morning of the 21st, a mob of about ten thousand Akalis, ranging on a front half a mile in length, started from Bargari. It may be noted that the mob was met by the State officials at the canal distributory within the Nabha Territory and a notice was read out to them asking them not to proceed in such large numbers, but that they should come accordingly to the proclamation issued, that is, 50 at a time, on the condition that they would leave the Nabha Territory after the Akhaad Path had been finished, but they refused to listen to them, and moved on. It may also be pointed out here that up to Bargari, the Granth Sahib (Sikh Scripture) was in front of the procession, but from Bargari onwards, it was removed to the centre, and the band, which had accompanied them, was dismissed. There is evidence to show that this arrangement was deliberately made to protect a sacrifice in case of conflict, and the Droll Jatha took up the position on their flanks. As the Administrator never imagined that he would ever be in need of using troops in arresting the Jatha, he had only some villagers, the Police, and some men of the State Infantry with him. With the exception of 20 police men, who were armed with smooth-bored guns, all the rest had daudas. It was a little time before the Jatha came in sight that one of the Sikhs and Mr. Lzat Rai, a member of the Faridkot Council, warned him of the seriousness of the situation. He ordered a platoon of the State Infantry to go and change their lathis for rifles. Col. Muirhead meanwhile arrived.

MILITARY SUMMONED

The clouds of dust and the consequent enormity of the numbers of the mob coming in advance of the Jatha thus greatly excited in mood the disorderly way in which they were advancing and the brandishing of all sorts of weapons with which they were armed made the Administrator change his former arrangements, and he issued orders to the villagers to withdraw from the scene. Realising the seriousness of the situation, Col. Muirhead also called in a squadron of Skinners Horse and stationed them on the left of the road from Bargari to Jaito to command a more central position, while the six Platoons of the Gurkhas were called closer in reserve. The Shabidi Jatha was, at this time, totally screened and hemmed in by this disorderly rabble, who seemed to be prepared for an onslaught.

ADMINISTRATOR'S WARNING

The Akali mob was at a distance of about 200 yards from the first barrier when Mr. J. Wilson Johnston, along with some other State officials, advanced to

meet them, and with outstretched arms shouted at the top of his voice asking them to halt and to disperse, and repeatedly warned them of his being obliged to open fire in case they refused to do so. But they did not listen to him, and defied him by making a wild display of their various weapons, and told him that they had come there to die, so much so that he had to run back to the barriers. The mob followed him recklessly, and seems to have absolutely forgotten the sanctity of the proposed non-violent object of the Shahidi Jatha.

THREE ROUNDS OF FIRING

The leading men of the mob were at a distance of eight to ten paces from Mr. J. Wilson Johnston when he issued orders to the Police to fire three rounds. He controlled fire now in order to judge whether this firing was justified or not.

MOB'S VIOLENT INTENTIONS

We must reiterate some of the events already mentioned. The Jatha, as usual, started on the instructions of the Shri Gurdwara Prabandak Committee, and had sworn to remain non-violent under the circumstances of the gravest provocation, but their amalgamation with the violent Jatha, that is the Droll Jatha, etc., and the huge crowds armed with all sorts of weapons which they could catch hold of was certainly a breach of the precept. The lopping off of TAMBAR from trees on the way is a proof of the mob's preparation to use force in case an attempt was made to stop them. Had the Jathadar of the Shahidi Jatha tried in earnest to send off the gathering crowd, he could do so by vigorously appealing to the mob and by expounding the sanctity of their mission.

NON-VIOLENCE—A SUBTERFUGE

The way in which the Shahidi Jatha men encouraged the Droll Jatha and others to accompany them, accepted all offers of sweets from them, had a common Langer at Tarntaran and Bargari, did not check them from lopping off cudgels from trees on the way, allowed them to make all sorts of noises round the Granth Sahib and changed their way from Smabar to Lande, is sufficiently incriminating; but, on the other hand, the repeated requests of the Shahidi Jathadar in asking them to allow his Jatha to proceed unattended to Jaito, and also his statements that they had taken the solemn vow of remaining non-violent, both in words and in action, makes one believe that this was merely a subterfuge, especially in view of his action I have noted above, of calling on the Droll Jatha to do their part when the mob was nearing Jaito. Thus, it is obvious that the mob, as a matter of fact, accompanied the Jatha with its connivance, if not with its express consent, and so the members of the Shahidi Jatha, by their unpardonable conduct, put the Nabha authorities in such an awkward position that they could not have saved the situation without firing on the mob.

THE BEHAVIOR OF THE MOB.

As already shown, they ridiculed and rudely treated the Panchayat, and kept on advancing towards Jaito. They did not care for anything and went on with all their characteristic rowdiness. They defied the Administrator and the State Officials, and even threatened him by closely following him at his heels, and wielded their weapons in a way which clearly showed their intention of breaking through the barriers and making short work of all that fell in their way. The mob seemed to be determined in the course they had adopted. As is shown by their subsequent conduct, they went on even when they were warned that they will be fired upon.

FIRING AN ABSOLUTE NECESSITY

The Administrator, after doing all that he could really do to peacefully ward off the danger to the Gurdwara, the village, and the villagers of Jaito, became helpless. The situation in which he was thus placed was simply hopeless, and the only solution to the impending danger was to disperse them by the use of force. The efforts of the officers of the Ferozepore District at Talwandi Bhai to bring them to reason, of the Faridkot authorities in forbidding their subjects to join them, the waiting of the Panchayats upon them, the offer of the authorities that they could come to the Gurdwara in batches of 50 at a time, and finally, the loud warnings of the Administrator, Mr. J. Wilson Johnston, are all sufficient proofs of the cool-headed way in which they were handled, but they seemed to be bent upon what they did, and so it was, I believe, an absolute necessity that the Administrator opened fire, and that none too soon. Even after this short burst of fire, the mob showed no signs of retiring. They swerved on to their right, and made a dash-

towards the Tibbi Sahab. The situation being grave and critical once more, Mr. J. Whelan Johnston had to order the State Platoon to fire three rounds of control-fire again, which was accordingly done.

FIRING BY AKALIS.

There is evidence to show that fire-arms were also being used on the Akali side. One Imamuddin, a resident of Dubri Khana, a village in the Nabha State, received a shot under his left thigh. One bullet passed through the turban of Housie Sawn Singh (No. 13). Another pierced through a door of a cattle-shed belonging to a resident of Jaito, and several others whizzed past by various British Officers and Sardar Bahadur Sundar Singh, President of the Faridkot Council etc. The Akali Shahidi witnesses also tell us about the use of a D. R. gun by one Jagat Sing of the Drolli Jatha. Imamuddin, Hazara Singh, Sardar Bahadur, and Sardar Inder Singh, the witnesses above referred to, were behind the firing party. So, it is highly improbable for these shots to have come from any other side than the Akalis. There is no denying the fact that the jatha was accompanied by a large mob under the leadership of the Drolli Jatha, whose ring-leaders were Sucha Singh and Dulla Singh, Badmaahes. But the evidence given before me, that the number of guns with the Akalis ranged from 5 to 10, or 12, does not seem to be convincing. For the purpose of this enquiry, however, I think it is not necessary for me to determine the exact number of the guns the Akalis possessed or used. All that I have got to determine is whether they did use any fire-arms. Giving thoughtful consideration to this, I am of opinion that they had a few guns and they used them aright at the time. To the question who began the firing, I consider that whichever party began the firing does not matter, in as much as there is overwhelming evidence to show that the mob was prepared to achieve its end by all possible means, and were so constituted that a prudent man under the circumstances had no option but to open fire to repel their menacing advance in military formation.

AN ABSOLUTELY VIOLENT MOB

Now, when the Akali mob became absolutely violent, as is shown by their conduct in openly exchanging shots with the State Forces, the authorities were free to deal with them in the way that most befitted their conduct. Had they dispersed and resorted to their usual peaceful way, the authorities, who, as has been shown above, were ill-prepared for an onslaught, would have certainly stopped firing, but the unfortunate mob made a battle of the whole show. They shouted on to their right in full force in order to capture the Gurudwara Tibbi Sahab by a general assault. The Administrator, once more observing the frantic rush of the mob to the left, ordered another three rounds of controlled fire. In the meantime, Major Bell-Kingsley, finding that a mass of Akalis was trying to reach the Tibbi Sahab from the side where he had taken up his position with a platoon of the 1st-4th Gurkhas, fired upon them. He states that his men were also exposed to a great danger, and some of the bullets from the Akali side actually fell at a distance of a few paces from him.

A DESPERATE CHARGE

After this, the mob faltered for a few moments but when they had once gone out of control, there was no receding back. They swept on furiously under the leadership of Sucha Singh, mounted on a white pony, with a drawn sword in his hand, and issuing orders in English. This was the most desperate charge which they made, but Major Lorrimer and his ten dismounted Sowars completely dispersed them. After two short bursts of fire, the Akalis broke up finally, and had to be pursued for a distance by Col. Muirhead to stop their rejoining the party that had reached the Tibbi Sahab. No violence was used in their final dispersal by the Sowars, and it was simply done to stimulate the flying Akalis into further efforts to vanish.

USE OF LESSER FORCE

The suggestion that it would have been much better had the authorities used some other force, say the use of lathis instead of firing, is suggesting something, which in my opinion, could not meet the exigencies of the time. The mob was, as has been already said, armed with all sorts of weapons, including fire-arms. How was it possible to stop them by the use of a corresponding and rather unsuitable one of a force like that of the lathis? It would have been still worse, and still

more impossible to disperse them in this way. From the evidence before me, I gather that 14 Akalis were found shot dead and 34 wounded on the evening of the 21st, out of whom 5 died next day, the total number of casualties thus coming up to 19, and 29 wounded in all. 3 wounded were brought in from Ferozepur by the Police on the 3rd day. Keeping in view the comparatively small number of casualties out of such a huge crowd, I believe that the force used was the minimum, and the firing was considerate. This view is strengthened by the fact that the party in charge of the Granth Sahab was deliberately left to proceed unharmed to the Tibbi Sahab. Had the State forces directed their guns to the palanquin containing the Granth Sahab, I think it highly improbable that it could have reached the Tibbi Sahab unmolested. This undoubtedly shows that the State officials had no intention to fire upon the Shahidi Jatha, if they did not resort to any violence. The Shahidi Jatha lost a few of its members only on account of its being thoroughly hemmed in and screened by the stampeding mob, who were trying to capture the Gurdwara by a general assault.

TREATMENT OF WOUNDED

The evidence of all the witnesses, from the Administrator downwards, including the Akali Jatha men, and the medical attendants on both sides shows that after the firing had ceased, all the wounded were all conveyed to the camp after first aid had been rendered to them. The statement of Sub-Assistant Surgeon Kebar Singh, who had accompanied the Jatha, throws sufficient light upon the good treatment the wounded were meted by the authorities. He also tells us that he was provided with all the necessary dressing materials by the State authorities, and that he was in no way deterred from rendering medical aid to his men, nor he or any of their medical staff was beaten or ill-treated.

ARREST OF SHAHIDI JATHA

The authorities then arrested the Shahidi Jatha on the skirts of the mound on which the Tibbi Sahab stands, but they did not touch those who were in immediate charge of the palanquin of the Sowari Sahab, and requested the party to convey the Granth Sahab either to the village Dharamsala or to the Gurdwara to save it from the disgrace of its being placed on unclean ground. The party refused all terms, but they voluntarily withdrew at about 10 P.M. when some of the selected Sikhs of the State took the Granth Sahab to the village Dharamsala with due respect and ceremony.

CONCLUSION

To sum up, it is abundantly clear that the mob and the Shahidi Jatha defied all the efforts on the part of the people and the authorities of the Nabha State to reason with them, and chose an unreasonable course; that the mob was in an excited mood, and armed with all sorts of weapons, including fire-arms, and prepared to see through the game; and that they all knew what the game was, and even went to the extent of insulting and assaulting the Administrator, and after brandishing the weapons, they actually used the fire-arms. It was but natural, and the only course left to the Administrator was to order firing, which was done not too soon. The small number of the casualties in such a big mob shows that the firing was controlled, and did not exceed the exigencies of the moment. The wounded were attended to at once, and but for the complicity of the Droid Jatha the unfortunate events could not have happened.

The Non-official Sikh Report

Soon after the official report was published the Shiromani Gurdwara Prabandhak Committee issued their own report on the Jaito massacre, tracing the recent events that led up to the formation of the Shabidi Jathe. This report says:—

After the Guru-ka-Bagh affair the atmosphere was cooling down and there was a good prospect of peace between the Government and Sikhs. But the Government again plunged the Sikh Community into a turmoil of agitation by deposing the Maharaja of Nabha in July 1923 on account of his sympathy with the Gurdwara movement.

The Government began to suppress all expressions of sympathy even by the subjects of the exiled Maharaja. When arrests were made in a diwan held at Jaito in the Nabha State, the Sikhs assembled sat down to do nothing else but to recite Holy Granth night and day and pray for the Maharaja. But this also they were not allowed to do. The place of meeting and the Gurdwara were both blockaded and no food or water was allowed to go in. The Sikhs began to starve and as they were obliged to ease themselves close to where they sat, insanitary conditions began to prevail and many fell sick. In this condition when the Akhand Path, or the continuous reading of the Holy Granth, became impossible outside the Gurdwara, they asked the Sikhs in the Gurdwara so start the Akhand Path inside and they themselves contended themselves with the ordinary reading of the Holy Granth. This was on the 14th September 1923. The officials who were determined not to allow even holy reading and praying for the Maharaja came with a military force and arrested the whole congregation assembled round the Holy Granth outside the Gurdwara. Then the armed soldiers in uniform were taken into the Gurdwara itself, where the Sikhs sat listening to the Akhand Path. The whole congregation, including the reciters and the attendants, was arrested and what was an unprecedented sacrilege, the Granthi actually reciting at the moment was caught hold of by his arms and dragged away and arrested. This interference with the sacred reading was a grave desecration according to Sikh religion.

The news of this desecration spread like wild fire, and the very next morning a party of Sikhs gathered from the neighbourhood to go and restart the Akhand Path. The prohibition against freely visiting the Gurdwara had been enforced, according to official admission, from 31st August, 1923, but from 14th September, the day of the desecration, it was made absolutely rigid. Sikh pilgrims from all quarters began to pour in to assert their religious right of freely visiting the Gurdwara and performing the Akhand Path and other acts of worship.

From 15th September 1923, Akali Jathas of 25 each have daily marched on foot to Jaito, after taking a pledge of non-violence in thought and deed before Sri Akali Takhat at Amritsar. The aim of these Jathas is: (a) to resume the interrupted Akhand Path at the Gangsar temple (b) to suffer all hardships and tortures inflicted on them by the proud officials in a meek and humble spirit for the sake of establishing the Sikh birth-right of free congregation and free worship in all Sikh temples. But the callous authorities arrested and removed these Jathas to distant places where they were set free. Once free, the heroic Jathas travelled back to Mukatsar to court arrest a second time. The Sikhs have been prevented from visiting and praying at the Gurdwara of Gangsar for the last five months and about 5,000 Sikhs have suffered untold hardships at the hands of the authorities for removing this unreasonable ban on their religious freedom. The hunger of the Sikh heart for sacrifice in the cause of religion has become proverbial.

When all the sacrifices failed to move the callous officials, it was decided that a congregation of 500 Sikhs remaining perfectly non-violent should walk to Jaito to visit Gangsar and resume Akhand Path. Only those Sikhs were allowed to join this Jatha who could be relied on to remain perfectly non-violent under all circumstances. The Jatha was fairly representative. Men were drawn from all districts and professions including a number of mock Sadhus.

THE VOW OF NON-VIOLENCE

On the Basant anniversary on 9th February 1924 the Shahidi Jatha, or the "Band of Martyrs" who had resolved to lay down their lives in the cause of religious freedom, took a solemn pledge of restarting the interrupted Akhand Path at Gangsar, before the sacred throne of Sri Akal-Takhat. The Jathedar or the religious superior of Akal-Takhat exhorted them to remain perfectly non-violent in thought and deed: "Dear Kalgidhar Satguru our Father! We thy children lay down our lives for Thee. The honour and prestige of the Panth lies in Thy hands. Brave and saintly souls! You will be beaten mercilessly with sticks. You will be shot dead with bullets. You will be thrown into dark and solitary cells. Your steadfastness will be tried by the most violent and inhuman physical and mental tortures. Keep yourselves perfectly non-violent. Your sole aim is to pay homage to the Gurdwara of Gangsar and resume the recitation of Akhand Path. From the moment of your departure from Akal Takhat and on the way, feed your body, mind and soul on the life-giving words of the Guru and do not harbour ill against any person in thought, word, and deed." (See the declaration of orders to the Shahidi Jatha by the Jathedar, Akal Takhat on 9th February 1924).

The Jatha left for Jaito on foot on 9th February amid the loving adieux of the Sikh Sangat of Amritsar. It met with tremendous enthusiasm where-ever it went. Morning and evening Dewans were arranged at all halting stations and the attendance at these Dewans sometimes rose to 25 or 30 thousand, while an eager concourse of Sikhs always marched along with the Jatha. Sikhs came from long distances to have the darshan of the Martyrs and went away deeply impressed with their noble spirit of love and sacrifice. Many made up their minds to witness the resumption of the Akhand Path at Jaito.

The Jatha halted at Bargari in the Faridkot territory on the evening of 20th February. At the conclusion of the morning Dewan of 21st, the Jatha and Sangat took their meals at Bargari and left for Jaito at about 12 noon. Jaito is six miles from Bargari. Sowars had been stationed at short intervals all along the way, and through them the Faridkot State officials frequently sent reports of the movements of the Jatha to the Administrator of Nabha State. The cavalry and a big party of village men and Chachhi Police armed with heavy lathis had taken their first position near the boundary line of the Faridkote and Nabha States, but when they heard that the Jatha was accompanied by a large congregation they dropped the idea of stopping the Jatha at that place, and withdrew. Before the Jatha reached the boundary line, the State officials had stopped the motor in which Dr. Kitchlew, Principal Gidwani and Mr. Z. mand, the representative of the "New York Times," were travelling to Jaito and showed them the order restricting admission into Gurdwara to bands of 50. On remonstrance the officials sent a messenger to the Administrator for further orders. By this time the Jatha and the Sangat arrived on the Nabha boundary and the State officials informed them that they could allow a batch of 50 men to proceed to Gurdwara Gangsar, on the understanding that they would quit the Nabha territory as soon as they

shed their Path, and that another batch of 50 would be admitted after the first batch had cleared out. But who has given the Administrator of Nabha the right to restrict the number of worshippers at a Sikh Temple to 50? Why should 50 be allowed and not 500, or why should the Sikhs be prevented from sitting in their temple in religious worship as long as they like? Why should the Administrator of Nabha arrogate to himself the position of a religious dictator of the Sikhs? The Jatha took this as an unreasonable and unauthorised limitation on their religious liberty and refused to bargain for the God-given right of entering a Sikh temple for worship.

MARCH TO JAITO.

The Jatha and the Sangat now approached the city of Jaito. The State authorities had very cunningly narrowed the passage leading to the Gangsara Gurdwara and the fort by barbed wire barrier on one side and a long row of about two hundred chained bullock carts filled with thorny bushes and masses of barbed wire on the other side. Near the end of this passage, in the immediate vicinity of the Guardwara of Gangsara, and behind some buildings, they had erected a special barbed wire enclosure to serve as a trap for the Shahidi Jatha. The authorities could easily separate the Jatha from the Sangat by allowing the Jatha to pass through the narrow passage and preventing the Sangat from following. The Jatha could then be driven into the barbed wire enclosure, (which by its peculiar position is concealed from the public gaze) and be beaten or arrested in the privacy of this trap. On the top of the bullock-carts and behind them men from villages armed with heavy sticks, were stationed in a triple row to prevent the Jatha from breaking through the line. The State officials had recruited a large number of these men from the surrounding villages—one from each family, on the threat of confiscating the property and turning out any family which did not send its representative, or whose representative did not beat the Akalis severely. The men were drunk and had been prepared for their brutal work. Amongst them were a number of Mobammaden Policemen from Jhelum and Attock Districts, who had to their credit a brilliant record of similar services rendered in connection with the Guru-ka-Bagh affair.

But from the sandy mound where the telephone pole was erected the Jatha and the Sangat moved to the right in the direction of Gurdwara Tibbi Sahib which was about four furlongs away. Half of the Jatha was in the front in rows of four, Guru Granth in the middle and the other half bringing up the rear. The Sikh Sangat walked on both flanks, keeping well behind the palanquin of Guru Granth out of reverence. The official statement that 'the Jatha advanced screened by a body of 6,000 Akalis armed with chhavis, spears and fire arms, and moved on a broad front' is absolutely false. A platoon of Nabha infantry had dug trenches and taken up its position on and near the sacred eminence of Tibbi. Beyond Tibbi Sahib there was the camp of the Faridkot Sappers and Miners with the camp of Col. Minchin in the middle, and in front of this camp were stationed two detachments of cavalry. Lewis Guns were fixed at various places.

ORDER TO DISPERSE

The Administrator with some officials accosted the Jatha and asked them to disperse. He declared that he would order firing in case they did not comply. The Jatha had taken the pledge of visiting their sacred temple, and recognised no temporal authority in matters of religion.

As the Jatha advanced in the direction of Tibbi Sahib, they were followed by a big sangat among whom were many ladies who were distributing food and drink to the sangat. The Sikhs were in a very calm and devotional

method. They had no chhavis, spears or fire arms. There was no firing from the Sikhs, but as is usual in processions some crackers were occasionally let off. The allegations "that the Administrator was hotly pursued by some Akalis, who fired bullets on him, and that a nameless Nabha Villager received a wound from a gun fired by the Akalis, and that the Akalis increased their fire and delivered a determined attack led by a mounted Akali" are absolutely groundless. These mendacious statements attempt to give the dog a bad name in order to hang it, and are meant for home consumption in England, and are also designed to capture the easy credulity of those "peaceful" and "law-abiding" people whose submissive support is a valuable asset and consolation in times of trouble. It is not strange that with all the Chhavis, lathis, fire arms and spears which the Akalis are said to have carried, with their hot pursuit of the Administrator of Nabha, and with their increased fire and a determined attack led by a mounted Akali there has been no casualty on the official side except one by a solitary bullet which is said to have caused a wound to a nameless Nabha villager. The result of the so-called "determined attack," and "increased firing" becomes all the more ridiculous when we remember that many of the Sikhs who were fired upon were retired soldiers and military officers.

But the Jatha had taken a pledge of non-violence before their holiest shrine. The non-violence of Sikh Jathas has been repeatedly tried by many ingenious troubles in Guru-ka-Bagh and other places. The Sikhs have shown wonderful forbearance and restraint under conditions most trying and provoking and not a single Sikh has ever betrayed the cause of his community by showing the slightest tendency towards violence.

From the preparations made, it is quite clear that the Administrator had made up his mind to beat and shoot down the Sikh Sangat long before the Sikhs entered his territory and he gave his signal by waving a small flag without the slightest provocation or cause of alarm from the Sikhs.

A SCENE OF COURAGE.

Then followed a scene unique in the history of the world for the calm restraint, cool courage, and remarkable capacity for suffering in a righteous cause displayed by Sikh victims of official fury. The big procession of Sikh devotees including women and old men sang hymns of glory, and marched on with uplifted hands towards their temple under a shower of bullets. Many of their comrades dropped dead or seriously wounded. But not a single person wavered. Lifting the dead or the wounded they made straight for the sacred mound of Tibbi Sahib, and came so close to the position taken up by the Nabha infantry, who were firing, that the infantry were compelled to break up. But bullets poured upon them from other directions, and many eye witnesses report that Lewis Guns were also fired. A bullet struck a baby carried in the arms of its mother and the poor thing expired. The Sikh lady stepped aside, put the little thing gently on the ground, rejoined the Jatha, and moved on with the Sangat. Another Sikh had his bowels thrown out by a bullet that struck him in the belly. He was heard muttering thanks with his last breath, "Glory to the Guru, Wahiguru. The great Guru has accepted this impure body of mine for the service of His Faith!" The Sikhs took great care to keep the palanquin of the Holy Granth in the middle. Under the circumstances the authorities could hardly show any tenderness for the sanctity of Guru Granth. The firing ceased after four or five minutes. The Sangat entered the enclosure of Tibbi Sahib

Gurdwara. Many went to the neighbouring fields to bring the dead or the wounded to the Gurdwara. Some ladies began to nurse their wounded brethren. The Sikhs succeeded in removing only a few of their dead or wounded brethren, for they were soon checked by the Military who snatched away the bodies from their hands. Many of the wounded died for lack of attendance and water.

The Sikhs paid their homage at the sacred shrine of Tibbi Sahib with their precious lifeblood, under a shower of bullets which left the neighbouring fields densely littered with the dead or wounded Shabids—martyrs. Once more the sikh spirit soared high above the shackles of political bondage, and the disciples marched to the street of their beloved, carrying the supreme offering of their life on the palms of their hands.

After depositing the dead and the wounded at the Gurdwara the Shahidi Jatha rounded the eminence of Tibbi Sahib and marched in the direction of Gangsar, but their progress was checked by a detachment of cavalry which blocked the way. A squadron of Cavalry rushed on the Sangat congregated about Tibbi Sahib and the sowers chased Sikh parties for miles scattering them in all directions. This relentless hunt of old men, children and women must have resulted in heavy casualties and many must have been trampled under the horse's hoofs. The Shahidi Jatha was next surrounded by the Cavalry, and a strong party of Chhabhi Policemen and country recruits excited by drinks started the beating of Sikhs. Every Sikh was surrounded by a group of 5 or 6 desperadoes who encouraged by the State Officials plied their sticks freely, beating the heroes of the Shahidi Jatha to senselessness, and tying them into tight bundles with strong ropes, huddled them into bullock carts to be transported to the barbed wire enclosure. From the enclosure they were subsequently removed into the Fort.

The Delhi communique assures that great care was taken not to interfere with the Granth Sahib which was deposited with due respect in the Dharamsala. The communique does not enlighten us as to the persons who carried the Holy Granth, to the name of Dharamsala where it was deposited, and the circumstances under which this was done, whether it was done before or after the firing. The fact is that while the Shahidi Jatha was being mercilessly beaten, Mr. Ogilvie asked some members of the Jatha to carry the Holy Granth to some place under his directions, but they refused to carry the Granth Sahib to any other place but Gangsar temple. At this he ordered some of his own men to remove the Granth Sahib to some unknown place.

The few Sikhs who were lingering in the vicinity of Tibbi Sahib and some ladies, 20 or 30 in number, who were tending the wounded, were outrageously beaten and arrested. A lady who was serving the wounded Sikhs was abused by the soldiers and ordered to leave the place. On her refusal, she was rudely pushed down from the mound of Tibbi Sahib to a place 20 feet below. The wounded were left to their fate and many died for lack of water or proper medical aid. The doctors and dressers in charge of the Jatha were arrested. Provisions, beds, and medicines belonging to the Jatha were forcibly seized.

VISITORS TURNED BACK

And in order to be free to give any version that they please, the authorities took great precaution to prevent the transmission of reliable reports to the press. Principal Gidwani, Dr. Kitchlew, Mr. Zimand, a correspondent of the "New York Times", were stopped at the boundary. When they heard bullets being fired, Dr. Kitchlew and Principal Gidwani could no longer remain at a distance. They entered the State territory

and were arrested. Respectable gentlemen, members of the Legislative Assembly, like Raisada Hans Raj, Mr. Shanmukham Chetty, members of the Legislative Council like Sardar Tara Singh Vakil of Mogg, and Jamedar Partap Singh were detained at the Railway Station under a close custody. A photographer was severely lashed by a European Officer who ordered some soldiers to turn him out of the State territory. The photographer reports that the same officer mercilessly whipped a Sikh lady who did not get up from behind a bush at his order.

These precautions clearly prove that the authorities had much to conceal and after providing against all danger of contradiction from reliable persons, they have now issued a statement that the Akalis resorted to violence and had fired shots before the authorities opened fire. This is absolutely false and if a non-official enquiry is conducted many respectable witnesses will be forthcoming to expose this statement.

MEDICAL AID

The State authorities neither allowed the Sikhs to attend and give medical aid to the wounded, nor offered any assistance themselves before full 24 hours after the shooting, with the result that many precious lives were lost for lack of timely help and attendance. The wounded Sikhs thirsted for water which was brought from long distances. The medical party in charge of the Jatha was arrested and medicine and their necessary materials belonging to the Jatha were forcibly seized. In order to give to the beating the appearance of a "civil fracas" between the Sikhs and the State population, men from the villages had been recruited by bribery and threats, and were carefully drilled in the use of iathis and were excited with wine. The Shirkmoni Gurdwara Parbandhak Committee estimates the number of casualties, so far ascertained at more than 300, the number of dead being above 90. The three doctors from Amritsar report that they saw 45 wounded at Jaito, 22 were sent to Ferozepur in their presence. Twenty two dead were cremated near the fort with 8 tins of Kerosine oil. But they say that they were admitted to one of the camps only. Eleven wounded have since reached Amritsar. It was later on reported that the number of the wounded removed to Ferozepur has risen to 38. Out of these, 13 have been sent to the Indian Hospital, Ferozepur Cantt. From the bodies of these 13 Sikhs 16 bullets have been extracted. Of these five are said to be Lewis Gun bullets and the remaining 11 of ordinary military rifles. One of the wounded Sikhs died on the way from Jaito to Ferozepore and another, Bhai Banta Singh, died while he was under operation at Ferozepore. Bhai Sohan Singh of the Shabidi Jatha had received a bullet in his chest and has since died at Ferozepore. The authorities have tried their best to keep the scene of tragedy and in fact the Nabha territory quite inaccessible, and therefore the exact number have not been ascertained so far. The above is a estimate. Out of the total casualties a considerable number belongs to Shabidi Jatha. It is believed by some that a large number of dead bodies has been removed by train and some have been buried. Further reports show that the Government dug deep pits covered with straws and all round the Gurdwara of Tibbi Sahab and many people received serious injuries by falling into these pits. They had also dug a trench near the entrance of Gurdwara Gangsar and had treacherously filled it with water and covered it up with straws and had stationed Machine Guns and soldiers in the Gurdwara itself. More than 700 people are under arrest at Jaito. The members of the Shabidi Jatha in the fort are given blankets in the day but these are taken away in the night. They are being subjected to all sorts of hardships.

WANTED AN IMPARTIAL COMMITTEE OF ENQUIRY

The State authorities have not only violated the sanctity of Gurdwara Gangsar but have also used the sacred mound of Ibbi for military and tactical purposes, have arrested Sikh ladies tending the wounded from within the precincts of the Temple and have thus committed another sacrifice of the darkest character.

The Sikh community is prepared to have the truth sifted by an independent enquiry and challenges the Government of India to substantiate the truth of its allegations, not through the farce of a magisterial enquiry but by a committee of persons on whom the public may rely for truth and impartiality. The moral significance of the Jaito massacre is great because the perpetrator of the tragedy was not an irresponsible Mahant employing badmashes but a civilized power with high professions and well-informed about the objects and methods of its victims. The sacrifice is precious to the Sikh as the suffering Jatha was not caught unawares but from the very beginning of its march knew that the supreme sacrifice might be required of it and knowing this voluntarily and cheerfully went to meet that fate rather than surrender its dear religious right of freely visiting and worshipping in its beloved Guru's Gurdwara.

THE SECOND JATHA

The Second Shahidi Jatha has started for Jaito on 28th February and will probably meet the same fate. Over 40 thousand people assembled to bid farewell to the Jatha. The river of Sikh religious sentiment is in floods and Sikhs from all classes and professions have displayed an eager rivalry for enlistment in the second Shahidi Jatha.

PLEA FOR ENQUIRY

All God-fearing and honest men, Hindus, Muhammadans or Europeans, who can sympathise with men who are sacrificing their lives for an idea, are requested to organise a commission of respectable men of independent positions and members of the Legislatures, for the purpose of searching the members of the Jatha or the Sikh Sangat entering the Nabha State territory and issuing a general certificate for the information of the public and the Government that the Sikhs carry no fire arms, chhavis, spears or lathis. Kirpan being the religious symbol of the Sikhs must be regarded as an exception. These gentlemen should also obtain special permission from the Government of India to be present at the scene of action in order to form an unprejudiced opinion about the conduct of the Sikhs and the State Officials on the occasion of the visit of the Jatha and watch whether the bullets are fired from the imaginary fire-arms carried by the Sikhs or by the State troops and machine guns carefully arranged for the purpose by the State authorities. Falshood can never stand before the searchlight of public enquiry. Questions relating to the massacre of the first Shahidi Jatha at Jaito have been disallowed in the Legislative Assembly and the Legislative Council Punjab, on the plea that no question relating to the administrative policy of Native States can be discussed in these bodies. Is it not a fact that since the forced abdication of the Maharaja, the Nabha State is being ruled by a Civil Service Officer appointed by the Government of India and that the Government of India and the Punjab Government have both issued communiques in support of the action of the Administrator of Nabha and that District Officers in the Punjab are carrying on a propandea in support of the policy of repression at Nabha? When the Government has taken over the administration of the Nabha State and has openly identified itself with

the policy of repression ruthlessly carried on by the Administrator, this punctilious stand behind the letter of the law and refusal to discuss the Jaito affair in the Punjab and in the Indian Legislative Council is highly unfair and unreasonable. Is it because the Government does not like to face the verdict of the chosen representatives of the people?

Dr. Kitchlew's Statement.

The following Statement was issued by Dr. Kitchlew as soon as he came out of the Nabha Jail on the 21st March last.

"On the morning of the 20th Mr. Gidwani, Mr. Zimand and myself started from Faridkot State. On our way our car was stopped in a few villages because Mr. Zimand wanted to see if the villagers were interested in Khadi. In the evening after sunset we reached the Akali camp. We passed the night in tents and then on the morning of the 21st we went to see the village. We saw some Policemen of the Faridkot State and there were also some officers posted near the Akali camp. We walked about a mile and got into the camp to have ourselves absolutely satisfied that the Jatha and the Sangat had no firearms or chhavis, except Kirpans, or any other instruments. After motoring about two miles we stopped again on the way because Mr. Zimand wanted to see the Jatha march along. When the Jatha got near us we got into the car again and drove straight away into the Nabha frontier. On our way we saw crowds of men and women waiting for the Jatha with sweetmeat, milk, etc.

At the Nabha frontier there was a police officer and a magistrate along with him and one or two sowars. The police officer asked us to stop our car which we did and brought us a paper. It was an order from the Administrator addressed to the Jatha. So we told the officers about it and he had to admit there was no order stopping us. At the same time he made a personal request to us to stay till he communicated with the administrator and got definite orders. Merely to oblige him we stopped there.

After about half an hour or so the Jatha came up and passed on to Nabha. They were shown the orders but they did not take any notice of it. Even at this time we did not see any firearms with the men, the Jatha or other people in the crowd. Some of the outsiders carried sticks, some of which were lopped off the trees. Just before the Jatha entered Nabha we saw the Jathedar addressing outsiders who were along with the Jatha. On enquiry we were told that the Jathedar was giving his final instructions to the crowd to keep non-violent and to keep behind, if they wanted to come at all.

After the Jatha passed the Nabha frontier we found that the magistrate, policemen and every one quitted his post and we did not know what to do. After waiting for some time, we sent a joint note to the Administrator telling him that we were staying there on the request made by the officer. We wanted to know if there were any definite orders. We sent that note through a Sowar who was going to Jaito.

The Firing.

After some time we heard the firing. It was certainly more than once. It might have been three times. I am not sure as to how long the firing went on. But it was certainly more than five minutes. After this we thought of entering Nabha territory but the driver of our car was missing. A few minutes afterwards we saw people rushing back and we got some information about what actually happened. Our driver also came back and we got into the car and drove at once to Jaito. Zimand was left behind as he had to catch train at seven to keep an appointment at Peshawar and besides he did not want as a foreigner to get himself entangled.

On our way to Jaito we saw some wounded who had received shots. We also saw some men more or less in a dying condition. Then we got into an open place where there was military stationed and also some police officers. We met one of the medical attendants sent by the S. G. P. C. who was complaining that no arrangements were made to render immediate medical assistance.

At that place the police officer asked us to stop our car and told Mr. Gidwani that he should consider himself under arrest and that his old sentence was renewed. His things were taken down and Mr. Gidwani too got down. As for myself the Administrator would like to see me at the fort but there was no order of arrests at the time. Since I was going to the fort and on enquiry I was told that Gidwani would also have to go to the fort, I asked Mr. Gidwani to be allowed to go with me. This was done and we were taken into the fort which was guarded and sent into the room there. We saw just outside our room in the compound there was some sort of wiring put up in the form of an enclosure and afterwards we saw that the arrested people were brought in there. We also saw some Jatha people being dragged and after regular search being pushed into the enclosure.

Starved in Gaol.

The Administrator came to us long after sunset. He looked very much upset and told us that he had made all possible arrangements for the arrest of the Jatha people but that our presence there had upset all his plans and he had to resort to firing. He used threatening language to Mr. Gidwani and the latter naturally resented it. The Administrator then at once cooled down. About me, the Administrator said that I should consider myself under arrest. He also said that Mr. Zimand had apologised. I asked about the car and my things. We were told that the car had gone back to Amritsar. The Administrator told us that he was going to make arrangements for our food. Food was ordered from the Bazar. We spent the night there. Next morning no food was given to us in spite of our repeatedly asking for it and the whole day we had to go without any food. This was on the 22nd.

On the 23rd morning I also noticed something else. I was just having a walk on the verandah and at one corner of the courtyard I saw a number of bullock carts in which there were dead bodies of the Akalis including Jatha people. The corpses were huddled over one another in the most outrageous manner. I could still see all the blood marks on their bodies. I also saw some wounded being removed.

Gidwani and Kitchlew Handcuffed.

The Administrator came again with two other Englishmen, one was a Military officer, and we were told that we are to be removed from Jaito to Nabha that night. At about nine p. m. we were both handcuffed together. There was a rope tied on to the handcuffs and the policeman behind holding the end of the rope. This Mr. Gidwani remarked was real Hindu-Muslim unity. There were also some other Akali prisoners and we were made to walk up to the Railway station in that condition. We got into the prisoners' van. I had just the clothes I was wearing and a borrowed blanket from Mr. Gidwani. We were handcuffed even in the van.

At Bhatinda junction the Akalis were shouting Jais. Some people on hearing the shouts came to the carriage. They were kept at a respectable distance by the police. But any how we came to know that the people who were coming from the outside were not allowed to enter Nabha territory. At Jaito I tried my best to get more information from the Police officers. I asked them particularly if any one of them had received any wounds. They admitted no.

In Bhatinda Jail.

After Bhatinda our handcuffs were removed and we were able to lie down just after 2 o'clock. In the morning we got down at Nabha. We were again handcuffed and ordered to march to the police lock up. There was no arrangement for cots and other things.

On 23rd morning I was offered Jail food. It was so objectionable and the vessel in which it was brought was so revolting that I refused to accept it. So, on the 23rd we had to go without food. On the 24th I was told I could have my own food. No arrangements were made for my baths and the latrine was unspeakably dirty. I was still wearing the same clothes. I ordered some new clothes. On the 26th I was removed to the Central Jail. In the Central Jail I was locked in a cell meant for solitary prisoners. There was a little court yard 8 paces long and 5 paces broad; in the one corner there was the latrine. The only door was locked and no one was allowed to enter. Only the jailor used to come daily. I was given a cot and a few blankets. I had to buy some plates. No writing materials were allowed. I could get a few religious books. The cell was full of mosquitoes. I could not see Mr. Gidwani at all but I came to know that he was treated strictly as an ordinary prisoner.

The Second Remand.

On the 9th of March the Magistrate came to see me and I was shown a document which contained the sections under which they wanted to take action against me. They were asking for a second remand. When asked as to when the first remand was taken, he smiled. Obviously they had no evidence. I wanted to get a copy which was promised but never came.

My wife came to see me once. She told me that it was after great trouble that she got a chance. On the 21st I was released and was told not to enter Nabha territory again. I was taken to the Railway station but was not allowed to send even a telegram.

The Legislative Assembly—Jan.—March 1924—Summary.

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|----|-----|----|---|
| 21 | Jan | 21 | Assembly opened by the Viceroy. |
| 1 | Feb | 21 | Important interpellations—Bills to amend the Penal Code, the Coinage Act, Income Tax Act, Cotton Cess Act introduced. |
| 4 | Feb | 21 | Amending Acts on Cotton Cess and Penal Code passed. |
| 5 | Feb | 21 | Non-Official resolutions. Mr. Rangachariar's resolution on further Reforms formally moved—Mr. Rayn's on Indian Territorial force passed. |
| 6 | Feb | 21 | Official Bills amending Tariff Act, Merchant Shipping Act, Passport Act and on Central Board of Revenue introduced. |
| 7 | Feb | 21 | Mr. Neogy's resolution on duty on South African Coal passed. |
| 8 | Feb | 21 | The SWABAJYA DEBATE on Mr. Rangachariar's resolution on further reforms—Pt. Motilal Nehru's Amendment. |
| 11 | Feb | 21 | Official Bills to amend J. P. O., Or. P. O. and Tariff Act considered. That on Passport Act defeated. |
| 12 | Feb | 21 | Non-Official resolutions on Railway Passages and Answer to questions in the Assembly adopted. |
| 13 | Feb | 21 | Debate on Constitutional Advance resumed.—Dr. Gour's amendment defeated. |
| 14 | Feb | 21 | Non-official resolutions on Mail Contracts, Purchase of Stores, Greetings to Labour Party adopted. |
| 15 | Feb | 21 | Last day of the debate on Constitutional Advance—Pt. Motilal Nehru's amendment for a Round Table Conference passed by 76 votes to 48. |
| 19 | Feb | 21 | Mr. Kabiraddin Ahmed's resolution on a "Government Pact" and not Hindu-Moslem Pact adjourned 'Sine die'.—Mr. Patel's resolution on recall of Mr. Horniman passed. |
| 20 | Feb | 21 | Supplementary grants.—Debate on. |
| 21 | Feb | 21 | Mr. Rangachariar's bill on use of Fire-arms considered.—Mr. Rama Iyyengar's bill on Indian Registration Act and Dr. Gour's Bill on raising of age of consent and another on Religious Trust introduced. |
| 25 | Feb | 21 | The Jaito massacre adjournment moved by Pt. Malaviya—Official Bills on Sea Customs Act and the Coinage amendment considered. |
| 26 | Feb | 21 | S. Gulab Singh's resol. on Sikh grievances, S. Kartar Singh's resol. on release of S. Bhabak Singh, and Mr. Sadiq Hossain's resol. on release of Haarat Mohani passed. |
| 29 | Feb | 21 | BUDGET PRESENTED. |
| 5 | Mar | 21 | General Discussion on the Budget. |
| 6 | Mar | 21 | General discussion on the Budget continued. |
| 10 | Mar | 21 | REFUSAL OF SUPPLIES —First four major demands on Customs, Salt, Income and Opium refused by the Assembly. |
| 11 | Mar | 21 | Voting on minor Budget demands. |
| 12 | Mar | 21 | Further voting of the Budget—Malaviya moved adjournment on Jaito <small>RESOLUTION.</small> |
| 14 | Mar | 21 | Voting on Budget demands contd. |
| 15 | Mar | 21 | Ditto ditto. |
| 17 | Mar | 21 | THE FINANCE BILL THROWN OUT. |
| 18 | Mar | 21 | Recommended Finance Bill thrown out again. |
| 20 | Mar | 21 | Motion for Repeal of Repressive laws passed against Govt. |
| 25 | Mar | 21 | Private bills introduced—Adjournment motion on the refusal of Passports to Angara Deputation carried. |

Assembly adjourned to 27th May.

Members:—Legislative Assembly 1924

PRESIDENT:—The Honourable Sir Frederick Whyte, Kt.

NOMINATED—excluding President—(40)

(a) OFFICIALS (25)

Hon' Sir Malcolm Hailey, K.C.S.I.
 " Sir Charles Innes, K.C.S.I.
 " Sir B. Phillott Blissett, K.C.S.I.
 " Mr. A. C. Chatterjee, C.I.E.
 Sir Henry Moncrieff Smith, Kt., C.I.E.
 Mr. M. S. D. Butler, C.I.E., C.V.O.
 E. Barden, C.I.S.
 E. B. Howell, C.S.I.
 " A. L. Parsons, C.I.E.
 " G. Clarke, C.S.I., O.B.E.
 " G. R. W. Tottenham
 " A. R. E. ...
 " J. A. Ritchey,
 Prof. L. F. Rushbrooke, Williams, C.R.A.
 Mr. W. T. M. Wright
 " T. E. Moir, C.S.I.
 " J. M. Turing
 " P. E. Percival
 L. N. S. O'Malley
 H. E. Holme
 Rustomji Faridoonji
 R. C. Allen
 H. Calvert
 Babu Girish Chandra Nag
 Rai Bahadur Shyam Narayan Singh M.B.E.
 Lieut.-Col. F. C. Owens

[FROM BARR—(1).]

Madho Shrivari Aney Esq.

(b)—NON OFFICIAL—(14)

Sir P. S. Nivaswamy Aiyer K.C.S.I.
 Dr Surendra Kumar Datta
 Sir Chimanlal Harilal Betalvad
 Sardar Bomanji Ardeshter Dalal
 Prince M. M. Akram Hussain Bahadur
 Hony. Captain Ajab Khan O.B.E.
 " Hira Singh, Sardar Bah
 Mr. K. C. Roy C.I.S.
 " N. M. Joshi
 " W. S. J. Willson
 " N. M. Samarth
 Nawab Sir Sahibzada Abdul Qayyum K.C.I.
 Lieut.-Col. H. A. J. Gidney
 [Vacant]

ELECTED—NON OFFICIALS—(105)

Diwan Bahadur Tiruvenkata Rangachariar
 Bhupatiraja Venkatespatiraja Garu
 M. Diwan Bah. Ramachandrarao Pantulu
 M. B. Ry. K. V. Ramana Reddi Garu
 M. B. Ry. U. Duraiswami Aiyangar
 Mr. R. K. Shanmukham Chetty
 Mr. M. K. Acharya
 " A. Rangaswami Iyengar
 " K. Rama Ayyangar
 M. B. Ry. K. Sadasiva Bhat
 Dr. H. S. Abdul Khader Sahib Jeelani
 Mahmood S'Chamund Sahab Bahadur
 Sir Gordon Fraser

C. K. T. Kunbi Kummaran Nambiar
 Sir M. C. T. Muthiah Chettyyar
 Sardar Mahabooobalikhhan Md. Aktarkhan
 Dr. K. G. Lohokare
 Sir Parashotamdas Thakurdas Kt
 Sardar Vishnu Narayan Mutalik
 Sheth Kasturibhai Lalbhai
 Babu Amarnath Datta
 " Khatish Chandra Neegy
 Khan Bahadur Md. Shams-ur-Zoha
 Khwaja Abdul Karim
 Maulvi Muhammad Kazim Ali
 Sir Campbell Ward Rhodes
 Babu Surendra Chandra Ghose
 " Rang Lal Jajodia
 Pandit Matilal Nehru
 " Shamlal Nehru
 " Madan Mohan Malaviya
 " Kriehna Kaut Malaviya
 " Harkaran Nath Misra
 Mr. Vithalibhai J. Patil
 " Nowroji Manekji Dumasia
 " Harchandral Vishwamas
 " Jamandas Madhavji Mehta
 " Narainba Chintaman Kelkar
 " Dattatraya Venkatesh Kelvi
 " Mahomed Ali Jinnah
 " M. Bhurgri
 " G. Ahmed Ibrahim Makau
 " Mal Dunk
 " H. G. ...
 " H. G. ...
 " B. ...
 " Bipin Chami
 " T. C. Goss ...
 " Bhambendra Ch ...
 " Kumar Bankar K ...
 " Yaacob C. Arif
 " Alimuzzaman (Chowdhri)
 " Kabeerud-Din Ab ...
 " Darcy Lindsey
 " Nara n Dass
 " C. S. Ranga Iyer
 " M. Yusuf Imam
 " Chaman Lal
 " Syed Obulam Ab ...
 " B. Das
 " M. V. Abhyankar
 " Shambhu Dayal ...
 " M. Samiullah Khan ...
 " T. R. Phokun
 " Kamini Kumar Chard ...
 " E. Joseph
 " E. G. Phumling
 Dr. Kishan Lal Nehru
 Haji Wajih-un-din
 [Vacant—2]
 Nawab Ismail Khan
 Dr. L. K. Hyder
 Colonel Sir Henry Stanyon, v. 1
 Raja Amarajal Singh M.B.E.
 Lala Daul Chand
 Lala Hans Raj

Mir Abdul Haye
 S. Hadiq Hasan
 Khan Sahib Masli Ghulam Bari
 Chaudhuri Bahawal Baksh
 Mr. Makhdum B. Rajan Baksh Shah
 Sardar Kartar Singh
 " Gulab Singh
 Baba Ujagar Singh Bedi
 Baba Shyama Charan
 " Gaya Prasad Singh
 Pandit Nilakantha Das
 Baba Ambica Prasad Sinha
 Rai Hari Prasad Lal
 Kumar Gangenand Sinha
 Babu Devaki Prasad Sinha
 Khan Bahadur Sarfaraz Hossain Khan

Masli Abul Ali Khan
 " Mohammad Yaqub
 " Miyan Asjad-ullah
 " Syed Murtaza Sahib Bahadar
 " Muhammad Shafiq
 Raja Ragbunandan Prasad Sinha
 Dr. H. S. Gour
 Seth Gobind Das
 Maung Tok Kyt
 " Kun
 " Ha Si
 Lala Piyare Lal
 Rai Fasih M. Har Bilas Narda

MARSHAL OF THE LEGISLATIVE ASSEMBLY
 Captain Suraj Singh Bahadar.

Members of the Council of State 1924

PRESIDENT:—The Hon' Sir Alexander Muddimar, Kt.

NOMINATED—(26).

(A) OFFICIALS (15).

H. E. General Lord Rawlinson
 Hon' Dr. Mian Sir Muhammad Shafi
 " Sir B. Narasimha Sarma
 Mr. J. Crerar
 Maj. Genl. R. C. Mac Watt
 Mr. A. C. McWatters
 Mr. A. H. Ley
 Major G. D. Ogilvie
 [Vacant]
 " Mr. C. A. Barron
 " Mr. W. C. Shepherd
 " Khan Bdr. Amin-ul-Islam
 " Diwan Tej Chand
 " Mr. E. H. Berthoud

[FROM MEMBER (1).]

Hon' Mr. G. S. K. Babar

(B) NON-OFFICIALS (10).

[Vacant]

Hon' Sir Leslie Miller
 " Mr. J. Shaw Wacha
 [Vacant]

" Maharaja Shoshi Kanta
 Acharyya Chaudhuri
 " Khan Bahadur Nawab M.
 Muzammil-ullah Khan
 " Nawab Sir Bahram Khan
 " Raja Sir Harnam Singh
 [Vacant]
 " Major M. Akbar Khan

ELECTED—NON-OFFICIALS (33).

Hon' Sir S. R. M. Annamalai Chettiyar
 Mr. K. V. Rangaswamy Ayyangar
 Rt. Hon. V. S. Srinivasa Sastri
 Hon' D. Bdr. V. Ramabhadra Naidu
 Sir A. K. G. Ahmedthamby
 Maricair
 Mr. Lalubhai Samaldas
 " Phiroze C. Sethna
 " R. P. Karandikar
 Khan Bah. Ebrahim H. Jaffer
 Mr. Ali Baksh Md. Hussain
 Sir Arthur Froom
 Raja Pramada Nath Roy
 Sir D. P. Sarvadhikary
 Mr. Dwarkanath Mittler
 [Vacant]
 Haji Chow. Md. Jamail Khan
 Sir Robert Watson-Smyth
 Raja Sir Rampal Singh
 Lala Sukhbir Sinha
 Raja Moti Chand
 Nawab Md. Abdul Majid
 Saiyyid Kaza Ali
 Rai Bdr. L. Ramsaran Das
 Sardar Jogindra Singh
 Sir Zulfiqar Ali Khan
 Col. Sir Umar Hayat Khan
 H. H. Maharajadhiraja Sir
 Ramchewara Singh of Dar-
 bhanga
 Maharaja Bahadur Keshav
 Prasad Singh of Dumraon
 Khan Bdr. S. Zahir-ud-din
 Sir M. B. Dadaboy
 Mr. Chandradhar Borooah
 Mr. Sevasila Vedamurti, and
 Sir Edgar Holberton

The Legislative Assembly

JANUARY—MARCH—1924

On January 30th the Second Assembly under the Reform Act met for the swearing in of members. The public galleries were quite full for the formal opening day when the only business to be done was the administration of the oath. The Swarajists appeared in Khaddar in contrast to the black morning coats in which the rest of the House was clad but those dressed entirely in white were few. Members began to arrive at half past ten. Pandit Motilal Nehru arrived in scrupulously clean Khaddar dress with Gandhi-cap on followed by about ten members of the Swaraj Party mostly belonging to the United Provinces. His appearance in the Assembly was marked by a temporary silence and the officials looked at each other and at the new Leader of the Opposition. The Maharattas and the Madrascas shone in their accustomed turbans. Khan Bahadur Sarfraz Hussain of Behar who used to come to the old Assembly in European dress came in Khaddar and was taken to task by Mr. Kabiruddin Ahmed on his unexpected metamorphosis. Mr. M. A. Jinnah along with his Bombay colleague Sir Purushotandas Thakurdas, in their splashing collars and ties, sat in piquant contrast next to Mr. Vithalbai Patel whose forehead shone amidst his luxurious beard and crowned by a Gandhi cap.

When the clock struck 11 A.M. the Usher announced: 'The Hon. the President' and Sir Frederick Whyte entering stood in his place and declared: "In order that this Second Assembly might be fully constituted members will now take the oath or make the affirmation in the manner prescribed." Sir Frederick then took the oath himself standing in his place and reading its terms in a clear and solemn voice, with his right hand raised, as follows:—"I do solemnly swear that I will be faithful and bear true allegiance to His Majesty the King-Emperor of India, His heirs and successors, and discharge the duty upon which I am about to enter."

The President then signed the roll on the register. He was followed by Sir Malcolm Hailey, the Leader of the House, whose voice resounded in every corner of the House. After reading the oath he shook hands with the President and signed the roll of members. All those who followed him in steady succession went through the same course. The total number of members sworn in was 112 and the proceedings concluded after an hour and a half when the President read to the members standing a message from the Governor-General requiring their attendance on the next day, January 31, to hear his inaugural address.

Next day, on the joint session of the Assembly and the Council of State sitting, the Viceroy read his inaugural address given on p. 115. It was a speech meant primarily to threaten the Swarajists (see p. 119). It contained however no mention of Mr. Gandhi, which was the most burning topic of the day, and this caused great dissatisfaction.

The extent of the feeling of indignation created in non official circles by the speech of the Viceroy can be judged by the fact that every member of the Swaraj Party and some of the Independents including Pandit Malaviya refused to attend the garden party arranged in the evening by Mr. A. C. Chatterji, Member for Industries and Labour,

to meet the Viceroy and the Countess of Reading. This refusal was in fact previously decided upon by the Swaraj Party, but no one knew that the Independents would also do the same. But after the speech of the Viceroy, Pandit Malaviya took the lead on behalf of the Independents and prevented them from going to the function.

Soon after the Viceroy's speech the Swaraj Party held a meeting in the Committee room. Over 40 members attended and the following office-bearers were unanimously elected:—Leader: Pandit Motilal Nehru; Deputy leader: Mr. V. J. Patel; Chief whip: Mr. N. C. Kelkar; Deputy whip: Mr. Mahomed Shafee; Secretary: Mr. A. Rangaswami Iyengar; Assistant Secretary: Mr. Harkaran Nath Misra.

As soon as the meeting was over they proceeded to Raisina where they held conversations till late in the night. The Independents also met at Raisina and conducted their deliberations separately. Both parties generally agreed that they cannot do anything tangible or striking in the Assembly without the support of the other and that they must either sink or swim together in the coming fight. Lala Lajpat Rai attended the Swarajists' conference, while Mr. Sastri and Mr. Ramachandra Rao attended that of the Independents which was held under Pandit Madan Mohan Malaviya. There was general agreement that a common workable programme must be found between both the parties. The Swarajists felt that they cannot consistently with their declarations in Congress and other places agree to any whittling down of their policy of obstruction with a view to make Government by Councils impossible. They were very anxious to obtain support to the published National Demands and get signatures of as many non-Swarajist members of the Assembly as possible. But the whole of the Moderates were obdurate. The Independents, who held the key to the situation between the Government on one side and the Swarajists on the other, were unable to subscribe to the National Demands which they characterised as mere bluster. They wanted to put the Swarajists on their trial in regard to Mr. Rangachari's resolution for early steps towards Dominion status and provincial autonomy and thus a rapprochement could not be secured till some time later, after the Secretary of State had spoken (see pp. 70 & 275).

The following is the authorised list of Swarajist members of the Assembly including three Burmans. They are 48:—Messrs. Madho Shrihari Aney, M. K. Acharya, A. Rangaswamy Iyengar, V. J. Patel, J. M. Mehta, N. C. Kelkar, K. G. Lokhare; Dattatraya Venkatesh Belvi, T. C. Goswami, Amarnath Dutt, Kumar Shankar Ray, Ati Muzzaman Chowdhry, Khwaja Abdul Karim, Maulvi Muhammad Kazim Ali, Motilal Nehru, Sham Lal Nehru, Narain Das, C. S. Banga Iyer, Krishna Kant Malaviya, Harkaran Nath Misra, Dr. Kishanlal Nehru, Nawab Ismail Khan, Yusuf Imam, Dunichand, Hansraj, Chamanlal, Kartar Singh, Gulab Singh, Shyama Charan, Haji Abdul Knler, Maulvi Syed Murtaza Sahib, Nilakantha Das, B. Das, Ambika Prasad Singha, Devaki Prasad Singha, Hari Prasad Lal, Sarfaraz Khan, Muhammad Shafee, M. V. Abhyankar, Shambu Dayal Misra, Samiullah Khan, Govind Das, T. B. Phookun, Ahmed Ali Khan, Maung Tok Nyi, Maung Kun, Maung Ha Si and Piyare Lal.

Those of the Independents and others whose consent the Swarajists were able to obtain to the proposed programme are: Dewan Bahadur T. Rangachariar (Deputy President), Dr. H. S. Gour, Mr. Mahomed Ali Jinnah, Mr. Harchandrai Vishandas, Mr. Abdul Haye, Haji Wajihuddin, Mr. Shanmukham Chettiar, Mr. K. C. Neogy, Mr. Ahmed Ali Khan of Assam, Mr. Mahomed Yakub, Mr. Kamini Kumar Chandra, Mr. B. Venkatapathi Raja, Mr. K. Rama Iyengar, Mr. Kasem Ali, M. Ghulam Bari, Mr. K. K. Nambiar, Mr. Venkataramana Reddy, Mr. Kumar Shanker Roy, Pt. M. M. Malaviya and Mohamed Ibrahim Mekan.

The Viceroy's Opening Address.

In welcoming the new Assembly, His Excellency assured the members of his high regard and the strength of their influence and then passed on to the famous Lausanne Treaty with Turkey which, he said, had been welcomed by Indian Moslems, and next referred to the Indian Frontier situation. The Afghan tension, vague rumours of which had for some time been agitating the Indian public, was, he said, nothing more than strong representations made to the Afghan Govt. on the subject of the recent outrages on British soldiers and subjects on the Frontier. Turning next to the position of Indians overseas, His Excellency said :—

INDIANS IN THE EMPIRE.

"The results of the labours of the Secretary of State, the Maharaja of Alwar and Sir Tej Bahadur Sapru at the Imperial Conference have undoubtedly improved the situation. The Premiers of four Dominions have shown deep sympathy and expressed their earnest desire to remove disabilities affecting Indians. There is good ground for hope that the attainment of a solution acceptable to India is only a matter of comparatively short time, except possibly in the case of Canada where there are some special difficulties. India most cordially appreciates their sympathy and encouragement; and I speak for India when I say that this recognition of India's position in the Empire is the source of high satisfaction to her.(!)

IN SOUTH AFRICA.

"The position in South Africa, however, is different. The Union Government has re-affirmed its unwillingness to adopt the attitude of the other Dominions; and in addition proposals for legislation which are expected in practice to affect Indians adversely have been brought forward. The Natal Township Franchise Amending Act, vetoed on previous occasions by the Governor General of South Africa in Council, has again been passed in the Natal Legislative Council; and a Class Areas Bill has been published by the Union Government. Vigorous representations have been made by my Government which, we trust, will have success in regard to the Township Act. The Union Government have given an assurance that it is their desire and intention to apply the measure, the Class Areas Bill, if it becomes law, in a spirit of fairness to the interests and reasonable requirements of Indians. My Government, however, whilst welcoming the assurance, cannot rest satisfied with this position; and we shall continue our efforts to persuade the Union Government to incline to our view. We are aware of the strength of public opinion in India upon this subject and shall strive to give effect to it by all legitimate means within our powers.

"The position as regards the Crown Colonies has materially changed owing to the acceptance of the proposal for a Crown Colonies' Committee to be appointed by my Government which will confer with the Colonial Office on all pending questions including Kenya.

"The late Prime Minister, Mr. Baldwin, has promised that there shall be full consultation and discussion between the Secretary of State for the Colonies and the Committee appointed by the Government of India upon all questions affecting British Indians domiciled in British Colonies, Protectorates and Mandated territories. I hope for nothing but benefit from these discussions, and we shall gratefully take the fullest advantage of the opportunity offered.

ON KENYA.

"As regards Kenya the views of my Government were explained at length by me in my last address to the Legislature and formed the subject of a Resolution issued by my Government in August last. While acknowledging the difficulties of the issues and the great care and attention His Majesty's Government devoted to India's claims, we did not conceal our feelings of disappointment at the result; and we reserved the right to make further representations, with a view to re-opening these decisions, when a legitimate opportunity offers.

"At the Imperial Conference His Majesty's Government have given an assurance that, while they can offer no prospect of the decisions being modified—'Careful attention will be given to such representations as the Committee appointed by the Government of India may desire to make to the Secretary of State for the Colonies.'! This assurance gives us the opportunity we have been seeking and is a substantial gain.

"Following upon the decisions, statutory action has been taken as regards the Franchise question in Kenya. The Kenya Government has treated Indians on the same lines as Europeans and granted adult suffrage. Given communal franchise, this method of working may be accepted, and it has now become law. It is open to our Committee, however, subsequently to make representations setting forth our contention that there are grounds for an increase in the number of seats to Indians and that in our view all voters should be registered on a common electoral roll. We shall continue to press our views by the constitutional channel opened to us by the assurance of His Majesty's Government.

"As regards immigration, the decision of His Majesty's Government was stated in the White Paper in the terms of a general principle only; and His Majesty's Government issued in addition an instruction to the Governor of Kenya to "explore the matter further on his return to the Colony and in concert with the Governor of Uganda to submit proposals to the Secretary of State for the Colonies for giving effect to that amount of control of immigration which the economic interests of the Natives of both dependencies require."

"When we received copy of the Ordinance, which had been drafted by the Governments of Kenya and Uganda and submitted to the Imperial Government, we took immediate steps to urge the postponement of the introduction and consideration of the Bill until the Government of India were able fully to present their objections; at the same time we strongly pressed that the Colonies Committee appointed by the Government of India should also have an opportunity of examining the question of the restrictions on immigration embodied in the Bill. These representations were accompanied by a preliminary statement of our objections to the provisions of the Bill. We received in reply an assurance by telegram from Lord Peel, the Secretary of State, that the introduction of the Bill had been postponed at the instance of the Duke of Devonshire, the Secretary of State for the Colonies. His Majesty's present Government have now informed me that the late Secretary of State for the Colonies found the Ordinance unsatisfactory and returned it to East Africa to be re-drafted. At the same time he called upon the Government of Kenya for certain information regarding immigration and for an explanatory statement respecting the method proposed for the administration of immigration measures.

"His Majesty's present Minister for the Colonies will await the reply to these inquiries and the revised draft of the Ordinance and will be guided by further information received when these documents are before him. Meanwhile he has given me an assurance that ample opportunity will be afforded to my Government to express their views, and that he will give his earnest attention to any representations which the Colonies Committee appointed by the Government of India may desire to make regarding the measure whether in the form of a Bill or of an enacted Ordinance.

"I desire to express my deep obligations to the late and to the present Secretary of State for the Colonies for the consideration given to the representations of my Government which have received the continuous support of Lord Peel and his successor. The steps taken are strong testimony to the sense of justice and fairness with which His Majesty's Government have been animated in dealing with the proposals.

MURDER OF EUROPEANS & REG. III.

'As regards events in India, the two murderous outrages which have recently occurred in Bengal have caused as deep concern to my Government as they have excited reprobation and abhorrence in the minds of all good citizens of every community. It is the primary duty of Government to vindicate the law against such outrages and to bring their perpetrators to justice; and my Government is entitled to look for the moral support and active co-operation of all sections of the public in the task. We owe to the families of those who have been victims our deep and respectful sympathy, but we have an even wider duty—the duty to safeguard others from similar calamity. My Government have for some time been aware of the existence of conspiracies having as their object the assassination of public servants and of the correspondence of persons implicated in these conspiracies with communist agencies directed by organisations outside India. It was out of question to permit these sinister designs to advance on their way to results that no process of law can remedy. Our officers, on whom devolve the dangerous task of the prevention and detection of crime, must look to us for at least that measure of safety, so far as the law can give it, which their own services secure to the public. Punishment in cases of outrages of this nature is not an efficient substitute for prevention. It became necessary to take steps to confine certain of the persons concerned in these conspiracies under the provisions of Regulation III of 1818. The necessity of these measures has recently received tragic confirmation in the murder of Mr. Day and the injuries to three Indians who attempted to stop the flight of his assailant. I trust that these steps to combat an evil which not only destroys innocent lives, but is a menace to society as a whole and a grave obstacle to political progress, will command the approval of all those to whom security and progress are objects of vital and common concern.

"Need I assert that it was only with the greatest reluctance that I assented to the use of these measures for the protection of the public and in the public interest. I am firmly impressed by the consideration that it is essential strictly to confine these special and extraordinary measures to extreme cases of emergency; and I fully appreciate and sympathise with the views of those who wish to protect the liberty of the subject with strict exactitude. In those days the strong light of publicity, both in the Legislatures and the Press, is brought to bear upon the use of emergency measures of this

character; and this in itself acts as a safeguard against their abuse. Before any action is taken, I and my Government submit these cases to a scrupulously careful examination. If we decide that a case for arrest has been established and no other course is possible, in view of the serious character of the emergency, a warrant is issued. After the arrests in Bengal were made, as you are aware, all the documents and evidence relating to each individual have been placed before two judges of the High Court for the purpose of thoroughly sifting the material on which action was taken, of submitting it to the technical tests of judicial knowledge and experience and of framing recommendations regarding each case. I shall myself re-examine the case of each man concerned with the greatest care in the light of the recommendations of the Judges in each case and with the assistance of their detailed scrutiny of the evidence and the documents. In this manner the greatest possible precautions will be exercised to secure that no individual shall run the risk of suffering injustice because of the gravity of a situation; and his right to an impartial investigation of a charge will never be imperilled by the immediate necessity for measures of prevention."

After making a brief reference to the Civil Laws Committees and Retrenchment, His Excellency then said that owing to the change of Government in England (the Labour Govt. had just before come into power) he refrained from making certain observations until he had had time to consult the new Secretary of State, but referred to the Reforms as follows.—

THE REFORMS.

"As you are aware, the policy of the Reforms in India was introduced with the approval of all political parties in England and all stand committed to it as the fundamental policy in relation to India of His Majesty's Government, however constituted, and apart from other political controversies which mark lines of division in Parliament. It is not unconstructive in this connection to pause for a moment and reflect upon the succession of Prime Ministers and of Governments that has taken place in England since I became Viceroy nearly three years ago. Mr. Ramsay MacDonald, who has so recently attained his present exalted office, is the fourth Prime Minister with whom I have served during my period of office as Viceroy. None of these Governments has wavered for one moment regarding the policy of the Reforms in India. Each in succession has immediately accepted the policy of the Reforms as the rock-foundation of British policy in India. Governments may, and doubtless always will, vary as regards details of administration and may differ in opinion regarding the stages of progression and periods of advance; but the cardinal policy of the Reforms remains the same for all. It is the policy of the British nation and not of any party. I commend these facts to the consideration of those—if there be any—who may still regard the promises held out as illusory and never to be fulfilled.

"I came to India charged with the solemn duty of carrying out those reforms, inspired by the earnest desire to make them a success and imbued with the firm determination to carry forward the conception along the road to further stages in its ultimate development. I have anxiously watched a consolidation of the foundation. I have seen the first courses of the edifice of parliamentary institutions and traditions and I stand pledged to carry onward the erection of the structure and to continue the building in the full hope of its ultimate completion. But be it remembered that the successful issue of

the Reforms cannot depend solely upon the intentions and actions of His Majesty's Government, or the Viceroy, or the Government of India, or of all combined. The future must largely depend upon the people of India and the actions of the Legislature.

SELF-GOVERNMENT IMPOSSIBLE

"A first stage was passed when the first Assembly was dissolved. My own appreciation of the value of the achievements of the first Legislative Assembly and of the Council of State was expressed in my prorogation speech. We have now entered upon a second stage by the election of the new Assembly. I look and hope for continuity of the new Assembly of the same valuable tradition, for continuity is an essential condition of well-ordered political progress. A considerable advance has been made on the road. Many difficulties have been successfully overcome and obstacles surmounted by the Legislature. Differences have occurred, but I am convinced that these have left no bitterness in their wake. Opinions varied but there was a common objective, the advancement of India. To-day marks the opening of a new stage; it chanced to happen at a specially important moment and when the future actions of this Legislature will be fraught with the deepest interest and significance to India. There is now a Government in England which numbers among its members some of the most ardent supporters of the Reforms and the most sympathetic friends of India.

"There is now a spirit in India, if I am to credit all I read, which is bent upon destruction of the Reforms unless it immediately attains that which it is impossible for any British Government to grant forthwith, that is, complete Dominion Self-government.

"I am well aware that words are often used in the heat of political conflict which perhaps convey more than is really intended. Moreover, it is but natural that when faced with the responsibility of action there should be deeper reflection upon its true significance and probable consequences. I cannot foretell the future; I do not know what it holds; but I cannot conceal from you that the political situation in India in its constitutional aspects causes me some anxiety for the future of the Reforms. I should be doing a disservice to India if I failed at this moment to give expression to my views formed not upon a hasty or cursory survey, but as the result of as profound study and reflection as I can bring to bear upon a subject of supreme interest to me.

WITHDRAWAL OF REFORMS—THE THREAT!

"In October last I sounded a note of warning which I must now repeat in the friendliest spirit but with all gravity. I spoke with the object of presenting the picture of the future, as I then saw it, to those in India who had not failed in their support of the Reforms policy, although they had on occasions felt bound to oppose the actions of Government. You may remember that I adverted to the possible prospect, according to the then indication of events, of a check which I deplored in the onward progress of the Reforms. The possibility of this check has come nearer to us, indeed it is in a degree already with us in some aspects, although, it has not yet happened and, I devoutly trust it will not happen in the Central Legislature.

"If the position should become more acute in the Provinces, the Local Governments may rely upon my fullest support. I still wonder—as I wondered in October—what purpose beneficial to India will be served by any course destined to destroy the continuity of progress in the Reform movement. No change in the Constitution can be

effected by legitimate and peaceful methods save with the assent of the British Parliament, that is, the British people. The British Parliament has already set up the machinery now in operation for some time past. It is working with efficiency through well ordered processes towards the creation of responsible self-government. It is difficult to conceive that any responsible body of opinion can ignore the purpose it has in view, or can desire to check its creative activities and to risk the injury which must result to the fine fabric already in process of being woven upon its looms. Nevertheless, I gather that there is a disposition in some quarters to believe that the hands of the British Parliament can be forced, and that a situation may be created which may impair the Reforms and thus cause Parliament to act contrary to their desire and better judgment.

REST YOUR HOPES ON PARLIAMENT!

"It may appear easy to impair and even to destroy and to re-create. Doubtless, destruction is always easier than construction. Violent revolutions have destroyed the institutions of nations. Neglect and apathy in other cases have induced their decay and extinction; but I beg you to remember that when influences of this nature have been set in motion, restoration and re-creation become infinitely more difficult and sometimes impossible. These influences make no appeal to the British people and the British Parliament would emphatically repudiate and reject them. Rather rest the real hopes of the consummation of India's desires in the promises already made and in the intentions already manifested and to be manifested by that great champion of liberties, the British Parliament.

A DEVOTED FRIEND'S ADVICE!!!

"As a devoted friend of India, I am convinced that action based on reason and justice will alone prevail with the British people and will prove the only safe road to the ultimate goal to be attained. I feel sure that you will keep steadfastly in mind in the course of the deliberations of this Session that the eyes of all friends of Reform will be fixed upon the harvest which the Legislature will sow and reap. It is of the greatest moment to India at this juncture that her elected representatives, in the responsibilities of their present position, should make a wise choice as regards the course they will pursue. I do not doubt that they are imbued by those ideals which have from the outset inspired this legislature and that they seek the welfare of India. I earnestly pray that calm judgment and a desire for mutual understanding and good-will may characterise this Session of the Legislature and may thus carry India further forward to the fulfilment of her legitimate aims and aspirations." (App'ause.)

The Council then adjourned till Eleven o'Clock on Monday the 4th February, 1924.

Proceedings of the Assembly—Feb. 1st.

The Assembly met for the first day on FEBRUARY 1ST. A large number of important questions were asked, and then the day was given to official business.

ON THE KENYA INDIANS.

Sir P. Thakurdas asked for publication of correspondence on the Kenya White paper. Sir B. N. Sarma said that orders of the Sec. of State had not been received, and so the papers could not be published.

Sir Purushotamdas asked as to what means of ascertaining Indian feeling were available to the Government of India in the absence of their officer in Kenya. Sir B. N. Sarma said at present Indians in Kenya could send representations through the Colonial Office, and further questioned added that the Government of India had suggested to the Secretary of State the desirability of having a better means of knowing Indian feeling.

Mr. Richey replying to Mr. Ramchandra Rao said that the Government of India had made strong representation on the subject of Kenya Immigration Bill. The question of the publication of the report of the Fiji Deputation had been postponed until the appointment of the Crown Colonies Committee had been settled.

Replying to Mr. Neogy, Sir Moncrieff Smith said both in the interests of economy and efficiency, it had been decided that the business of the Legislature should continue to be conducted by the Legislative Department rather than by a separate Department of the Legislature.

DISPUTES BETWEEN INDIAN AND IMPERIAL GOVERNMENTS.

Sir Purushotamdas asked as to what steps the Government of India was taking to see that disputes between them and His Majesty's Government were settled in accordance with the best financial interests of India. Sir Basil Blackett replied that relevant information had been fully placed before the Secretary of State in whose hands the decision rested. Sir Purushotamdas thereupon asked as to whether the Legislature would be given an opportunity for expressing opinion before settlement was arrived at. The Finance Member replied that they would do their best to see that the House was informed.

MILITARY EXPENDITURE PER HEAD.

Replying to Sir Purushotamdas, Sir Basil Blackett gave approximate figures per head of population for military expenditure on the basis of the net cost of military service, inclusive of charges connected with war, frontier operations and other special services, as follows:—1914—15 total military expenditure was Rs. 30,65,23,730 and came to Rs. 1.25 per head of population, 1918—19 Rs. 66,72,03,582 and Rs. 2.70 per head; 1920-21 Rs. 81,75,39,000 and Rs. 3.30 per head; in 1923-24 Rs. 62,00,00,000 and Rs. 2.51 per head.

EXCHANGE AND SALE OF GOLD.

Replying to Sir Purushotamdas, the Finance Member said that the Government did not propose to publish the correspondence between them and the Secretary of State on the question of currency and exchange and the question of reverse bills. They also did not propose to publish the correspondence on the subject of the sale of two millions of gold adversely to India in favour of British business.

A Member.—Is it that the Government always replies in the negative to questions urging publication of correspondence?

Sir Malcolm Hailey.—No (laughter).

Pundit Malaviya.—Will the Hon'ble the Finance Member give reasons for not publishing the correspondence?

Sir Basil Blackett:—We do not consider it advisable.

Pundit Malaviya.—Is the publication withheld in the public interest or in the interest of those in charge of the Department?

A.—In public interest.

ON THE REFORMS.

Mr. Neogy asked whether the Government had called for the report on the working of the Reforms from various Provinces. Sir Malcolm Hailey replied: no official report had been received. Certain information was informally called for, but the Government of India did not intend to publish it.

Mr. V. J. Patel: Have the Government of India received a report from the Central Provinces regarding the unworkability of the Reforms there? Sir Malcolm Hailey: I am astonished to hear, Sir, that the Reforms are unworkable there. (Laughter.)

Replying to Mr. Venkatapathiraju, the Home Member said that Government had forwarded to the Secretary of State without expression of any opinion the resolution of Dr. Gour passed by the last Assembly for the revision of the Reforms Act. No reply had been received yet.

Mr. Roy:—What have the Government done to explore the Reforms further. The Home Member said that this question would be better answered on a later occasion when the subject came up for discussion.

Mr. Ramachandra Rao asked as to whether the Secretary of State had definitely said that revision would not be undertaken before 1929. The Home Member replied that Lord Peel's despatch on the subject had already been published.

REGULATION III.

The Hon'ble Sir Malcolm Hailey replying to a series of questions by Mr. K. C. Neogy regarding the use of Regulation III of 1818 said there are 22 persons under detention in Bengal, one in the Punjab and one in an Indian State territory. In four of the cases action taken had reference to the hostile activities directed from abroad against security of India and among the objects of these activities was the fomenting of trouble on the frontier. In 20 of the cases in Bengal, action taken was in respect of complicity in a revolutionary conspiracy with the avowed object of assassinating Govt. officials.

The Government were not prepared to supply information as to the amount of allowance fixed in the case of each prisoner in Bengal, but they were satisfied that the allowances were adequate. 7 internees in Midnapore Jail complained of ill-treatment in respect of food and clothing, but enquiry showed no grounds for complaint.

Replying to Mr. Ramchandra Rao, Sir Malcolm Hailey laid a statement showing that persons in custody under Regulation III of 1818 were 17 from Bengal, one from the Punjab and one from the North Western Frontier Province. The persons detained under the Madras Regulation 1919 were 204 in number, mainly those concerned in the forcible conversion of Hindus or otherwise implicated in the Moplah rebellion. Two persons were in custody under the Bombay Regulation 1817, being concerned in the murder of one Navalsinghji in the Kural State, Mahi Kantha Agency.

GOVERNMENT BILLS.

The House then proceeded at 12 noon to dispose of legislative business. Four official Bills of a non-contentious nature were introduced.

Sir Malcolm Hailey introduced a bill further to amend the Indian Penal Code. He said that in 1913 the Indian Legislature passed an Act to give effect to certain articles of the International Convention for the suppression of traffic in women and children. Section 3 of

this Bill inserted a new Section 366-A in the Indian Penal Code prescribing an age limit of 18 years in respect of offence of procurement of minor girls.

After considering the opinions received the Government of India decided to bring forward the present Bill with the object of raising the age limit in Section 361, 372 and 373 of the Code from sixteen to eighteen years. It was proposed to bring the Act 20 of 1923 in force simultaneously with the present Bill if it were passed into law.

INDIAN COINAGE ACT.

Sir Basil Blackett next introduced a Bill to amend the Indian Coinage Act. The statement of objects and reason attached to the Bill said that the attention of the Government had been drawn to the omission in the Indian Coinage Act of 1906 of any provision such as exists in the English Coinage Act for power to withdraw legal tender attributed to the coin. The result is that a coin once a legal tender, is always a legal tender under Indian Law. When on occasions it became necessary to prevent the circulation of counterfeit coin of any particular denomination the only action possible at present is to discontinue the re-issue of the coin of that denomination from treasuries and currency offices as had recently been done in the case of the eight-anna nickel coin, but this process is completely ineffective since coins that do not come into treasuries and currency offices continue to circulate as legal tender.

It was therefore proposed on analogy of section 11 (5) of the English Coinage Act of 1870 to take power to withdraw by notification the legal tender attributed to a coin of any denomination or date except gold coins which are dealt with in Section 11 of the Indian Coinage Act of 1906. This provision should, in the event of excessive counterfeiting of any particular denomination of coin, enable action which should effectually stop circulating of counterfeits and should ensure a prompt withdrawal of genuine coin. The right of the holder to obtain value for any genuine coin in his possession, even though it has ceased to be legal tender, is secured by the specific provision in the Bill that a coin once issued shall always be legal tender at a currency office.

AMENDING THE INCOME-TAX ACT.

The Finance Member introduced another Bill to amend the Income Tax Act which did not provide for assessment of income, profits or gains of an Association or Club which is neither a company nor a firm nor a Hindu undivided family. This was an omission as it was always intended to assess tax on clubs. The Bill gave effect to this intention and also validated assessments made during the current year.

LEVY ON COTTON EXPORTED.

Mr. Richey introduced a bill to amend the Cotton Cess Act. At this time there was no provision for levy of a cess on British Indian Cotton which may be exported by land to foreign territories. In India the Central Cotton Committee had recommended that the Act should be so amended as to enable a cess to be levied on such cotton. The object of the amendment now proposed was to enable a cess to be levied on cotton exported by land to such foreign territory as may be notified by the Governor-General in Council.

The House then agreed on the motion of the Finance Member to the proposals for the usual election of the Public Accounts Committee and the standing Finance Committee. The Assembly then adjourned till the 4th Feb.

FEBRUARY 4TH—GOVT. BILLS.

On FEB. 4TH business consisted of the passing of two bills amending the Cotton Cess Act and the Penal Code which were introduced on the 1st. Then followed the election of the Deputy President and the four Standing Committees to be attached to the four Departments. At question time a series of questions were put regarding the affairs of the frontier.

PREMIER'S BOOK.

Mr. K. C. Roy asked whether it was true that Mr. Ramsay Macdonald's book "Awakening of India" was proscribed under the Sea Customs Act.

The Home Member said he had seen statements in the press to that effect with some astonishment. He accordingly made very careful research as to whether any such notification had been issued. The statement was incorrect, possibly confusion was being made with another book bearing the same name which was proscribed.

Dr. Gour.—Will the Home Member get a copy of the book and place it in the Library? (Laughter.)

Home Member.—I have got a book myself. I can spare for him who wants to read it (renewed laughter.)

AGE LIMIT OF GIRLS.

An interesting discussion followed Sir Malcolm Hailey's motion for taking into consideration the Bill amending sections 361, 372 and 378 I. P. C. by raising the age limit of girls from 16 to 18. This bill was introduced on the 1st instant and was brought forward after considering the Local Government's opinions.

Mr. Rangachariar said he would like to know the opinions of the local Government before the Bill was passed.

The Home Member replied that he could place them in the Library and would have no objection even to have a Select Committee.

Mr. Mian Abdul Hayee moved for circulation of the Bill to elicit public opinion because he felt that the Bill would conflict with Mahomedan Law which permitted a girl to contract marriage after the age of 15. Mr. Jinnah moved that the Bill be referred to a Select Committee. He pointed out the need for carefully examining its effect on Mahomedan Law and more particularly, the desirability of changing the definition of kidnapping.

Dr. Gour opposed any delay in the enactment of a social reform Bill to which the House already stood committed by an act passed last year.

After further discussion the motion for circulation was rejected and that for reference to the Select Committee was adopted.

COTTON CESS BILL.

The House next passed without discussion Mr. Richey's bill amending the Cotton Cess Act which he introduced three days ago.

DEPUTY PRESIDENT ELECTED.

The House then proceeded to elect the Deputy President. There were only two candidates, Mr. Rangachariar and Mr. Kabiruddin Ahmed. Mr. Rangachariar was declared elected Deputy President securing 58 votes as against his rival who got 16. Swarajists did not participate in the election.

FEBRUARY 5TH—NON-OFFICIAL RESOLUTIONS

On FEB. 5th the unusual interest aroused by the expected debates on Mr. Gandhi's release and the Constitutional advance had attracted a big crowd of visitors into the public gallery. The race for occupying the front seats began about an hour and a half before the Assembly met and at 10 A.M. almost all the seats were fully occupied. Those who came after ten had to stand in a row behind the chairs. But they waited only for an hour for the questions to be answered, and within the next 15 minutes came to know that the fights had fizzled out—that the Debate on Rangachariar's resolution was postponed, and the one on Gandhi withdrawn. After this a large number of visitors left.

At question time, in answer to Dr. Gour's question, the Home Member said that the Government of India forwarded to the Secretary of State the resolution of the last Assembly urging the limitation of power of certification possessed by the Viceroy. They recommended that no action should be taken on it.

Dr. Gour: When was the letter sent by the Government?

Home Member: Shortly after it was adopted by the Assembly.

Another question of Dr. Gour about the establishment of a Supreme Court in India drew forth an announcement from the Government on the subject. Sir Malcom Hailey said that there was no identity of opinion between the Local Governments, High Courts or local authorities, whether Indian or European, in favour of an early institution of a Supreme Court, while the question of its location also involved great difficulty.

REGULATION III AGAIN!

Sir Malcolm Hailey, replying to Dr. Gour's question about the repeal of Regulation III of 1818 and other repressive laws, said that the Repressive Laws Committee recommended the retention of the provisions of the Regulation III of 1818 for purposes specified in Paragraph 13 of their Report, including security of British dominions from foreign hostility. The Government of India announced their intention of accepting the recommendations of the Committee. No legislation for the amendment of the Regulation had been undertaken, nor did the Government consider it possible to undertake it in the present circumstances.

Mr. V. J. Patel: Are the Government aware that the use of these obnoxious Regulations would be absolutely wrong when full Responsible Government were introduced in India?

Sir Malcolm Hailey: It is a matter entirely of opinion.

Mr. Neogy: Do I take it that the Government do not accept the proposition laid down by the Committee that the majority of members viewed with deep and genuine disapproval the continuance of the repressive laws.

Sir Malcolm Hailey: The Government have already taken such action as they could under the circumstances.

Pandit Malaviya: Why could not action be taken under the ordinary law against persons who have been dealt with under the Regulation?

Home Member: If the Hon. Member will refer to the speeches of Lord Carmichael, Lord Ronaldshay and the recent address of Lord Lytton in the Bengal Council, he will have full information of the reasons for such actions.

Pandit Malaviya: I wish to know the opinion of the Government of India and not what the Governors said.

Home Member: We are entirely in accord with the Local Government.

MR RANGACHARIAR'S RESOL. ON FURTHER REFORMS.

Mr. Rangachariar then formally moved his resolution urging the revision

of the Government of India Act. Sir Malcolm Hailey informed the House that during the last two or three days they had been mutually endeavouring to come to the assistance of the House by framing the issues more clearly than have been put down in the resolution and amendments. Certainly, it would be in the interest of the Government if they could know where really the members stood. He was prepared to agree to the postponement of the discussion till Friday, the 8th. (Voices: Yes, yes) and formally moved the postponement which was agreed to.

Mr. GANDHI'S RELEASE.

Mr. Shaanmukham Chetty intimated that he did not intend to move his resolution urging the release of Mr. Gandhi.

RAILWAY AND GENERAL FINANCE.

Mr. Neogy's resolution stood next asking for the publication of the Government proposals on the question of the separation of Railway Finance from General Finance before their final adoption. He also intimated that he would not move his resolution as he was assured that Government proposals on the subject would be placed before the House.

INDIAN TERRITORIAL FORCE

Mr. VENKATAPATHY Raju then moved his resolution: "(a) for amalgamation of the Indian Territorial Force and the Auxiliary Force for the combined purpose of supplementing the regular forces in support of civil power and for internal security and as a second line to the regular army and the removal of all distinctions whatever, in the matter of duties and privileges. (b) To increase the strength, by the annual addition of ten thousand, till it reaches a figure which would enable a gradual reduction of the regular forces by one half of the present strength, for peace establishment. (c) To provide adequate fund for the efficient organisation and training of the same service for military purposes by a corresponding reduction in other avoidable military expenditure."

Mr. Venkatapathi Raju dilated on the urgent necessity of removing all racial distinctions at a time when the country was awakened and almost on the eve of receiving Self-Government. The Labour Ministry in England should help in the policy of trusting Indians and opening the doors of the Auxiliary Force to Indians. Mr. Raju's voice was almost inaudible but Mr. Bepin Ch. Pal in support made a very forceful speech. Mr. Pal declared that no Swaraj was possible without Indians manning their Army and here was his offer of full and faithful service of Empire through the Army. Would Govt. take it? He ended: "Distrust of India is not the way to order but to disorder."

Pandit MALAVIYA moved an amendment which, he said, would better meet the object in view:—

'That a Committee be appointed to investigate and report what steps should be taken to improve and expand the Indian Territorial Force so as to constitute it as an efficient second line of reserve of the regular Army and also to remove all racial distinctions in the constitution of the non-regular military forces in India, including the Indian Auxiliary Force.'

Pandit Malaviya said that till the Reforms Act had been passed, the Government in this country never conceived of ever handing over the administration of this country to Indians. Hereafter, the Government must make up its mind to declare that army affairs in India were to remain in the hands of British officers only for a short period. Mr. Burdon, the Secretary, was not a Military man, and the speaker

should like to see an Indian Civilian in his place and later as member of the Viceroy's Council in charge of National Defence. For the time, they could leave regular troops in the hands of the Commander-in-Chief, but for the organisation of non-regular forces, the Indian Member should be in charge, for his words would inspire greater confidence that the Government was seriously considering preparation of Indians for national defence. He complained why should an Indian, if he wanted to join the Auxiliary Force, be told that the door was shut to him? He further considered that educational institutions in India for military career were not adequate and satisfactory, and there were too many restrictions. They had only to look to British and Japanese methods to find that the conditions here were extremely difficult. They should try to have citizens' guards and see that military expenditure was reduced. These could be left to a Committee to work out.

H. E. the Commander-in-Chief accepted the amendment. The progress of the Territorial Force had, he said, a soft place in his heart, but he was sorry to note that in some of the units the degree of efficiency was not quite satisfactory. From the point of view of the future existence of the Territorial Force itself the fusion demanded in the resolution would have nothing but disastrous results. During the course of the debate he noticed with regret certain amount of extraneous eloquence suggesting the existence of racial feeling and racial discrimination as between the Territorial and Auxiliary Forces. He added: "From my experience, and I have greater experience of both the Territorial and Auxiliary Forces than any member of this House, I confess this racial discrimination referred to is more or less confined to this House. (Laughter) To a very large extent it is sentimental, but it is far more prevalent here than it is in the Army. I am prepared to accept the amendment, because I shall do anything to assist in improving and increasing the efficiency of the Territorial Force within the limits imposed by the Secretary of State.

Pandit Malaviya: What are these limits?

C-in-C: There are now 15,000 men in the Territorial Force and the limit imposed at present is 20,000.

Pandit Malaviya: If the consideration of the Committee is to be limited to enlistment of 20,000, then I think it is better for me to withdraw my amendment.

C-in-C: The limit is 20,000 but if the units continue to be a success we can consider the expansion of the Territorial Force. I have no objection to advocating further progress.

Pandit Malaviya: If the Committee is asked to report as to the number that should be enlisted in the Territorial Force, then only I would press my amendment.

C-in-C: That is covered by the wording of your amendment.

The amendment was then put to vote and carried.

FEBRUARY 6TH—OFFICIAL BILLS.

On FEB. 6th the Legislative Assembly re-assembled with an official legislative programme on the order paper consisting of introduction of bills amending the Tariff Act, Merchant Shipping Act, Passport Act, and a Bill constituting a Central Board of Revenue. The final reading of the Coinage Act Amendment Bill and election of Public Account and Finance Committees were the last items on the agenda.

TARIFF ACT AMENDMENT

Sir Charles Innes introduced a Bill to amend the Tariff Act 1894. The objects of the amendment was explained as follows: It has come to notice that matches, cigarettes e'c. on which import duties

are leviable when imported by sea are being brought in considerable quantities over land frontiers. The Government of India have not at present power to levy duties on articles following these land routes as the Indian Tariff Act 1894 only authorises levy of duties on goods crossing the frontiers of certain frontier European settlements in India and of such territory of any Indian chief as is declared to be foreign territory for purposes of Section 5 of that Act. The object of this bill is to revise this Act to enable the Government of India to levy customs duties on any articles imported or exported as the case may be by land from or to any territory outside British India which is declared to be foreign territory for the purposes of the Act.

The Bill was introduced.

CHANGES IN MERCHANT SHIPPING ACT

Mr. Butler next introduced the Bill to amend the Indian Merchants Shipping Act 1923. The object of the Bill is explained thus :—For some years past repatriation of destitute pilgrims from Jeddah has been a source of anxiety and recurring expenditure to the Government of India. The welfare of Indian pilgrims as a whole has also been endangered by the presence amongst them of those who had not means to perform pilgrimage. Various attempts have been made from time to time to arrive at a solution of the problem on a voluntary basis, but without success. In March 1923 the Central Haj Committee resolved that in view of the experience gained the best remedy was to institute a system of compulsory return tickets if necessary by legislation. The Government of India are convinced that a solution on lines of compulsory provision for return journey is only one which will prove satisfactory. The Bill is intended to give power to prescribe that no pilgrim who intends to return to India after performing pilgrimage shall be allowed to leave from any port in British India unless he is in possession of a return ticket or has deposited a sufficient sum to meet the cost of the return journey.

A Central Revenue Board

Sir Basil Blackett next introduced the Bill to constitute a Central Revenue Board and define its powers and functions. The statement of objects and reasons appended to the Bill states.—The Indian Retrenchment Committee report recommended that in order to free the Government of India Secretariat proper from the functions of detailed administrative control exercised by it in past the scope of the present Board of Inland Revenue should be enlarged to include Customs, Salt, Opium and also Excise and Stamps so far as the Central Government was concerned, the Government with the approval of the Secretary of State have decided to adopt this recommendation and to constitute a Central Board of Revenue in which the Board of Inland Revenue created by the Income Tax act will be merged. The present Bill is designed to provide for the constitution of such a Board on a statutory basis, to transfer to it functions of the Board Inland Revenue under Income Tax Act and also to appoint it as the Chief Customs authority under Sea Customs Act 1878. The Bill further provides for transfer to Central Board of Revenue of most of the powers and duties assigned by the Sea Customs Act to local Governments.

INDIAN PASSPORT ACT AMENDMENT

Mr. Howell introduced the Bill to amend the Indian Passport Act. This intended to impose penalty for breach of condition of a transhipment of transit visa requiring holder to leave India by a specified date. This measure would discourage aliens from staying in the country longer than necessary.

Mr. Neogy on South African Coal

On FEB. 7TH the Legislative Assembly met to discuss Mr. Neogy's motion urging imposition of countervailing duty on the bounty-led coal of South Africa and Mr. V. Razu's motion urging for reduction in Provincial contributions.

Mr. K. C. Neogy moved: "that in view of the recent depression in the Indian Coal Trade a countervailing duty be imposed on the South African Coal imported into India to the extent of the indirect bounty enjoyed by it in the shape of rebate on Railway freight under provisions of Section 8 (A) of the Indian Tariff Act 1894 (VIII of 1894) as amended and in pursuance of the policy indicated by the Indian Fiscal Commission in Paragraph 141 of their report."

Mr. Neogy in moving the resolution quoted figures to show that whereas in pre-war days the average export of coal from India was four lakhs tons, the figures in 1923 instead of showing export revealed net import of five lakhs of tons. Therefore India which contained several coal-fields including Raneeaganj and Jharria both of which are alone capable of producing so much as 34 per cent of the total output, was now dependent on foreign coal to the extent of five lakhs of tons. This large import was due to the vigorous resumption of coal trade by the foreign countries. Moreover, there was the embargo on the export of Indian coal placed in January, 1921. The speaker did not suggest that Government were actuated in this step by any nefarious motives, but the result had been that India had lost its foreign market and Indian coal trade was placed in a very unavourable position. A study of the figures relating to the import of coal from South Africa showed that there had been an extraordinary increase facilitated by an indirect bounty granted by Government of South Africa and Railways of South Africa in the shape of rebate. With a view to compete with foreign trade a combine was started in India which undertook to offer coal at the rate of two rupees less than the ruling price, but there was no margin of profit left and many of the mines began to close down and several others were yielding no profit. In conclusion Mr. Neogy said: I am fortified in demanding the imposition of countervailing duty on the South African coal by the precedent created in Lord Curzon's time in regard to Australian sugar. I put forward this claim on behalf of the struggling industry which is owned mostly by Indians. The amount of bounty on South African coal has come down from eighteen shillings nine pence to seven shillings nine pence in three years. It is inconceivable that South African Government would continue this bounty for ever so as to enable the Indian consumer to have cheap coal. I do not suppose Government will ask this House to rely on the charity of the countrymen of General Smuts for the supply of their coal.

PANDIT SHAMLAL NEHRU and other Swarajists raised the racial question and supported Mr. Neogy's proposition as a retaliatory measure upon South Africa.

THE GOVERNMENT OPPOSITION

SIR CHARLES INNES, Commerce Member, opposed the resolution and placed before the House all the facts justifying Govt. opposition to the motion. He defended the South African Govt. and denied that there was any sinister plot on the part of South Africa to kill the coal industry in India. He advanced one argument after another and hurled statistics relating to the price of coal, transportation charges and various other things, which were no doubt very convincing in themselves. But the

non-officials were not satisfied because the Commerce Member had not met their argument of which one was that Railway wagons were not supplied to Indian coal merchants to carry their coal to the Bombay market and then compete with South African coal which was being dumped at a reduced rate because of the bounty given by the Union Government. Sir Charles Innes then took shelter under the plea that coal could be carried cheaper by sea from Kidderpore docks then by railways as now, and even attempted to prove that this form of transport to Bombay was cheaper by three rupees and admonished the Indian Merchants for want of enterprise, that the quality of their commodity was inferior to that coming from South Africa, and therefore they were not able to face competition, especially in Bombay where quality was the first consideration, and so on.

He was effectively silenced by SIR PURSHOTTAMDAS THAKURDAS, the Chairman of the Indian Merchants Chamber of Bombay, and Pt. Malaviya who doubted the rebate figures quoted by Sir Charles. It was their view that Government of India did not possess information which could enable them to oppose the resolution.

After a lengthy discussion the resolution was carried by a majority of 77 to 39 against Govt. This was the first triumph of the Nationalists and the result was announced amidst loud non-official cheers, the Swarajists having voted solidly against Govt.

Reduction of Provincial Contributions.

MR VENKATAPATRI RAJU next moved the following resolution:—

"This Assembly recommends to the Governor-General in Council to make necessary arrangements in framing the Budget for 1924-25 for giving substantial relief to the Provinces in the matter of provincial contributions and, in any event, not less than three crores be reduced from the amount of provincial contributions in 1924-25 to enable the provincial government to spend more money for development purposes, sanitation and education."

Mr. Venkatapatiraju said he did not want favour to any particular province but what he was asking for was bare justice. He pointed out the disabilities from which provincial Ministers suffered in the task of educational and sanitary improvement. Madras, he said, was hard hit because of the huge contributions she was making to the Imperial Exchequer. He said: Government made a different pledge to us and I want them to carry it out. Every province was solvent except Madras. So on the eve of balancing their budget he pressed the case of Madras for favourable consideration.

SIR CHIMANLAL SETALVAD opposed the resolution and said Madras was the last province that was entitled to complain about the Meston Settlement. While industrial provinces like Bombay and Bengal suffered from dislocation of trade, agricultural provinces like Madras, C. P. and the Punjab came with request for remission. The only solution of the difficulties in this matter was the appointment of an impartial tribunal to review the whole question and report at an early date.

SIR BASIL BLACKETT in opposing the resolution said that there could not be any examination of the question as the budget was to be presented on the 29th Feb. It was impossible for Govt. therefore to accept the resolution at that stage. He accordingly moved that the debate be adjourned SINE DIE.

After further discussion the motion of Sir Basil Blackett for postponement of the debate SINE DIE was adopted.

Debate on Constitutional Advance

On FEBRUARY 8TH the adjourned motion of Mr. Rangachariar on Constitutional advance came up for discussion. The House was over crowded with visitors and more than hundred members attended and the debate was listened to with breathless int rest. People who expected a strong spirited speech from him were a little disappointed by the conciliatory mood, the cautious wording, and the persuasive and entreating tone of his whole speech. He tried to please both the people and the bureaucracy and succeeded in pleasing none. Sir Malcolm Hailey's reply on the other hand was characterised by the usual bureaucratic pose of grave responsibility. It was a singular piece of audacity on his part to say that Dominion status was impossible to think of for the present. The Viceroy had already committed himself to that attitude in his opening speech and the Home Member had no alternative but to set up any sort of defence conceivable in the circumstances. He made a nice distinction between Dominion Status and full Responsible Government. He put together, doubtless in his exceedingly tactfull manner, familiar obstacles to full Home Rule in India: The one omission he made was supplied by Sir Campbell Rhodes who was afraid of the general unfitness even of the educated classes to maintain law and order. The alarms of British capital and of the British services found due places in Sir Malcolm's enumeration, as also the usual solicitude for Indian Princes, zamindars and other vested interests.

Pandit Motilal Nehru moved his amendment in an out-spoken speech. He made clear the position of his party. Though they were non-co-operators they had come there to offer co-operation to Government if the Government cared to have it. The only condition underlying that offer was a complete overhauling of the Government of India Act according to the wishes of the people. The people were no longer satisfied with Government committees and commissions. They wanted a Round-Table Conference; for a Round-Table Conference was the only way of recognising the right of self-determination which the people of India claimed with one voice.

MR. RANGACHARIAR moved :—

"This Assembly recommends to the Governor-General in Council that he be pleased to take at a very early date the necessary steps including, if necessary, the appointment of a Royal Commission for revising the Government of India Act so as to secure for India full self-Governing Dominion status within the British Empire and Provincial Autonomy in the provinces."

Mr. Rangachariar in moving the resolution spoke for forty minutes. He prelaced his speech by referring to the general feeling of non-officials when they first put their shoulders to the wheel of the Reformed constitution. He like several others was then optimistic about the growth of the constitution, but was rather suspicious of the attitude of the Government members. But Sir Malcolm Hailey, as Finance Member of that time, declared that it was by a mandate of the Assembly that taxation would be imposed. Lord Rawlinson said that he was a humble servant of India. These and other expressions of the attitude of the Government members removed the speaker's suspicion and he put his

heart and soul into the working of the Reforms much to the annoyance of his friends like Pundit Motilal Nehru, whom he welcomed now in this House (hear, hear). As one who during the last few days was closely associated with non-co-operators like Pandit Nehru, Mr. Rangachariar said that all of them in this House were working for the common good of the country—a fact which some of the Executive Councilors might have understood from their talks with Non-co-operators.

Mahatmaji's Release.

Proceeding, Mr. Rangachariar referred to the atmosphere created by the magnanimous and statesman-like act of Lord Reading (?) in releasing that great man, that great friend of the English Government, Mr. Gandhi (a voice: say, Mahatma). By this act Lord Reading had also created an atmosphere suitable for a full and free discussion of this resolution. Mr. Rangachariar hoped that with the advent of the Labour Government in England good days were in store for India. The object with which the people who brought about the present constitution was to get a Government with the consent and co-operation of the people. There was no mistake about the fact that the goal was full responsible Government. There could be no going back upon it. If there was no going back then they must examine the machinery to find out if India was properly laid on the road to responsible Government. During the last three years they worked the constitution whole-heartedly and so far as the central Government was concerned he found that the machinery was absolutely defective.

Where was the next Step?

Lord Reading in proroguing the last Assembly had said that they had taken one great step forward in the progressive realisation of the responsible Government and now Mr. Rangachariar asked, where was the next step? Should India walk backward and forward over the ground they had walked? "If our goal is really responsible Government then I say we are fit for it to-day. It is impossible to have a middle course. There may be safety-valves here and there, there may be reservations as regards Army, Navy and Foreign and political relations, but so far as domestic affairs are concerned, the internal development of the country is concerned, it is impossible to provide for partial responsible Government in the way it is provided. If you create a sense of responsibility then I am sure we will respond to that trust and there will be no betrayal of that trust. Trust begets trust and responsibility breeds responsibility. The present state of things cannot and should not continue for long. The whole country wants Swaraj and does not care for anything else. Every voter understands the meaning of his vote and for every voter there are a hundred who though voteless still understand the meaning of every vote recorded. This resolution of mine records the verdict of the nation. I am sure Lord Reading will not turn a deaf ear to the demand. Sir Tej Bahadur Sapru, after coming out of the office of Law Member of the Government, said that the machinery is weak and cannot work long. I am sure that is also the experience of some persons in local Governments. I have not got first-hand knowledge of the machinery myself. I have only been trying to rub my nose against the glass-walls around the machinery. (Laughter.) We want a running machinery and we want to take it by consent and by co-operation. That is the real secret of the non-co-operation movement. We want a responsible Government in internal affairs of India. It would be criminal to refuse this demand.

The Government Reply

SIR MALCOLM HAILEY, the Home Member, replied on behalf of Government. The main drift of his speech was that the Indian Princes, European Commerce, minorities and other interests had a right to know whether Government contemplated at an early date making themselves responsible to the Indian Legislature. His reply was that until the question of defence, communal differences, provincial relations, social advance, etc were solved, no British Government could recommend to Parliament the grant of immediate responsible Government. The objective of the Government of India Act was Responsible Government, not full Dominion Status. But Government was willing to examine officially the defects of the existing system. This might result in expansion under the present Act or change of the Act and when the Government presented their result to Parliament, they would ask the Secretary of State to allow the fullest discussion of the proposals in India.

Following immediately after Mr. Rangachariar, Sir Malcolm Hailey took early opportunity to explain the Government's attitude on the motion. Mr. Rangachariar's resolution wanted at an early date the grant of responsible government with Dominion Status. Before this demand the question of grant of provincial autonomy was very minor and almost one of domestic concern. "I will address myself at once to the main proposition that India is ready for Dominion Status. We cannot afford to let any one remain in doubt about our attitude on that point. There are many interests concerned. There are the Indian States. I do not say that their attitude is likely to be on this matter of great importance. They would like to know whether they will continue as hitherto to deal with the Governor-General-in-Council who is responsible to British Parliament or with the Executive Government responsible to the Indian Legislature. Then again the European commerce and those who have put in vast sums of capital into India and are daily increasing the sphere of their operations, and our services, both civil and military, would like to know whether we contemplate a radical change at an early date. There are other extensive interests. There are minority communities. All these interests would like to know whether the Indian Government is prepared to recommend the step advocated and whether the British Government is prepared to entertain it.

Sir Malcolm Hailey proceeded to give answer by examining fully the position in India to-day. He first made it clear that in the August announcement, as well as in the preamble of the Government of India Act, the words "Responsible Government" had been deliberately put. Dominion Self Government was wider than responsible Government. Under the Dominion Status not only the executive would be responsible to the legislature but the legislature would in itself have full powers which were enjoyed by the Dominions and were typical of the modern nations. It might be that full Dominion Self Government was the logical outcome and corollary of Responsible Government. Nay it might be the inevitable development, but there was a difference between the two. Having pointed out the objective of British policy as outlined in the Government of India Act, he proceeded to show that the next point in the Act was that progress must be by successive stages and that it had been accepted by leaders of Indian thought which he attempted to prove by quotations from old history. The memorandum presented by the members of the old Imperial Council had not even asked for

the early attainment of full responsible Government. The Calcutta Congress of 1917 asked for it within a period of 5 years i.e. by 1923. Mrs. Besant accepted successive stages before the Joint Committee because the country must be prepared. The Delhi Congress of 1918 presided over by Pundit Malaviya was satisfied with responsibility in the provinces. Mr. Patel, a Congress delegate before the Joint Committee did not ask for immediate grant of full responsible Government and accepted examination at the end of ten years and wanted full responsibility within fifteen years. The late Mr. Tilak also stood for the fifteen years limit. Mr. Jinnah speaking on behalf of Muslim League did not ask for Dominion Status or even immediate Responsible Government (laughter). The present Premier speaking in 1917 had admitted that the introduction of Representative Government in India was bound to be a slow and a difficult process.

Continuing Sir Malcolm Hailey said that the stage of transition had been accepted by all but now a position was brought forward in 1924 asking that those stages be dispensed with. He also quoted Mr. Rangachariar's own speeches in the last Assembly where he realised that the progress must be by stages. He then proceeded to show what stood in the way of immediate assumption of responsibility by the Indian Legislature. He referred to the movement within the Congress for separation from British Empire but those in the Assembly could only regard themselves bound to constitutional ideals and constitutional methods, and with regard to this matter he would like to take the same attitude which Pundit Motilal Nehru took at Gaya when he described the decision of the Congress as a 'hotch potch of pious wishes with a few threats thrown in to season the dish for the acceptance of the more impatient non-co-operators.' He would not deal with the work done by the Legislature during the past three years or with the fact that the constructive programme of those who boycotted them had been confessed to have been barren of result. The first question was: would Indian Princes accept today the transfer of responsibility to Indian Legislature so far as their relations were concerned? Then again conception of full responsible Government with Dominion status meant entrusting the interests of minorities in the hands of a majority. The spectacle of the South African Government's treatment of an important minority of Indians was before them for a lesson. Then again there was the question of communal differences. The cause in the National Pact confessed that the only obstacle to attainment of Swaraj was the lack of mutual understanding among the communities of India. Had the Bengal Pact, he asked, brought peace in Bengal or a sword?

He then quoted from Mr. Pal's writing which deprecating communal differences said that if the British authority was withdrawn it would result in chaos. He also quoted from the Congress Civil Disobedience Committee where it was admitted that the great difficulty in the way of advancement was religious susceptibilities of Indian people. Quoting Mr. Jambadas Mehta he said that the "so-called unity is unreal and illusory and to-day we must confess with shame that we are not fit for Swaraj" (Laughter.) He assumed that no one deplored the communal differences more than the Government but their existence had to be recognised and a solution found.

The next point on which a Government stands or falls was defence. Dominion Status meant Dominion army. The Home Member asked: Has India got the army manned by her nationals in all ranks? With a powerful neighbour this question of defence was important and further, in case of aggression what would be the attitude of an im-

portant community in India? This was an alarming consideration, I will not refer here to the damaging fact that the controversialists have not yet decided whether, if we were invaded by what is for the moment our most powerful neighbour, one of our great communities ought to stand apart or even to join the enemy. The President of the last Congress admitted, though in another connection, that the fighting classes in India were sharply divided from the rest of the people in the country. Remember its implications. I warn my friends of non-martial classes that the power which is now placed in their hands by the ballot box will speedily gravitate to the other hands when there will be no British officers and no British troops to hold the balance.

No Dominion Status to India!

After referring to social drawbacks in India, Sir Malcolm Hailey said: "These problems cannot be solved by a simple change in the form of the constitution. Until these problems remain unanswered, no British Government however constituted would make any recommendation to British Parliament for immediate responsibility and the British Parliament will not agree to such a proposal. We should not flatter ourselves with impossibilities. But we do not propose to stand still in the matter. We maintain that the objective of the Government of India Act is not full Dominion status but Responsible Government. We do not deny that the former may be a corollary to the latter. But for present our objective is Responsible Government only. We maintain, as the Act maintains, the necessity of stages in the realisation of that ideal, and we maintain that the first stage of that transition has not yet been sufficiently tested.

Continuing the Home Member regretted that a section of the people had stood aloof from the Reforms and that even those who were working it had put obstacles either because they did not like the nationality or design or because they found the machine difficult to work. The machine was very delicate. It depended on the co-operation of all to work it smoothly. In place of that there had been non-co-operation reaching against the working of the reformed machinery.—wholly for reasons quite extraneous to the scheme itself.

As to the action the Govt. proposed to take, Sir Malcolm said. We would investigate complaints against the present scheme of Govt. In investigating difficulties and defects in the actual working of the present constitution, we shall consult the Local Governments on the subject. Our object will be to find the defects in the working of the present transition system. It may be that the remedy will be found by advancing within the Act. It may be that we may be able to do much by those sections of the Government of India Act S. 19-A and others. Enquiry may show what other changes are required in the structure. When we send our results for presentation to Parliament we shall ask the Secretary of State to give every opportunity for discussion both in the legislature and elsewhere before they are finally submitted to Parliament. This is as far as we can go at present, but unless the best of India is with us, then our labour will be in vain.

Pt. Motilal Nehru's Amendment

Pandit Motilal Nehru moved the following amendment on behalf of the newly formed Nationalist Party—

'This Assembly recommends to the Governor-General in Council to take steps to have the Government of India Act revised with a view to establish full Responsible Government in India and for the said purpose

- (a) to summon at an early date a representative Round Table Conference to recommend with due regard to the protection of the rights and interests of important minorities the scheme of a constitution for India, and,
- (b) after dissolving the Central Legislature, to place the said scheme for approval before a newly elected Indian Legislature for its approval and submit the same to the British Parliament to be embodied in a statute.

Pandit Motilal Nehru on rising was received with rousing cheers. He thanked Mr. Rangachariar for the welcome extended to the Swarajists and he was particularly glad to find that Mr. Rangachariar has unconsciously admitted that he was not far removed from the Swarajists, for when referring to the glass door against which he was rubbing his nose and throwing stones he was voicing what every Swarajist had also been voicing for some time past and what the Congress ever since it resorted to the policy of non-co-operation had been preaching in the country. He therefore hoped that Mr. Rangachariar would be a valuable acquisition to the non-official ranks. Proceeding Pandit Nehru said that the first part of the resolution relating to Self-Government was unexceptionable. There was a deep-seated desire for Swaraj and when that desire was genuine and proceeded from the natural instinct and determination to attain it, the requisite for full responsible government had been established. That desire for Swaraj had passed through the ordeal of fire and had come out unscathed and pure. What Indians now wanted was complete overhauling of the Government of India Act but the Home member had said that Responsible Government could be granted in successive stages and by the British Parliament and that Parliament alone was the judge of the manner and measure of each advance and that therefore the preamble of the Government of India Act precluded them from making any such demand.

The Pandit on behalf of non-officials in the House declared that the preamble was as bad as it could possibly have been devised to postpone and stifle and suppress the natural desire for Swaraj. The Government of India Act had done India a gross injustice in the preamble and in the subsequent provisions of it which refused to Indians full rights of responsible government. Indians asked either for a revision or a repeal of the act and in saying so he did not think they were guilty of any impropriety. In insisting on the working of the reforms as they stood, Indians were asking all that was necessary to secure the inevitable establishment of responsible government after all the stages mentioned in the amendment had been taken.

The Congress had since 1919 demanded full responsible government or Swaraj and Sir Malcolm Hailey could not therefore convince the Members in this House by quoting the views of Congressmen expressed before that time as he had endeavoured to do. The amendment did not ask for complete responsible government to be handed to them at once tied up in a bundle, but only after a Round Table Conference had drafted the constitution and referred it to a new Assembly and submitted to Parliament to be embodied in a statute. But there should be no conditions imposed on the consideration of a Round Table Conference—conditions which Sir Malcolm Hailey had referred to.

Continuing the Pandit said "My proposition is one which has been toned down in order to meet the wishes of non-Swarajists in the Assembly. It is therefore a modest request to which there can be no possible objection even from Government. We are putting before you an honest and fair demand. (Mr. Jinnah: hear hear). It is not

therefore fair to threaten us of consequences of pressing this demand. I don't think anything deserves the name of a constitution for a country if the people of that country had no voice in drafting it. The Swaraj party has sought the suffrage of electors not to engage itself in the humdrum business of putting questions and getting answers and in the progress marked out under the acts of successive stages and so on. We have come here to do something which the Assembly has not been doing so far. Here we have come to offer you our co-operation, non-co-operators as we are all, if you would agree to hear us. (Hear, hear). If you don't hear us then I say we consider ourselves to be men and we stand by our rights and continue to be non-co-operators. (Hear, hear). This is no threat. This is no new idea. We have been working outside the Councils with a definite object and that object we have still in view and we consider that object to be perfectly legitimate.

Sir, we have been referred to as a party of destruction. We admit we are out to destroy things that are evil. Rightly or wrongly we think that the present reforms are a thing of evil. That is why we want to meet, to hear, discuss and come to a definite conclusion. If you care, well and good. Otherwise we agree to differ and the issues will be clarified."

The Pandit then referred to arguments used by Sir Malcolm Hailey and said the British Public was an altogether intangible body, something like a will-o'-the-wisp. Indians should therefore decide what to do without that extraneous body. The representative Round Table must be really representative. This was an essential condition. Like the Home Member, Pandit Nehru also wanted that the best of India should agree to anything that was to be done and that was why he wanted that. The draft of the constitution should be examined by a new Assembly which would contain the best of Indians. Pandit Motilal welcomed the representatives of Indian States into the Conference. Unless there was Indianisation of Civil Service there would be no end, he said, to Hindu-Muslim troubles. Concluding amidst applause the Pandit hoped the Home Member would reconsider his observations in regard to the conditions imposed on the enquiry.

ONLY A DEPARTMENTAL ENQUIRY

The Home Member again explained the Government attitude on this question. He said Government were unable to depart from the principle of the preamble to the Government of India Act of 1919 which laid down the policy to be realisation of responsible Government in British India by successive stages. The Government of India would ask the Secretary of State to allow fullest opportunity for discussion in the Legislature and elsewhere before the proposal finally submitted to Parliament.

Sir Purushotamdas Thakurdas:—So I take it that it is a departmental enquiry!

Sir Malcolm Hailey.—That it so.

Mr. C. Doraiswamy Iyengar in supporting the amendment moved by Pandit Motilal Nehru withdrew the amendments of which he had himself given notice. One of these amendments was that full responsible government must be immediately given. The other was that there should be no Royal Commission. He assured the European capitalist that when India got responsible government European capital sunk in India would be safer than the Indian capital under the present Government. Indian States would be happier when there was national Government in India. Hindu-Muslim unity was, he said,

almost an accomplished fact in India. The masses were far advanced to-day and they all demanded Swaraj.

Dr. GOUR expressed disappointment at the Home Members speech wherein he had resisted every form of enquiry and had merely suggested departmental enquiry by the Executive Govt. S opposing such an enquiry was undertaken in earnest what promise the Home Member would give that it would not take some considerable time to report and by that time ten years would not lapse. He added we have no guarantee that this enquiry would lead to anything.

He next quoted from Mr. Montagu's speeches made in the House of Commons, during the consideration of the last Reforms Act, that transition was merely meant to lead to ultimate goal at the earliest possible moment. Mr. Montagu had also indicated that the backwardness in India's own defence must not stand in the way of grant of responsibility. Dr. Gour pointed out the difficulty of formulating a scheme by a Round Table Conference in the face of political reactionaries like Sir Campbell Rhodes (Laughter). He moved his amendment favouring the calling of a representative convention and his amendment in other respects followed that of Pandit Motilal expect that it omitted the reference to dissolution of legislature.

MR. JINNAH supporting Pandit Nehru's amendment said he would not share the opinion of those who considered the Government reply as disappointing. He recognised the Government announcement as first step in the recognition of necessity for revising the Government of India and instituting departmental enquiry but he differed from the Home Member about the procedure. Government's scheme was to be formulated in secret chambers of the Executive Council and it was to be presented to the Secretary of State before being placed in the hands of legislature. This was putting the cart before the horse. Pandit Motilal's amendment proposed the best course. If Government wanted the best of India to be with them they must summon the Round Table Conference. He complained that the Home Member had raised the bogey of immediate grant of responsible Government. He made it clear that they were not asking for immediate responsibility but immediate steps towards that direction. (Mr. Rangachariar: Hear! hear.) The Reforms had failed and necessity for revision was urgent. He took the Home Member's words for what they meant but his difference with Government lay about the methods. He believed the method of Round Table Conference was better and he would be prepared to support if any still better method was proposed. As for dissolution of legislature, he knew it would mean expense and worry and would not be worth the paper on which it would be written if electors created by the Reform Act did not approve it. He showed that the Home Member had quoted him partially and added that reference to observation made before the Reforms era was superfluous.

Sir Campbell Rhodes of the Bengal Chamber gave vent to the European non-official view and Mr. Moir of Madras represented the European Services. Both emphasised the right of Britain to be the arbiter of India and questioned the audacity of the Indians to frame their own constitution and present it to Parliament. To every demand their reply was 'not yet.' The two speeches expressed the British exploiters' view and were not taken seriously of by the non-official members.

It was now 5.30 p. m. and on the suggestion of the Home Member, the debate was adjourned to the 18th February.

Debate on Constitutional Advance—contd.

ON FEB. 13th, the adjourned debate on Mr. Rangachariar's Motion was resumed. As before the public galleries were again crowded. There were eleven speakers on this day.

After some formal official business the President said he proposed to arrive at an early decision on Dr. Gour's Amendment in order that the other amendments may be discussed. The following is Dr. Gour's amendment :—

"To summon at an early date a representative convention to prepare with due regard to the protection of the rights and interests of important minorities a scheme of a constitution for India and to submit the same to the British Parliament to be embodied in a statute."

Sir PURUSHOTTAMDAS Thakurdas set the ball rolling. He said the Reforms presented a compromise, but their working had spread discontent not only among the non-co-operators, but even among those who agreed to work the Reforms sincerely. The reason was that every Indian had come to realise that whatever he might do he could not do real good to India under the existing system. At one time it was thought that Indians engaged in commerce and industry should keep away from politics, and representing that community he said he must explain that if he was voicing on their behalf the feeling that Swaraj was alone the remedy, it was because in their own sphere they had also come to realise that there were insurmountable walls of big European monopolies and combinations on all sides against which they had to contend. Moreover, the Britisher had not worked the reforms in the proper spirit. In recommending further changes they knew that law and order would be maintained. In reply to the Home Member he assured them that fear of interference with British commerce was imaginary. Indians would not behave like the Whites in Kenya by depriving them of equal rights of citizenship, but under Swaraj every foreigner in the country would enjoy equal rights (hear, hear), but they would not permit any special privileges and monopolies. He opposed the idea of a Royal Commission. Such Commissions never give much and there was already one Commission in the country before which the Services were putting forward demands which the finances of the country could never bear. The resolution of Pandit Motilal had put forward the legitimate demands of Indians and even then English members like Sir Campbell Rhodes had held out the prospect of military dictatorship or introduction of Martial Law. Was that the reply, he asked, to the Indians' legitimate aspirations? The Government proposal for enquiry he characterised as halting and leading nowhere.

Pandit Malaviya.

Pandit MALAVIYA supported Pandit Motilal's proposition. In Reply to the Home member who had spoken as if India was a primitive country, he quoted history to prove that Indians were running excellently their administration before British rule. Even at present one third of India was ruled by Indians and was not worse governed than British India and subjects of Indian States were not worse off than the subjects in British territory. He asked them to look to Mysore and Baroda. The proposition of Pandit Motilal wanted a declaration to-day that responsible government was to be forthwith established in India subject to a period

of ten years or twenty years within which the British must sincerely work for enabling Indians to man their army and other services. Ever after India attained Swaraj, British officers would be welcome as co-workers in commerce and as advisers in the field of administration. He said the complete mismanagement of Law and Order since the Reforms showed that it should no longer be left to be administered in the present manner and without the responsibility of the executive. He drew attention of the House that, unlike England, taxation to the extent of 41 crores had been imposed since the Reforms while in England it had been reduced. India had, he said, gone back and not progressed because the British bureaucracy would not take the measures which would really bring about progress. No proper college for civil and military training had been established. The Army Indianisation Scheme contemplated a course of hundred years' training! Banking facilities which alone could improve commerce and industry were lacking. The Gold and Currency Reserve was still held in London. How long are we to wait?—he asked. Progress by stages was unjust. India did not want to follow violent methods to win her freedom. She wanted to remain non-violent. She could not be violent because she had been deprived of arms and had no military training, but she had shed enough blood in the last war. He thought that as a result of the Indian help in the war, they would purchase their freedom, but that had not happened.

Concluding Pandit Ma'aviya said every nation had won its freedom—Ireland, Egypt and a host of other nations. India also longed for it and meant to have it before relations were further embittered. He appealed to the sense of justice of the British, who had so long kept Indians out, to admit the justice of their right and give them their Swaraj. He assured them that if proper guarantee was given and time fixed for Army Indianisation, Indians would be able to defend their country after that period.

As for communal differences of which so much was made by the Home Member, he said that it was Government who had put up the Mahomedans to raise the issue. It was at Lucknow that Indians themselves had settled their differences, and now again Indians alone would settle it themselves. (This drew loud applause from every section of the House, except of course the Europeans).

SIR BASH. BLACKETT, the Finance Member, who followed next, began to propound the British Trust theory, and said that somehow the British people found themselves meshed into responsibility for India, and though they were committed to grant Swaraj, there were enormous difficulties in the way. This complacent theory received a crushing reply later from Mr. Chamanlal, Swarajist member from the Punjab.

The Swarajist View

PT. MOTILAL'S speech in putting forth the Swarajist view was a marvel of sweet reasonableness, and one wondered how he toned down his remarks to create an atmosphere for the acceptance of his proposals. With consummate diplomacy he said there had been considerable change in the Government attitude during the last five weeks, and he hoped that before the debate concluded there might be more change in the government view-point to minimise their differences (hear, hear). He would not draw a comparison between the past and the present, but he knew that India was thoroughly discontented this moment. The

reason was more political than economic. The Government stood for the stages outlined in the Government of India Act, while he believed his proposition represented a compromise between the two extremes among Indians and it was the minimum that they asked for. They had heard of the theory of British trusteeship. Who appointed the trustees and where was the legal or moral sanction for it? The British came as traders and afterwards took up government, but even if there was a trust the time had come when it should be honourably and honestly discharged and terminated. India was not prepared to tread the path of violence. The whole world had progressed after the war and progress of centuries had been made in weeks. It was therefore no use quoting the opinions given years ago by Indians. He admitted some Indians were impatient, but his resolution was a compromise. He was accustomed to deal with law.

His reading of the Reforms Act was that not a single decision of the House could be enforced against the will of the executive. Ultimate veto was there. There was therefore no element of real responsibility in the first stage granted by the Government of India Act. It was merely autocracy garbed in parliamentary form. He said in 1904 the Czar of Russia granted rights of citizenship to Russians, but he kept his autocratic powers unchanged and when asked for an explanation of repression the Czar said he had never given up his own powers. The speaker did not say that the British Government would also behave like the Czar, but there was nothing to prevent the British Government from doing so and the application of the Criminal Law Amendment Act had already proved it to a degree. Different nations had travelled by different courses, India under a compelling necessity was determined to chalk out a way for herself.

They did not want a Royal Commission. What materials would the Commission take into account? There would be official and non-official evidence, one of which would cancel the other and nothing would come out. He believed that if there was a real desire for change there was no need of a Royal Commission. The words of the Ministers would carry greater weight with the Crown than any Commission. He would only accept a Round Table Conference. "I submit that my motion is put forward without mental reservation. It affords an opportunity to the Government to right itself with the people and to the people to right themselves with the Government (hear, hear). I am asking to-day for the very conference H. E. the Viceroy was willing to give in December 1921 provided certain conditions did not exist and these conditions do not exist to-day. This will give us an opportunity of explaining ourselves to you and you explaining yourself to us. I believe nothing is more likely to restore cordial relations and to obliterate the sad memories of the past as the Conference or a convention that I propose. Every interest will be represented on it, but if the Government spurns our offer we have learnt to depend upon ourselves." He opposed Dr. Gour's motion eliminating the proposal for a new election after the Conference drafted the constitution. He said it was the pledge that the Swarajists had given to the electors and there could be no real constitution which had not the approval of the people.

At this stage Dr. Gour's amendment was put and rejected.

The Council then adjourned for lunch.

On the House reassembling after lunch, Mr. Ramchandra Rao and Sir Abdul Quam supported the motion for constitutional advance, although the latter felt that the present Act had not been given a fair trial. His kith and kin in Afghanistan were making rapid progress but the frontier people under the British were being neglected. On this Mr. Patel amidst laughter remarked that they had only to join the non-co-operation movement to secure not only reforms but also Swaraj.

Mr. V. J. Patel.

MR. PATEL who made a very humorous and pointed speech on behalf of his party remarked that the Finance Member had said that no body had questioned the bonafides of the Government's intention but the Finance Member had ignored the existence of the National Congress which had been questioning their bonafides year after year.

Sir Basil Blackett:—I said that nobody in this House has hitherto questioned our bonafides.

Mr. Patel.—Here I am questioning it (Laughter). The Government does not trust us and we do not trust them. Continuing he said this was the most opportune time to come to an agreement. The Labour Party was now in power. He referred to the amendments moved by Col. Wedgwood to the Reforms Bill in the H. of C. in 1919—that they wanted to grant India full responsible government with the exception of Army and Navy and also proposed the abolition of the Secretary of State's Council. This was what they now wanted and he hoped the Labour Party would agree to it. Further, Col. Wedgwood had opposed the Statutory Royal Commission at the end of ten years and had pledged in 1919 that if four years hence Labour came into power (which prophecy had come true) they would not feel bound to abide by the limit of ten years, if India asserted her right of self-determination and framing her own constitution. Col. Wedgwood's opposition was only silenced by Mr. Montagu declaring that there was nothing to prevent an earlier commission. The Congress had never accepted that the British Parliament or the Government of India would be the sole judge of India's advance. At present Indians in the Provinces and three Indians in the Central Government were entrusted with certain portfolios. If they were fit to administer these subjects, why not the rest also? In case of the Central Government if Indian members like Messrs. Chatterjee, Sarma and Shafi, could administer their departments and be responsible to the British electorate seven thousand miles away, why should they not be responsible to the electorate on the spot? At present the Army was under the control of the Civil Cabinet of the Government of India. He was sure that when Indians ruled no British officer or soldier would refuse to serve merely because of Indian control, and when India had shed so much blood in the defence of the Empire she had a right to expect that in case of trouble in the future other Dominions would also come to her help.

Sir Malcolm Hailey asked whether Mr. Patel wanted to depend on the British troops.

Mr. Patel:—Certainly (laughter). We are part of the Empire.

He explained fully that what we want was Responsible Government as an integral part of the British Empire. He asserted that the Reforms are a sham. They were out to mend or to end it. If the Government co-operated with them on the Conference, they were welcome, but he could not conceive of a Round Table Conference without

men like Mahatma Gandhi, the Ali Brothers, and Moulana Azad on it—a statement which dropped like a bomb-shell on the European members.

Col. GIDNEY, representing domiciled Anglo-Indians, said that he too stood for Swaraj but he deprecated undue haste. He made some strong and unsavoury remarks on Indians and emphasised that the country and the masses were not yet fit for self-Government.

Mr. CHAMAN LAL, the Punjab Swarajist, then made a very forceful speech and his exposition of naked truths had a telling effect. He said:—We in India representing as we do the people, represent the millions of India. The workers and the peasants and the middle classes claim that the time has come when the British Government should give complete Dominion status to India. It is said that we people have no mandate behind us. May I ask the Hon'ble the Home Member whether he or his Government have got a mandate behind them? They have the mandate, I dare say, of machine guns and howitzers and Lewis guns and aeroplanes, but we have the mandate of the people, the suffering people, behind us and it is because of them and it is because it has been repeatedly expressed not in one Congress but during the last seven Congresses that the people of India are fit for Dominion status that we demand that status for our country. Referring to the British trust theory, he said:

If British rule is a mere administration, I think it is a failure. If it is a Government, it has no sanction behind it. If it is a trust, I say it deliberately and sincerely, it is a fraudulent trust.

Turning to the gradually increasing poverty of India under European exploitation, he said: Is it not a fact that the gradual impoverishment of India is leading to constant and unceasing famines? From the 11th to the 18th century there were fifteen famines in India, all local, 3 famines which were all general, but that in the hundred years which were covered by the 19th century there were 31 famines in India, all general, and it has been computed that nearly 40 million lives were lost through starvation during the last half of the 19th century under British rule!

Concluding he said: I appeal to Hon'ble Members opposite to remember that there are 7 graves in the city of Delhi. They are the graves of seven vanished empires. There is another grave ready-made gaping wide, the eighth grave. Let that grave be the grave of this system, and across its ruins let us stretch out our hands, we the common people of India and the common people of Great Britain, in friendship and fellowship, bearing the message of the brotherhood of man and peace among the nations.

Maulvi Abul Kassim and Mr. Goswami of Bengal then made short speeches. The former was against Swaraj and raised the Hindu-Muslim bogey which had official approval. He referred to the Bengal Pact which the Hindus of Bengal, he said, opposed. Mr. Goswami controverted Mr. Kassim's statement and exposed the policy of intriguers.

It being now 6 p.m. the debate was adjourned to the 18th.

On FEBRUARY 18th the House was again crowded to hear the conclusion of the adjourned debate on Mr. Rangachariar's motion.

The first speaker was Mr. Bepin Chandra Pal who pressed for a committee of two-thirds of the House to outline a Self-Government Bill which the house turned down. Capt. Hira Singh and Sardar Bomaaji Dalal next spoke on the side of Govt. opposing any constitutional advance. Then the House adjourned for lunch.

SIR SIVASWAMY AIYER who spoke next held the floor for nearly an hour and made a most telling speech, demolishing the grounds put forward by the Home Member. In supporting the resolution of Mr. Rangachariar he did not brush aside the arguments of the Government Member but he did not think there was any necessity for the subtle distinction made between responsible government and Dominion Self-Government. The Liberal Party, had never committed themselves to the position that responsible government must be realised in any specific number of stages or in any definite period of time. There was therefore no strength in the argument of Sir Malcolm Hailey that the demand now put forward was in excess of what was demanded a few years ago by the Indian politicians. If the demands put forward a few years ago had been accepted by the Government, there would have been some sort of a pact which they should not violate by any hasty demand but such a thing had not happened. The non-co-operators' attitude during the last three years was not any indication of incapacity to work the Reforms but dissatisfaction with them. That feeling of dissatisfaction ought to be removed. He said: "My experience of the working of the Reforms has been quite satisfactory. I found there was genuine sympathy and desire on the part of the Government to work the Reforms. Our trouble has really been with the authorities in England who interfered in season and out of season to turn down the policies accepted by the Government of India itself. To quote only one instance, there was a series of resolutions moved three years ago and accepted by the Government of India in the direction of Indianisation of the Army but most of them were turned down in England. If Government show a liberal attitude by admission of Indians in the higher ranks of the army, we shall also be prepared to shoulder our responsibility not only for the defence of India but for the defence of the British Empire also in cases of need."

Proceeding, Sir Sivaswamy emphasised the necessity of devising a suitable machinery to suggest a solution of the minorities question. Representative Government had always been recognised as a transitional stage towards responsible government. Responsible government was inevitable. Why then prolong the agony of travail towards it by Government persisting in not removing the causes of bitterness and distrust which sapped the moral foundations of the Government? He said: "I value the experience, skill and business knowledge of Englishmen and consider that British connection is necessary if the country is to be properly developed. I therefore entreat the Government to convey the wishes of the Assembly for further advance. I am not in favour of a Round Table Conference, because the result of its deliberations is not likely to prove acceptable to the British Parliament. I do not believe in a departmental enquiry. But I stand for a Royal "Commission". Turning to Pt. Nehru and his party, he said: "I do not believe that the process of obstruction or paralysation of Government will help us. If obstruction is lawful and constitutional, certification by the Viceroy is equally lawful and constitutional."

An attempt was made by the Government whips to get some nominated and reactionary members of the Muhammedan and the Sikh community on the plea of safeguarding minorities. The most weighty speech on the Muhammedan side was by Mr. Muhamed Yakub who being one of those who drew up the Lucknow Pact knows the Hindu-Muslim problem full well. He said at best the Muhammedan speakers had merely urged delay, but would delay mean that Muhammedans in the interval would so fastly multiply as to out

number Hindus? This, he said, could not be possible even if they had the maximum number of wives. (Laughter). He said the present petty communal jealousies were due to the limited scope in service, but as soon as Swaraj was established these would disappear. He showed how Sir Malcolm Hailey had again played the game of 'divide and rule' by reminding Muhammedans that the Hindu majority might tyrannise over them and by telling the Hindu that Muhammedans might join the Afghan invaders. He assured that Muhammedans who could fight the Khilafat army could easily fight the Afghan army to defend the freedom of their Motherland (Applause).

MR. RANGACHARIAR IN REPLY

After a few more speeches Mr. Rangachariar rose to reply. He said that he knew that the English race was obstinate, but obstinacy always yielded to reason. What the Indians wanted was not the sham thing but the real substance. He complained that the present Government of India Act was not an honest road to self-Government. Indians refused to be treated as children in successive stages of responsible Government. Regarding minorities, he said that the Parsis came to this country even before the English and they were given their share of protection in India. The same treatment would be given to Mahommedans. The Mahommedan subjects in the Indian State of Kashmir under a Hindu Raja were free and the Hindus under the Nizam of Hyderabad were also free. There was no other way of getting over any of these fears than by the introduction of representative institutions.

If they trusted the Indians the latter would trust them. As Lord Carmichael pointed out in the debate in the House of Lords, the European capitalists besides attending to their own business in India ought also to have attended to the business of this country by joining the people and working for the common welfare. The demand of the nation was that the Government of India Act should be revised with the object of ensuring responsible Government. He supported any open method of enquiry in which the intelligentsia of the country would have a voice, whether it was a Committee or a Conference or a Commission or a Convention, but he wanted an open enquiry with the set purpose, namely, that of ensuring responsible Government. If it was the general desire of his friends that they should press for a Round Table Conference then he would gladly accept it.

THE GOVERNMENT REPLY

Sir Malcolm Hailey then addressed the House for a long time.

The major portion of the speech was directed to create dissensions among Nationalists and as if not satisfied with pitting some nominated Mohamedan and Sikh members against popular representatives he laboured at great length to draw the line between Liberalism and Swarajism and thus to divide the vote. His game was soon discovered and he had therefore to face a regular volley of interruptions whenever he misquoted or misinterpreted a member. He again raised the bogey of the demand for "immediate" grant of responsible government and had to be reminded thrice by Mr. Jinnah, Pandit Malaviya and Mr. Rangachariar that they mean nothing of the kind. As Mr. Shanmukam Chetty and Mr. Rangachariar put it, what was wanted was immediate steps to so amend the government of India Act as to ensure responsible Government on a definite and clear-cut basis. But Sir Malcolm Hailey finding that he could not proceed further on the basis of

Pundit Motilal's amendment began to quote the October manifesto of the Swaraj Party and declared that the Swarajists therein stood for the immediate grant of responsible Government. "Was'nt that so", he asked, "and if so, could Liberals vote for such a proposition along with the Swarajists"? He even suggested indirectly that the Swarajists were out-witting the Independents.

A VOLLY OF INTERRUPTIONS

Pundit Motilal took up the question and showed amidst loud applause that while the Swarajists as a Party would not budge an inch from their programme, they had for the purpose of carrying other members with them agreed to tone down the Swarajist demand in the Assembly. Sir Malcolm Hailey then shifted his grounds in another direction and began to argue a different line again with the object of snatching Liberal and Independent votes. He said the conception of a Round Table Conference to change the fundamental law of the land could not be acceptable to Parliament. No British representatives would sit on such a commission. Why?—asked Mr. Shamlal Nehru, and the query was unanswered.

He next began to show that the conditions in South Africa, Canada and Australia when they framed their own constitutions held no parallel to the conditions in India. But here again he found that on every point Pundit Malaviya contested his proposition. He had to leave this also and next attempted to appeal to the Mubamedans by declaring that Pundit Malaviya had urged the Hindu boys to organise physical force against moslems. Punditji again intervened and thoroughly exposed the falsehood.

GOVERNMENT'S NET OFFER

Having failed to divide the Nationalists on the many false issues and tempting baits, Sir Malcolm then laid down the Government proposition, this time with the full authority of "His Majesty's Government", i.e. of the Secretary of State. He opposed every proposition before the house and maintained the attitude he had taken on the 8th. To those who had hoped to get something from the Labour Govt. his pointed reply was that he was authorised to say that 'a change of helmsmanship could not change the course of the ship of statesmanship.'

He said: We have again considered the position very carefully and I am anxious to emphasise that, in what I say I speak with the full authority of His Majesty's Government. We still hold to the general position I took up on behalf of the Government. Before His Majesty's Government are able to consider the question of amending the constitution as distinct from such amendments of the Act as may be required to rectify any administrative imperfections, there must be a full investigation of any defects or difficulties which may have arisen in the working of the transitional constitution now in force. Neither they nor we would be justified in considering changes in that constitution until they were in possession of the full information which our investigation will place in their hands. If our enquiry into the effects of working of the Act shows the feasibility and possibility of any advance within the Act, that is to say, by the use of the rule-making power already provided by the Parliament under the Statute, we are willing to make recommendations to this effect. But if our enquiry shows that no advance is possible without amending the constitution, then the question of advance must be left as an entirely open and separate issue on which the Government is in no way committed.

We are warned on the other hand that the enquiry will not be enough and does not dispel mistrust. In spite of all we have done, mistrust still seems to be the Government of India's fate. We are clear in our own conscience. We must look to history for justice which our contemporaries deny to us and I have no doubt that history will endorse our own conviction of the consistent honesty of our purpose and reality of our efforts, but it offends even more against my sense of justice that this charge should be brought against English people who have initiated and fostered Liberal institutions throughout the world. As for myself I do not believe that where Indian policy is concerned a change of helmsman can mean a change in the course of the ship of statesmanship. But I again speak with full authority when I say that I have noted with great concern the distrust showed by advocates of constitutional reform regarding the good faith of His Majesty's Government and am sincerely convinced that the only hope for a satisfactory solution of the problem of the Government of India lies in pursuance of the policy adopted in the Government of India Act and set forth in its preamble. They associate themselves with the Indian party of constitutional progress towards responsible Government, but they believe that this aim can only be realised if that party will co-operate with the Government in enabling the Act of 1919 to be administered as efficiently as possible in the interest of good government.

At 6-30 P.M. votes were taken on the different propositions. The House divided and carried the amendment of Pandit Motilal Nehru for a Round Table Conference by 76 votes to 48 votes.

The following 76 members voted for Pandit Motilal Nehru's amendment —

AYES—76

Messrs. Ramachandra Rao, Rangachariar, Harchandrai Vishindas, V. J. Patel, Sir Purshottamdas Thakurdas, Mr. M. A. Jinnah, Dr. H. S. Gour, Messrs. Bipin Chandra Pal, A. Rangaswami Iyengar, Mahmood S. Schumrad, Venkatupathi Raju, K. C. Neogi, K. V. Reddi, Shanmukam Chetty, Duraiswami Iyengar, N. C. Keekar, K. Rama Iyengar, Sadasiva Bhat, Dr. S. A. K. Jelani, Maulvi Syed Murtaza, Mr. K. K. Nambiyar, Dr. K. G. Lokakate, Messrs. D. V. Belvi, Jannadas Mehta, Sardar V. N. Mutalik, Messrs. Kasturbhai Lalbhai, B. C. Roy, S. C. Ghose, Amar Nath Dutt, Dr. S. K. Datta, Messrs. Kazim Ali, Khwaja Abdul Karim, M. K. S. Bhat, Maung Tok Gyi, Maung Kun, Messrs. Sambu Dnyyal Misra, K. V. Abhyankar, Seth Govind Das, C. N. Aney, Samiullah Khan, Pandit Madan Mohan Malaviya, Lala Hans Raj, Baba Ujagar Singh Beli, Mr. I. K. Hyder, Pandit Motilal Nehru, Lala Duni Chand, Mr. Ambika Prasad Sinha, Shyama Charan, Pandit Shamlal Nehru, Nawab Ismail Khan, C. S. Ranga Iyer, Dr. Krishen Lal Nehru, Mr. Chinnai Lal, Sardar Gulab Singh, N. M. Joshi, Mr. Guya Prasad Singh, Pandit Nilakanth Das, Mr. Sarfraz Hussain Khan, Maulvi Muhammad Shafi, Messrs. B. Das, Hari Prasad Lal Kumar, Gajanaud Sinhu, Devaki Prasad Sinha, Narain Das, Pandit Krishna Kant Malviya, Pandit Harkaran Nath Misra, Haji Wajihuddin, Moulvi Muhammad Yakub, Yusuf Imam, Sheikh Sadiq Hasan, T. R. Phukan, Mr. Ahmed Ali Khan, K. K. Chandra, Mian Abdul Haye, Sardar Kartar Singh, Lala Pyare Lal.

NOES—48.

The following voted against Pandit Motilal Nehru's amendment — Sir Gordon Fraser, Sir Sivaswami Iyer, Mr. Wilson, Sir Campbell Rhodes, Mr. Moir, Sardar B. A. Dalal, Messrs. Percival, Cocke, Dunk, Darcy Lindsey, M. Shams-uz-Zohn, Turing, H. M. Samarth, N. M. Dumasia, Prince Akram Husain, Messrs. Ali Muzammam Chaudhuri, O'Malley, G. C. Nag, Fleming, Col. Owens, Rustonji Faridoonji, Sir Henry Stanyon, G. H. Clarke, A. C. Chatterjee, Sir Basil Blackett, Sir Charles Innes, Sir Malcolm Hailey, Messrs. Holme, Calvert, Bowell, Tottenham, Parsons, Bichey, Butler, Rushbrook Williams, Sir Henry Moncrief Smith, Mr. Burdon, Nawab Sir Sahibzada Abdul Kayam, Messrs. S. N. Singh, Allen, Filcher, Ghulam Bari, Captain Hira Singh, Captain Ajab Khan, Maulvi Abdul Kasim, Col. Gidney, Chaudhuri Bahawal Baksh and Mr. Bell.

The Course of the Debate

After full 5 hours' debate the Assembly thus passed Pt. Motilal's amendment on Mr. Rangachari's resolution demanding a Round Table Conference. The 3 day's debate which has since become historic marked the 3 phases of development of the national demand, and the frantic attempt of the bureaucracy struggling, by its time-worn method of playing one section of Indians against another, once more to stem the nationalist tide. On the first day, i.e., on the 8th, Mr. Rangachari's motion was made in quite a formal tone. But the important speeches were those of the DE FACTO and DE JURE leaders of the House viz., Pandit Motilal Nehru and Sir Malcolm Hailey. The contrast between the two was remarkable. Sir Malcolm did nothing more than enumerate the worn-out and exploded excuses of the Government for withholding Swarajya from the people of India. Speaker after speaker from the popular side stood up with cogent arguments and apt quotations and thoroughly exposed the hollowness of excuses which the Home Member put forward on behalf of Government. The Home Member found them unanswerable and consequently his concluding speech was a strikingly miserable failure. It was indeed provoking when instead of answering the speakers on the other side he tried to raise new and false issues by quoting random passages from the speeches of some of the popular leaders—old, long forgotten speeches which were irrelevant to the issues raised in the debate. He was repeatedly interrupted by the members and notably by Pandit Madan Mohan Malaviya. When thus the members arrested his beating about the bush, he had no other alternative than simply reading the statement he was authorised to make on behalf of Government and concluded his speech with an appeal which hardly concealed the threat involved in it.

Pandit Motilal's speech on the first day was the very reverse of it. He had to entreat no one. He did not waste his time in answering academic arguments with academic replies. He placed before the House the situation and the position of his party which was responsible for it. He did it in clear and unmitigable terms. So that when the long-drawn discussion came to its close he had to add nothing, to take back nothing, and to explain nothing from what he had already said.

The second day i.e., the 13th, was the day for minorities and vested interests. Mr. Dumasia, Nawab Abdul Quaiyum and M. Abul Kasim opposed both the resolution and the amendment on the ground that minorities may suffer. But their objections had been anticipated on the last day by M. Mohamed Yakub. His speech was the shortest, but the strongest, and received the longest cheers and acclamations from the nationalist benches. The most telling part of his speech was whether the minorities were ever going to be majorities, and would they on that account postpone Swaraj? Col. Gidney voiced the Anglo-Indian minority. But but by far the most impressive and outspoken speech was Mr. Patel's. For a time he made all forget that it was the Assembly and not a public meeting. The main purpose of his speech was to give the House in general and the Government in particular a clear impression of what was in the air outside the Council Chamber.

In the place of the calm, business-like but determined speeches of the 8th, the speeches of the non-official Indians were passionate, rhetorical, declamatory but sometimes rising to real eloquence as in the case of Mr. Chamanlal who captivated the House by his manner, though not by his matter. If Sir Purshottandas and Pandit Malaviya heated up

the atmosphere, Mr. Patel ushered in the tempest. He threw overboard all the restraint, compromise and suavity of his chief and thundered abundantly. Most of the speeches of the Independents were a vigorous denunciation of British policy in India, and the consequent need for Swaraj. It was left to Pandit Motilal to restore in some measure a peaceful atmosphere. He refused to dive into past history, recent or remote. He was concerned with the present constitution which left the Executive supreme, and that it must be ended by Self-determination.

At this time three schools were contending for preference among the Indian politicians: one advocating a Royal Commission, another a Round Table Conference, and the third the National Convention. The Swarajists preferred a Round Table Conference, because it conformed to the principle of self-determination, and at the same time gave a place to Government in it. The National Convention conformed to self-determination but did not find place for Government. The Royal Commission violated self-determination. The Independents would accept with a good grace a Royal Commission, which will do the work in a more business-like manner and be more acceptable to Parliament, and if proper evidence be placed before it, it would give almost all that they wanted. They were willing to forego the flattering unction of self-determination, provided they get what they want. But those that advocate the National Convention and a Round Table Conference put as much stress on the method as on the results.

On the third day i.e. the 18th, Mr. B. C. Pal moved his amendment. It recommended instead of Round Table Conference, a convention of 2/3 members elected by the Assembly and 1/3 nominated by Government. The speech was excellent, but when it came to voting no voice was heard in favour of it except the mover's own. The amendment was lost and the House quickly forgot it.

Mr. Rangachariar's concluding speech was the same as his opening speech with certain consequential verbal changes. And then rose Sir Malcolm to give the final verdict of the Govt. If Sir Malcolm's offer of departmental enquiry was bad enough in all conscience, it became more so when he announced that it was the deliberate view of the British Government, and that too a Labour Government. But the worst feature of the whole debate was his method of delivery which was in sharp contrast with his speech on the first occasion. He left behind his serenity, his friendly and persuasive tone and, regardless of consequences, he rushed headlong in full armour on a career of destruction of the enemy, using all his marvellous skill, knowledge and debating power to inflict crushing blows on his assailants. It was a desperate and unashamed effort to break up the unity of the Nationalist party, by holding up to scorn the shifting of the Swarajist position from that contained in the manifesto of October last, the weakness of the Independents in succumbing to the pernicious influences of the Swarajists, to fan the smouldering flames of communal dissensions, in short, to divide the opposition along all possible lines of cleavage and thus to defeat it. The conclusion of the debate left the already distrusted Government further discredited, the feeble Liberals and Independents in despair and dependency; and the powerful Swarajists in humiliation and bitterness resolved to march on to desperate action regardless of consequences in the matter of smashing up the House.

Other Legislative Business.

On FEBRUARY 11th the Assembly met to discuss official bills. At question time it was elicited that since the Reforms additional taxation to yield Rs. 41 crores had been imposed.

On the motion of Mr. Jinnah a Select Committee was appointed on the Bill raising the age of minor girls from sixteen to 18 years.

Sir Malcolm Hailey then introduced a Bill to amend the I. P. C. and Cr. P. C. for the purpose of affording greater protection to persons under the age of eighteen years. Sir Basil Blackett's Bill to amend the Income-Tax Act which was introduced on the 1st February was referred to a Select Committee.

Sir Charles Innes moved for the consideration of the Bill to amend the Tariff Act introduced on the 6th.

Mr. Dumasia proposed a Select Committee which was agreed.

Indian Passport Act.

Mr. Howell moved that his Bill amending the Indian Passport Act which was intended to penalise those who stayed beyond the period prescribed in their passports be taken into consideration.

Mr. N. C. Kelkar, Chief Whip of the Swarajya Party, regretted that the Government had not moved for a Select Committee themselves on such a Bill. He said that the passport authorities had been abusing their powers and Mr. Horniman was being kept out of India not under any law, but because the Passport Officer refused to give him pass. Although in the statement of objects and reasons mention was made only of aliens, the wording used in the Bill referred to "any person." This measure was liable to abuse.

Pandit Shamlal Nehru said that the Passport Act might have been required during the War but it should now be repealed. Many Indian members opposed the bill and there was a strong suspicion that the Executive was not acting bona-fide.

Mr. Jinnah supported the opposition, and pointed out that even an Indian, if he was considered undesirable, might not be allowed to come to India.

When the motion was put to vote, it was rejected by 72 votes against 43. The debate had taken an unexpected turn and a good number of members who voted against were noticed discussing the position in the lobby.

Mr. Shanmukhan Chetty suggested to the Government that the Bill should be withdrawn and re-introduced.

Sir Malcolm Hailey pointed out that the House had not taken advantage of the Government's reasonable attitude to postpone the consideration of the Bill, but in the spirit of sweet reasonableness (laughter), he would agree to its withdrawal.

On FEBRUARY 12th the Assembly met for non-official resolutions of which several were not moved at all. Questions were asked on the cost of Waziristan campaign, on the Gurdwara Committee and on the retirement of the Indian Secretary to the High Commissioner, Mr. Bhoze, to which only evasive replies were given.

Mr. Kabiruddin Ahmed moved :—That all important questions put by non-official members on subjects over which the Governor-General-in-Council had control and superintendence be answered by Government Members in this Assembly after obtaining necessary information from Provincial Governments. The resolution was put and adopted without division, Government opposing.

Railway Passengers.

Mr. Wajihuddin next moved: "This Assembly recommends to the Governor-General-in-Council to direct the Railway authorities throughout India to adopt the following measures for the convenience of Indian passengers: (a) increase of the number of passenger trains where necessary to avoid over-crowding; (b) introduction of intermediate classes where not already provided; (c) adequate provision of water-men, both Muslims and Hindus, on small stations to provide water on every passenger train; (d) provision of Hindu and Muslim refreshment rooms in all principal stations where not already made; (e) provision of inter-class waiting rooms for men and women, respectively, on all principal stations where not already provided.

The resolution was put and carried, Government opposing.

On FEBRUARY 14TH the Assembly met for non-official resolutions.

Mail Contracts

Mr. Ramachandra Rao moved: This Assembly recommends to the Governor-General-in-Council that in all contracts extending over period of years and creating a public charge, actual or prospective, entered into between the Government and the Companies with an English or an Indian domicile, for the working of State Railways, or for conveyance of mails by sea or for the purpose of telegraphic or wireless communications, a condition should be inserted that the contract shall not be binding unless it has been approved by a resolution of the Indian Legislature.

Mr. Rama Iyengar supported the resolution which was put and carried, the Government opposing it.

A resolution moved by Mr. B. C. Pal that all provincial subjects be transferred was adjourned SINE DIE in view of the constitutional point involved.

PURCHASE OF STORES

Mr. M. A. Jinnah moved: This Assembly recommends to the Governor-General-in-Council that in future tenders for any article required for any Department of the Central Government should be called for in India and in Rupees and the Stores Department at the India Office only should be maintained in such strength as would enable old contracts to be worked out.

Mr. Wilson, representative of the Associated Chambers of Commerce, moved that the following proposition be adopted in the place of Mr. Jinnah's resolution: That the present system of stores purchase for Government's requirements is not in the interests of India and should be done away with at the earliest possible moment, that in its place should be instituted a system of rupee tender for delivery in India with the publication of results in every case, that this new system should be administered under the supervision of the Government of India by a cadre of qualified officers, and that arrangements should be made in India for the requisite test and inspection of the goods purchased.

Mr. Jinnah accepted the amendment of Mr. Wilson and the resolution, as amended, was carried without a division.

GREETINGS TO LABOR PARTY

Mr. Muhammad Yakub moved recommending to the Governor-General in Council to convey the greetings of the House to the Rt. Hon. Ramsay MacDonald and other members of the new Cabinet on their advent to power. The resolution was carried with applause.

Non-Official Resolutions

On February 19th. the Assembly met to discuss non-official resolutions, most contentions among which was one demanding the return of Mr. Horniman.

Mr. KABIRUDDIN AHMED moved that Government may take steps to give gradual effect to the following:—

MR. KABIRUDDIN'S GOVT. PACT !

1. In a province where the Mahomedans are in a majority they will get 52 per cent and Non-Mahomedans 48, and
2. Where the Non-Mahomedans are in a majority they will get 75 per cent and the Mahomedans 25 per cent of representation in both the Indian and Provincial Legislatures and Government services as far as possible. He quoted in extenso the Bengal Provincial Pact and the Indian National Pact in support of the principle embodied in the resolution. He advised the Government not to stand on prestige and pleaded on behalf of the accepted minority. The resolution was modest in as much as he did not think that it should be given effect to at once but gradually. Mr. Kabiruddin compared the Muslim population of each province with that of other communities and pointed out that the figures he had mentioned were justified.

MUSLIM OPPOSITION.

Mr. Mahomed Yakub opposed the resolution and remarked that the Assembly was not the proper place to draw up the Pact. The question was very thorny and intricate and he mentioned that the Bengal Pact had been opposed not only by Hindus, but also by Mahomedans, for instance the Mahomedans of his province (U. P.) were opposed to it. He said the question could be solved by drawing up a National Pact.

Mr. Kabiruddin : I don't want the National Pact, I want a Government Pact.

Pandit MOTILAL NEHRU pointed out that the resolution passed by the House yesterday by a decisive majority laid down that the question of minorities be considered among others by the proposed Round Table Conference. After passing that resolution the House would be stultifying itself by adopting Mr. Ahmed's proposal without discussing it in a Round Table Conference. The House had voted for the Conference which it thought was the most effective means of settling communal differences. Government had been given time and full opportunity to do the right thing but if the Government did not respond he assured Mr. Ahmed that he and his colleagues had a way to do the right thing independently of the Government. He assured him of his fullest sympathy and also that the Round Table Conference which must soon take place would also decide this communal question satisfactorily. In his letter addressed to Mr. Mahomad Ali, Mr. Gandhi had made it perfectly clear that he was going to give his life to Hindu-Muslim unity. Many great men had tried to solve this question, but it was Mahatma Gandhi alone who had brought the Muslim lion and the gentle cow of Hinduism together. That was only for a short time but he believed that if the Government had not interrupted the process by incarceration of Gandhi, Muslim unity would have been accomplished as a lasting pact. He assured that an honest, sincere and strong effort would be made in their Round Table Conference to meet the Mahomedan point of view. He was a firm believer in Hinduism, but also yielded to none in his admiration of the Church of Islam.

In spite of desperate attempts by the Govt. whips, there was no enthusiasm, even amongst the Muslim members to support Mr.

Kabiruddin's inspired resolution, and on the motion of another Muslim member, Mr. Schannad, the resolution was adjourned sine die.

RESOLUTIONS WITHDRAWN

The next resolution on the agenda stood in the name of Mr. DORAISWAMY IYENGAR urging that the 18th of March, the day of Gandhi's incarceration, be declared a national holiday, but when called upon by the President, he did not move it.

Next came Mr. Rangachariar's resolution which was withdrawn after the Home Member's announcement that Govt. would remove the bar against the appointment of vakils as permanent H. C. Judges and that the existing proportion of the civilian element would also be changed in the light of the reports of the Law Commission and the Bar Committee.

Removal of the Ban on Horniman.

When the Assembly meet after lunch Mr. V. J. PATEL moved that all restrictions in the way of Mr. B. G. Horniman to return to India be removed. The mover said Mr. Horniman was a lover of liberty of person, of press and speech, the three inalienable things on the face of the earth. He was deported in times of panic in the year 1916 under rule 3 of section 2 of the Defence of India Act but the grounds were not specified in the order at the time. But after a month of deportation Mr. Montagu stated in the House of Commons that the reasons were two, namely, that the "Bombay Chronicle" of which Mr. Horniman had been the Editor had published certain false news regarding the use of soft-nosed bullets by British troops during the riots in Delhi and that the paper was distributed free among the troops in the hope of exciting disaffection. But the Board of Directors of the "Chronicle" repudiated the allegations. Mr. Horniman tried his best for an opportunity to disprove the statements made by Mr. Montagu but no opportunity was given and when Mr. Horniman sent a letter to Mr. Montagu controverting the statements the reply came that the House of Commons was not the proper place to deal with the letter. When the Defence of India Act ceased to be in force six months after conclusion of peace the Secretary of State would not recommend an order of passport being given to Mr. Horniman to return to India. It appeared that the Secretary of State had absolutely given himself up in the matter but in answer to a series of questions in the House of Commons Mr. Montagu later replied that the question of the return of Mr. Horniman was one within the discretion of the Government of Bombay. Now Sir George Lloyd had gone and Sir Leslie Wilson had come in. His Excellency had already since his assumption of office given satisfaction to the people of Bombay Presidency and of India by the release of Savarkar, the solution of the Borsad Satyagraha campaign and the release of Mr. Gandhi. The people of India of every shade of opinion demanded that Mr. Horniman should be allowed to return.

Sir MALCOLM HAILEY, in opposing the resolution, said that there was no order of deportation in force against Mr. Horniman. All that was required was that Mr. Horniman should obtain a passport for coming back to India. There was no restriction on Mr. Horniman's liberty in England. The sole restriction was on his returning to India. Mr. Horniman was deported for the whole course of his conduct of the "Bombay Chronicle" for a series of months. Several speakers had described Mr. Horniman as a lover of India, lover of liberty etc. Sir Malcolm was not there to justify the order of deportation because that order was not now in question nor was this the proper place to

discuss the merits and demerits of Mr. Horniman's conduct of the "Chronicle". The real venue for the decision was not here but in London. The case was now with the Secretary of State and his return depended on such advice as he might give to the passport-issuing authorities, but the Secretary of State before giving his advice to the passport authorities will naturally consult the Government of India and the Government of Bombay and on the recommendation of these Governments the Secretary of State would decide, but their advice was not binding. "In the past we had been consulted and we held that it was undesirable to allow him to return. That is still our view, but we attach the greatest importance to the opinion of the Government of Bombay and if they believe that there is no danger of public safety in allowing Mr. Horniman to return then we shall support their view. But at present the opinion of the Government of India is that his return will be dangerous. The decision rests with the Secretary of State and our duty is only to recommend".

Mr. M. A. JINNAH regretted the attitude taken up by Sir Malcolm Hailey who was only quibbling on the points. The order of deportation came to an end as soon as Mr. Horniman left the shores of India and now that Mr. Horniman was in England he was not allowed to return even after nearly five years and for this they resorted to the discreditable method of preventing the passport being issued. You refuse to try him but you make allegations, you deport the man and you don't issue the passport. I say, no civilised Government can justify this position. The Secretary of State has put forward two allegations which are absolutely false. As regards the allegation of distribution of papers to the members of the army I say a greater lie was never manufactured. I challenge the Home Member to prove the truth of the statement. It was a lie manufactured for the purpose of justifying deportation and yet the Government in India think that Mr. Horniman is a dangerous man. It is the biggest blot on your administration in India and on your sense of justice and fair-play.

Pandit Malaviya described the action of the Government as a piece of melancholy meanness. It was derogatory to the position of the Home Member to put forward such a miserable plea as he had done. It was an abuse of power to deport a person without any charge and without giving him trial and yet refuse permission to return.

Mr. Chamanlal described the speech of Sir Malcolm Hailey as frivolous. Replying in the House of Commons Mr. Montagu had said that the decision of the question rested with the Governor of Bombay. This reply was not consistent with the statement of the Home Member that it rested with the Secretary of State. He challenged the Home Member to prove the charges levelled against him.

Mr. Jinnah: Why not prosecute him?

Sir Malcolm Hailey:—We prefer not to do it. Now, Sir, as regards his return, if the Bombay Govt. thinks that in the altered situation to-day or henceforth Mr. Horniman's return to India would not be a danger then we shall be guided by that opinion because that would be the opinion of those responsible on the spot.

The resolution was put to vote and carried, Government not claiming a division.

Supplementary Demands

The Assembly met on the 20th February to consider Supplementary grants. The Swarajists were absent and the House was thin. Sir BASIL BLACKETT moved demands for supplementary grants amounting to

Rs. 1,25,000. He explained that the presentation of these demands did not mean that the Government Budget estimates had exceeded by this amount, but that under certain specific heads, they had exceeded the estimates. He assured that the savings under other heads would counter and balance the excess in others, and added that the demands placed before the Assembly had been agreed to by the Standing Finance Committee. The Demands for supplementary grants asked for were under 33 heads, only a dozen of which were subjected to discussion.

The first item debated was the demand for over Rs. 3 lakhs for the CUSTOMS Department. It was pointed out by Sir Basil Blackett that the four lakh cut made by the Assembly in respect of this Department could not be realised. He emphasised that when the Customs duty was high, trade was more liable to devise means to evade the duty. Extra vigilance on the part of the Customs authorities was the only remedy. He assured the House that the extra expenses would result in a very large return to the revenues, which might otherwise be lost.

Mr. Ramchandra Rao next raised the question of the INDO-EUROPEAN TELEGRAPH DEPARTMENT under which head a demand for Rs. 1,91,000 had been put forward.

Sir Purshottamias and some other members complained that the papers in connection with the various demands were given to them very late and they could not possibly examine the proposals satisfactorily, and that the remarks given on the paper supplied in explanation were very inadequate.

After explanations from the Home and the Finance members the demand was passed.

Dr. Gour moved a cut of one lakh under GENERAL ADMINISTRATION under which the Government had been able to give effect only to one lakh reduction out of the five lakhs proposed by the Assembly. The Finance Member explained that the Government had already retrenched under this head to the extent of six lakhs, as recommended by the Incharge Committee, and one lakh additional, and that they could not reduce more without injuring the work of the departments. Dr. Gour, thereupon, withdrew the motion.

The debate next centred round the cut moved by Mr. Ramachandra Rao under the head 'Miscellaneous' and raised the question of the appointment of the JUDICIAL DELAYS COMMITTEE.

Mr. Duraiswamy spoke at length in criticism of its appointment. He said that the Government had done the whole thing in a hurry. The Viceroy announced his decision to appoint the Committee when the last Assembly was dying and actually appointed the Committee six days before the new Assembly was to meet. He objected to this procedure, and maintained that the Standing Finance Committee and the Assembly ought to have been asked to consider the advisability of its appointment. He was anxious that delays in justice should be removed, but felt that the procedure adopted by the Viceroy was thoroughly wrong.

Sir Malcolm Hailey explained that the Committee was undertaking most beneficent public work. He pointed out that the opinion of the Standing Finance Committee and the Assembly had not been sought, due to the fact that the last Assembly had been dissolved and the new one had not yet met. But he recognised the principle that in such cases the opinions of the Standing Committee should be sought.

Mr. Ramachandra Rao withdrew his resolution, and the demand was passed. After lunch all the other grants were passed.

The Legislative Assembly re-assembled on 21st February to consider the introduction of six non-official bills and the sitting lasted less than an hour.

Mr. RANGACHARIAR introduced the Bill to provide that when fire-arms are used for the purpose of dispersing an assembly preliminary warning shall be given. He explained that after the Punjab occurrences and firing in Madras and elsewhere it had become essential to regulate the use of fire-arms and to provide against indiscriminate firing by the officers. He said the necessity for such regulation was recognised by the Government who accepted in part Mr. Sastri's resolution moved in the Council of State in August 1921. When a bill was presented to the Assembly, the speaker and others had given notice of amendments. Government thereupon dropped the bill altogether. He recalled that he again raised this question last year on the occasion of the amendment of the Criminal Procedure Code, but as the section relating to the subject was not in the bill, his amendment was ruled out. He had now put it in his present Bill. Some people might think that this Bill was not adequate and others hold that it was more than adequate. This could be discussed later in detail.

The operative clause of the bill runs:

(1) Fire-arms should be used only if such an assembly cannot be otherwise dispersed and no fire-arms as a rule should be used except on the written authority of a Magistrate of the highest class available on the spot, provided that when immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public, the seniormost officer or military officer present on the spot may give the written authority instead and the same shall be communicated to the nearest magistrate forthwith.

(2) Before the assembly is fired upon fullest warning should be given by all available means to the assembly that unless it disperses within a given time it will be fired on.

(3) The person given the authority to fire shall be ordinarily given such interval between the warning and firing as he considers sufficient in all the circumstances of the case.

(4) A full report of the occurrence shall be made in all cases when such assembly is dispersed by the use of fire arms to the nearest first class magistrate within 24 hours of the occurrence and such report shall be a public document.

(a) If the person is himself a first class magistrate his report shall be made to the District Magistrate and if the person is a District Magistrate his report shall be made to the next higher authority. Any person injured by the use of fire-arms or any parent or guardian, husband or wife of a person killed by the use of fire-arms may make a complaint against any person for any offence committed by him by reason of any act purporting to be done under this chapter.

Indian Registration Act.

Mr. RAMA IYENGAR moved for introduction of a Bill to amend the Indian Registration Act. The Bill was introduced.

Age of Consent.

Dr. GOUR next introduced a bill to raise the age of consent from 12 to 14 years. He said the age of consent has been raised to 16 in Egypt and a similar proposal was also before the House of Commons. He admitted that the last Assembly had rejected the proposal of Bakshi Sohanlal, but the principles of the bill had found favour.

Mr. RAMA IYENGAR asked leave for introducing the bill to amend the Evidence Act with a view to facilitate administration of justice in suits

relating to mortgage bonds by amending section 111. Sir Henry Moncrief Smith showed the Bill was not necessary and the House refused by introduction 15 votes to 34.

The next bill stood in the name of Mr. Neogy to amend the Railway Act. But he did not move it.

Religious Trusts.

Dr. GOUR introduced another bill to make provision for better management of Hindu religious and charitable trust property and for ensuring the keeping and publication of proper accounts in respect of such properties. Dr. Gour explained that the provisions were in accordance with the Muhammadan Wakf Estates Law enacted last year.

The Assembly met next on the 25th February for official business. Sir Charles Innes introduced a bill to amend the Sea Customs Act in accordance with the recommendations of the Indian Fiscal Commission. Sir Basil Blackett then moved that the report of the Select Committee on the Indian Coinage Amendment Bill be considered.

The Jaito Massacre Adjournment.

When the hour struck 12 Pundit Madan Mohan MALAVIYA asked for permission to move adjournment of the House to discuss the occurrences of the 21st instant at Jaito (Nabha), occurrences which, he said, had resulted in the death of a number of His Majesty's subjects variously estimated between 14 and 150. That deaths took place was undentable and that firing was resorted to by officers at Jaito was also undeniable. The question then was as to how the firing took place and how was it that numerous deaths had occurred. To consider how the situation arose it was necessary to go back to the previous incidents.

Taking Cover under Rules.

Sir Malcolm Hailey wanted to know purely on a point of order whether this adjournment motion can be moved because the occurrences took place in an Indian State territory.

The President pointed out that under Rules 12 and 23 of the Rules there could be no discussion either by way of resolution or by motion for adjournment on a matter affecting the relations of His Majesty's Government or the Governor-General-in-Council or Governor-General with any Prince or Chief under the Suzerainty of His Majesty or relating to the affairs of any Prince or Chief or to the administration of any Indian territory. Pundit Malaviya could therefore not move the adjournment, but the President was prepared to hear Pundit Malaviya.

Pundit Malaviya:—Sir, I am not discussing a question relating to the administration of the affairs of an Indian territory. I submit that the death of so many of His Majesty's Indian subjects is a matter to be considered by this House and the Government of India. I wish to confine my proposition specifically to the incidents at Jaito. If I refer to any prior incident it is only to explain connected incident. I do not go into the question of the deposition of the Maharaja of Nabha on its merits or to say anything regarding the administration which has been substituted in the Nabha State, but I hope any member of this Assembly is entitled to raise a discussion on this extraordinary affair relating to the death of several of His Majesty's Indian subjects.

Sir Malcolm Hailey on a point of order again said that the rule makes no difference between ordinary administration or any incident of an extraordinary nature arising in the course of the administration of an Indian State.

Pundit Malaviya:—May I ask the Hon'ble the Home Member if Mr. William Johnston is an officer of the Government of India and secondly

if he came to Delhi two days before the occurrence took place at Jaito in order to take instructions from the Government of India.

Sir Malcolm Hailey:—Mr. William Johnston is an Officer of the Government of India and is now acting as the Administrator of the Nabha territory. He has from time to time taken instructions from the Government of India.

Pandit Malaviya:—Did he come two days before the occurrence took place?

Sir Malcolm Hailey:—He was in Delhi some days before.

President:—The Hon'ble Pundit has not satisfied me that he is within the rights in asking for permission.

Pundit Malaviya:—I want you to consider whether the rule is meant to cover an extraordinary case like the occurrence on the 21st at Jaito, I submit that the rule does not debar consideration of such a serious situation where the Prince has gone out of his State under an arrangement with the Government of India and where the Government of India have appointed an administrator of their own who is acting under the instructions of the Government of India through the Home Member of the Viceroy. Moreover the incident involved the deaths of His Majesty's Indian subjects who reside not in an Indian State but in the British Territory of the Punjab.

Mr. Rangachariar:—I want to know whether it could be the intention of the rule that such a serious question could not be discussed. The circumstances do not refer to ordinary administration. I ask in view of the seriousness of the situation whether the rule should not at once be modified.

President:—I would ask the Hon'ble Mr. Rangachariar (Deputy President) what he would have done if he had been in the Chair. The rules are both wide and explicit and this is not a subject which can be discussed on the floor of this House.

Members Walk Out

Thereupon Pundit Malaviya collected the papers before him and withdrew from the chamber followed by Swarajists & Independents.

Sikh Grievances

FEBRUARY 26TH witnessed another succession of defeats for the Government when the conditions of the Sikhs in the Punjab was raised in debate; The Swarajists attended in full strength to lend their support to the Sikh grievances and the debate was very lively.

Sardar GULAB SINGH moved that a Committee consisting of two-thirds non-official elected members of both the Houses of the Indian Legislature, and one-third officials be appointed to enquire into the grievances of the Sikh community, and to report on the Akali movement. He traced the history of Sikhism and the origin of the present troubles. He said that to the Sikhs their Gurdwaras were more precious than even Swaraj, and the extreme religious fervor of the community could be imagined by the fact that under Moghul rule, a Muslim General went to the Sikhs with the Koran in one hand and the sword in the other, and the Sikhs chose to be killed rather than be converts. The Sikh religion was based on democratic principles. It was only under British rule that irresponsible Executive Officers of the Government began to encroach upon Sikh rights, and the cases instituted in Law Courts brought no justice against mismanagement by Mahants. It was only a foreign Government, run by irresponsible Executive Officers which tolerated the continuance of such mismanagement, and the

desecration of the Gurdwaras by the misdeeds of Mahants. There was the Anandpur tragedy, followed by the Guru-ka-Bagh affair, where the Sikhs had remained non-violent. The Gurdwara Prabandhak Committee and the Akali Dal had been organised with absolutely no political motive, but solely for the purpose of reforming Sikh shrines, and ensuring the performance of proper rights and ceremonies. But the Sikhs, who had fought the battles of the Empire, were rewarded by repression. 1,300 of them were wounded and 5,700 were imprisoned in connection with the Guru-ka-Bagh affair alone. The Sikhs had, however, preserved perfect non-violence under the gravest provocation. It was therefore an utter lie to say that they went armed to Jaito, and that they fired. The Sikhs who had remained non-violent under much graver provocation, could not resort to violence at Jaito. So far as the Nabha affair was concerned, he asserted that the abdication of the Maharaja was not voluntary, that it was brought about by intimidation and intrigue with a view to give a blow to the Sikh Panth. The Gurdwara Committee stood for religious freedom and could tolerate no interference with this right in respect of the Gurdwara at Jaito. The genuineness of the movement and its religious and non-political character could be judged by the support it has obtained from the loyal, retired Military pensioners and the Sikh Sadhus.

M. Abul Kassim strongly objected to the reference to Muslim General but Mr. Gurlab Singh refused to withdraw the statement. Mr. Calvert, the Punjab official, then rose and gave the view-point of the Punjab Government.

DR. GOUR'S AMENDMENT

Dr. GOUR moved an amendment leaving the personnel and proportion of officials and non-officials in the hands of the Government. He said that Mr. Calvert had admitted that grievances did exist and that the Punjab Government had failed to find a solution. A case for an outside and independent tribunal was thus clearly established, and the matter could better be considered in the placid and calm atmosphere of the Central Legislature.

Pandit MALAVIYA said that the Guru-ka-Bagh trouble was due to an official who created the trouble. He said that Mr. Calvert's statement was wrong and that the Gurdwara Committee had been recognised by the Punjab Government as representative of a large section of Sikh religious opinion. The Gurdwara Committee had natural sympathy with the Maharaja of Nabha, who had been deposed, and the Committee asked for nothing more than the publication of the facts justifying such action. Further insult was offered when the Granthi was forcibly removed from the Jaito Gurdwara while he was performing the Akhand Path. The Gurdwara Committee took upon itself the duty of regulating the despatch of Jathas to hold the Akhand Path. The Committee had, under the inspiration of Mr. Gandhi, and teachings of their Gurus, fully followed and enjoined non-violence. Recently, Jathas of 500 started towards Jaito to perform the Akhand Path, which had been interrupted by force. A Government notification stated that only 50 people could go to the Gurdwara, and they must return immediately after the Akhand Path. On learning this decision of the Government, Mr. Jodh Singh of the Gurdwara Committee wrote a letter to Sir John Maynard, the Home Member, urging in the interests of avoiding any further widening of the gulf between the Government and the Sikhs, not to interfere with the religious performances, and to impose no restriction on the number of those performing it and the time the

ceremony took. Pandit Malaviya asked what right the Government had, and under what law it acted, in putting restrictions on religious freedom? The result was that firing was resorted to. It had been alleged that women had been improperly handled, and that some dead and wounded were burnt and removed to an unknown destination. Pandit Malaviya asserted that the Government should have left the Jatha to enter Jaito, because it would have remained non-violent, and even if it had become violent after entry, the Government had forces at their command to meet violence. But the scene enacted by firing against innocent and non-violent people was a second JALLIANWALA BAGH, and disgraceful for any civilised Government. He hoped that the House would sanction a Committee to enquire into the whole problem of Sikh grievances and the brutal action of those at Jaito and of those who guided their policy.

Sir MALCOLM HAILEY then opposed the motion on behalf of the Government. He prefaced his speech by saying that whatever observations he would make should not be taken as in any way prejudicing the course of action he might have to adopt elsewhere (as Governor of the Panjab). The Sikhs had shown great courage in the service of the Crown. There was no one who would not have sincere respect for the real devotion of the Sikhs to their religion, although he believed that in some of their manifestations of their religion they had sometimes gone beyond the principles of good citizenship. Proceeding, the Home Member reminded the House of the several phases of the movement which led to the present situation in the Panjab. The movement was only of recent origin. Most of the shrines were in the possession of Mahants, but there arose a reforming party among the Sikhs which claimed to oust the Mahants, who had been for a great number of years in occupation, and whose rights were actually good in law. The reformers showed irritation at the delay in the settlement of the number of cases then pending, and they even claimed that the procedure provided by law was restrictive. As regards the Golden Temple, it was first managed by a Committee, the head of which was nominated by the Government. For many years the Committee did good work, but after some time, under the influence of the Reform movement, the Sikhs wanted to have greater control over the temple. Government were perfectly prepared to withdraw from the Management. As a result of the negotiation, a Committee of thirty persons was nominated. Even this did not satisfy the Sikhs, who claimed 175 members on the Management Committee. Then came the Keys affair. The Government, not sure of the exact legal position, therefore, brought a friendly suit in order that the Law Court might decide the proper possession of the keys and the responsibility of the management. That was all, nothing more.

The next phase of the Sikh movement was in respect of the Guru-ka-Bagh, where the Mahant wanted the protection of the belonging to the temple. There was no judicial proof that the action of the Mahant was due to the act of the Government Officials. Sir Malcolm Hailey deplored the beatings, but, he said, they were courted by certain people who ought to have gone to the Civil Courts for claiming possession of the lands.

Then the movement turned in respect of the abdication of the Maharaja of Nabha. This abdication was the result of a judicial enquiry in a dispute between Nabha and Patiala. It was in this connection that bodies of men organised by the Sikhs went to Jaito, ostensibly for religious purposes. At the same time, the Prabhandaik Committee had announced that it was their intention to work for the restoration of the Maharaja of Nabha. But as the Nabha State had

come under the British administration, it was the duty of the Government, in the circumstances, to prevent any political demonstrations either for the restoration of the Maharaja or against it. The Government in no way prevented the holding of religious meetings, but only sought to prevent political demonstrations. That was why they allowed bodies of fifty persons to finish their religious observances and leave the territory after the ceremony. For the purposes of a religious ceremony, nine persons were enough, and yet the Government allowed so many as fifty. No other order was possible. "I wish to make it clear that these were definitely the orders of the Government of India. We did not leave the matter to the discretion of the Administrator. We told him that he must, if possible, avoid the use of force. We had successfully avoided this all these four months. We made it quite clear to the Administrator that if the attempts were made on the 21st to break the cordon, to rush through the Police or the troops, then he must use such minimum force as is necessary. That was before the Jatha was to arrive at Jaito on the 21st, but the occurrence has now taken place, and they will form the subject of judicial proceedings.

Sir Malcolm Hailey deprecated the appointment of any Committee of Enquiry by the House. Nevertheless, the Government of India would consider in consultation with the Punjab Government whether it was not possible to find some better machinery within their powers for enabling the Sikhs to state definitely their claims and their grievances, and if possible, to find a solution in co-operation with the Government. Concluding, the Home Member said. "Let me add that there is nobody in the Government who is an enemy of the aspirations of the Sikhs. There is no one who does not wish the old feeling of confidence and trust between the Government and the Sikhs to continue."

Amended Resolution Passed.

Sir Gordon Fraser favoured Dr. Gour's amendment. Mr. B. C. Pal warned Govt. of the effect of the Sikh unrest. Mr. Pilcher gave the die-hard Anglo-Indian view-point. After Sir Malcolm Hailey and another had spoken, the resolution, as amended by Dr. Gour, was passed without a division.

Release of Sardar Kharak Singh.

After lunch, Sardar KARTAR SINGH moved for the release of Sardar Kharak Singh, ex-President of the Gurdwara Committee. He said that Sardar Kharak Singh was a noble old person. One of his offences was the manufacture of Kirpans for Sikhs, which was a quite lawful act.

Pandit Malaviya said that Sardar Kharak Singh was the President of the Punjab Congress Committee and President of the Gurudwara Committee, and such a person was convicted on the most flimsy grounds that he declared in a speech that the British should serve as 'Bardas' (meaning slaves) of Indians. He said that the word used must have been 'bandas' (meaning servants of the public). Even if the word 'Barda' had been used, could it be a serious offence to say that under Swaraj the British should be servants and not masters? He said that for this flimsy offence, Sardar Kharak Singh got three years. He regretted that the case was not defended. He did not agree with the Non-Co-operators in not defending cases, although he realised that the Non-Co-operators' decision was not surprising, after the perversion and net failure of justice in the cases which had been defended. He further pointed out that the limit of injustice was reached when

Sardar Kharak Singh and others have been given further nine months' imprisonment for refusal to give up wearing the black turban.

Sir Malcolm Hailey, taking Pandit Malaviya's facts, observed that whatever the word used by Sardar Kharak Singh be, whether it was Banda or Barda, the audience to whom it was addressed could not have understood it as meaning public servants, and that made all the difference. The Home Member said that he would ask for a report from the Punjab Government on the subject. He could give no guarantee, but he would consult the Local Government whether they considered desirable the remission of the remaining sentence.

The resolution of Mr. Kartar Singh was passed by a majority.

Release of Hasrat Mohani.

Mr. SADIQ HUSSAIN then moved for the release of Mr. Hasrat Mohani by the remission of the sentence. He said that Mr. Hasrat Mohani is one of the noble and trusted sons of India, and that his only offence was that he wanted freedom for his country. He pointed out that Mohani had urged a change of the creed of the Congress at a time when the Muslim feeling was very much strained. He pleaded for a policy of conciliation.

Mr. Abdul Haye said that by imprisonment the Government could not reform Mr. Mohani, nor could they prevent the spread of the ideal advocated by him.

An Amendment

Mr. Doraiswami Iyengar said that there were wide differences regarding the kind of Swaraj India should have, and if Mr. Mohani defined it in the Congress and as President of the Muslim League as political independence, this should not be construed as an offence. He moved an amendment urging unconditional release, rather than remission of the sentence.

Pandit Malaviya also supported the motion. He did not agree with the Maulana's creed, but he held him as a true and honest person who was incapable of bribing a warder, for which alleged offence he was now undergoing imprisonment.

Sir MALCOLM HAILEY pointed out that Mr. Hasrat Mohani had urged the establishment of a parallel Government and guerilla warfare "to kill the enemy wherever you find him". Moreover, Mr. Mohani had defended the Moplas' acts, and had condemned the Hindus as aiding the British in the war against Moplas. Mr. Mohani had fully defended himself before the Court, and the Judges described his speech as gross sedition. He said that but for his breaking gaol discipline and bribing the warder, Mr. Mohani would have been free to-day. He sympathised with and even respected those who went to gaol, because they wanted to uphold a course dictated by their conscience, and then abide by gaol rules. But he warned that those who went to gaol or broke discipline did great harm to the country by spreading the spirit of indiscipline and corruption, which, if allowed unchecked, might result in the break-down of the gaol administration. He pointed out that the Government had done a great deal during the past two years to improve the position of political prisoners, and warned the House against voting for the release of one who was remaining in gaol not for a political offence but for breaking gaol rules.

The amended motion of Mr. Doraiswami Iyengar for unconditional release was put to vote and carried despite Govt. opposition

THE GOVERNMENT OF INDIA'S
Budget for 1924-25

Speech of the Finance Member

DELHI—29TH FEBRUARY 1924

In introducing the Budget for 1924-25, the Hon. Sir Basil Blackett, the Finance Member, said :—

SIR,

If precedent had been followed, I should not now be opening my Budget. It has been the practice in past years for the financial statement to be made on the morning of the 1st of March, and to be followed immediately by a motion for leave to introduce the Finance Bill. This year, I propose to introduce the Finance Bill on the 1st of March as usual: but I make my financial statement to-night out of regard for the convenience of almost every one concerned, except perhaps the Finance Member. The commercial community will be glad of the opportunity to study the budget announcements overnight instead of in the middle of a busy day; and I am also glad to afford some slight relief to the devoted band of officials who, on past occasions, have been kept at work all night in order to bring a new financial statement safely into the world in the morning. I am told that a record is being created in the presentation of the Government of India's Budget on the 29th February. But the choice of February 29th has no significance except that it happens this year to be the day before the 1st of March. The suspicion that to-day was chosen in order to enable us to impose taxes, which are annual taxes, until the 29th February 1928 is, I hasten to assure the House, unfounded.

2. I had occasion a year ago to lament that I could not give exact figures for 1922-23 and had to be content with what I described as nothing more than a second guess, on the basis of nine or ten month's figures of what the actual out-turn would be of the Budget for the year then about to close. I had even better reason than I knew for this complaint. The figures which I then gave for 1922-23 showed revenue at a total of 121 crores and expenditure at a total of 138½ crores, leaving a deficit of 17½ crores. The actual figures show that I over-stated the deficit by no less than 2½ crores. Revenue amounted to 121½ crores and expenditure to 136½ crores, leaving a deficit of 15½ crores. The improvement was mainly under the head of Military Expenditure, where, in addition to other minor improvements, a sum of £800,000 provided as the Indian share of the cost of disbanding surplus troops was not, in the end, utilised. In view of this important difference between the revised Budget figure, to which some prominence is given in the annual Budget Statement and the actual out-turn, which receives practically no publicity, there will be bound up and circulated with the Budget speech a comparative table showing the actual out-turn for each of the last ten years, which will, I think, be convenient to those who desire to study our finances.

3. My inability to present anything more than a second guess is even more vexing this year than it was a year ago. Last year, unhappily the only question was how large the actual deficit would be.

this year it may well be that the progress of revenue and expenditure in the last two months of the year make all the difference between a surplus and a deficit on ordinary revenue. In every year but two of the last ten years the final out-turn of the year has proved more favourable than the revised budget estimates have indicated.

4. The Budget estimates as finally settled a year ago provided for a surplus of 81 lakhs. The estimated revenue amounted to 134.90 crores and the estimated expenditure to 134.09 crores. I warned the House more than once that neither on the revenue nor on the expenditure side could the figures in the budget estimates be counted upon with any great assurance. The revenue figures were arrived at in a spirit of some optimism as to the prosperity of trade and commerce not altogether justified in the light of European conditions, while the expenditure figures assumed that we should succeed in introducing and giving full effect to retrenchments recommended by the Incharge Committee with much greater rapidity than a cautious Finance Member could promise. The information available at the present date makes it clear that our revenue estimates were unduly sanguine. On the other hand, I am glad to be able to inform the House that we have succeeded in reducing expenditure to a figure considerably below the budget estimate. The present indications are that the total revenue will amount to 129.52 crores as against an estimate of 134.90 crores and the total expenditure to 129.90 crores as against an estimate of 134.09 crores leaving a deficit of ordinary revenue of 38 lakhs. I leave out of account a windfall, of which I shall have more to say later. I mention it here only in order to bring out the happy fact that, while the margin between ordinary revenue and expenditure, on the basis of our revised Budget, is so narrow as to make it impossible, till final figures are available, to say for certain whether there is a surplus or a deficit, we are (even on the most unfavourable assumption) sure of a considerable realised surplus after taking extraordinary revenue into account.

Review of the year 1923-24.

REVENUE

5. As in 1922-23, so in 1923-24, we based our estimates on hopes not indeed of a boom in trade, but of a steady revival of which there seemed to be some signs early in the year. These hopes have once again not been fulfilled although it seems likely that there will be in 1923-24 a record surplus of exports over imports. During the first ten months of the financial year, the surplus in value of exports of merchandise amounts to 103.47 crores as against 62½ crores in the corresponding period last year and an adverse balance of 29.60 crores the year before. The net imports of bullion, although substantial, have not reached the figures of 1922-23 with the result that there remains a net balance after allowing for bullion of 63.42 crores in favour of India as against 20½ crores a year ago and an adverse balance of 33 crores in the first ten months of 1923-24.

6. The volume of our export trade has continued to expand. The chief increase is under grain and pulse, where it amounts to 600,000 tons in the first nine months of 1923-24, due almost entirely to a resumption of exports of wheat; but with scarcely any exception every class of goods shows some increase. This is true of imports also, which show a serious decline in two cases only. In one of these the House will be specially interested. The imports of coal into India fell by exactly a third or by 2,84,000 tons in the first nine months of the

current year when compared with those of the corresponding period of 1922-23. "Grey twist and yarn" and "Grey piece-goods" also declined, but the quantity of practically every other class of imports has increased, while at the same time there has usually been a small fall in values. The year has been one of fairly steady, though at times difficult trade, but favourable to India in the balance.

7. Prices of Indian products have on the whole remained remarkably steady throughout the year, with the exception of raw cotton which, owing to the uncertainty and the eventual shortage of the American supply, has been subject to considerable fluctuation. In November 1923 cotton prices reached their highest level since 1918. This has inevitably reacted upon the activities of the cotton industry. Food grains, on the other hand, have fallen steadily since April and the wholesale prices of cereals in Calcutta in December last was only 5 per cent above the level at the end of July 1924. Sugar showed a tendency to advance, whilst tea has been obtaining record prices. The prices of raw jute has been consistently below those prevailing at the similar periods in the preceding year.

The close of 1923 was characterised by somewhat firmer prices for raw materials in the chief markets of the world, and it is fair to say that there is a greater sense of security among producers and merchants than at this time last year. The period of large returns has, however, passed and several industries have still to adjust themselves further to lower rates of profit.

8. CUSTOMS—The slow recovery of trade and the fall in prices of imported articles have resulted in our being once again disappointed in our Custom receipts. The actual figures for Customs receipts up to the end of January point to a net revenue for the year of 40.42 crores as compared with the Budget estimate of 45.10 crores. 'Sugar' provides 1.15 lakhs less revenue than we had anticipated, and it is evident that under this head insufficient allowance was made for the reduced tariff valuation. While the volume of imports of other articles has in most cases not been unsatisfactory, the amount collected on account of our 'ad valorem' duties has declined. We anticipate a decrease of 73 lakhs under imports of 'piece goods,' 58 lakhs under 'metals,' and 35 lakhs under 'cutlery and hardware,' while owing to adverse conditions in the Bombay mill industry the 'excise duty' of 'cotton manufactures' will fall short of the Budget by 38 lakhs.

9. To the extent of about 50 lakhs the failure of Customs revenue to fulfil our expectations is due to the decision of the Bombay High Court that stores imported by Railway companies working State lines come under the definition of Government stores and have to be passed free of duty. An appeal has been preferred to the Privy Council against this judgment. If we are successful, we shall recover 50 lakhs from the Company-managed Railways which will get the Revenue side of the Budget of 1923-24. If, however, we are not successful, we shall not only fail to realise the 50 lakhs in question but we shall have to pay to the Railway Companies a further sum, estimated at about 2 crores, by way of refund of duty collected from them after the definition 'of Governments stores' on which we had always hitherto acted was brought into question before the Courts.

10. RAILWAYS—The Budget estimate of gross receipts from Railways was placed at 95.57 crores. During the earlier part of the financial year the published figures of weekly earnings were unsatisfactory. They were considerably affected during the monsoon and again in December by breaches in important lines due to flood and storm. Since the

middle of December, however, there has been a striking improvement in gross receipts which enables us to place our estimate for the whole year at the figure of 94.92 crores which is only 1½ crore less than the Budget estimate. On the other hand, we have effected a material reduction in working expenses and, in addition, the outgoings under the head of Programme Revenue expenditure have been less than we expected, and I may add, less than is really desirable in the interest of our Railway properties. The total saving in working expenses as compared with the Budget, amounts to 1.93 crores. We thus anticipate an improvement of 58 lakhs in our net receipts.

INTEREST, CURRENCY ETC.—Under the heads of "Interest", "Currency" and "Miscellaneous" there is improvement of 1.42 lakhs, largely due to the higher prices for short money in London and to the fact that favourable opportunities for remittance have enabled us to build up large reserves in sterling which will be very useful to us during the coming year.

11. **OPIUM, POSTS & TELEGRAPHS**—Opium receipts exceed the estimate by 38 lakhs, but there is a decline of 22 lakhs in the net gain to Central revenues from the Posts and Telegraphs Department.

12. **SALT**—Honourable Members will not suspect me of forgetting salt. The Budget provided for a total salt revenue of 11½ crores, including the additional 4.5 crore expected from the doubling of the duty. Circumstances which are not unfamiliar have had the effect of seriously interfering with the normal progress of salt revenue during the year. To begin with, there were very large issues of salt during January and February 1923 in anticipation of the enhancement of the duty. The hope of profiting by a reduction in duty in 1924—25 has now led traders, especially in Northern India, to reduce their stocks as far as possible. An examination of past statistics shows that the issues against consumption in a normal year would amount at the present time to approximately 405 lakhs of maunds. The actual issues for 1923-24 are expected to amount to about 380 lakhs of maunds. The over-issue during January and February 1923 may be put at approximately 30 lakhs of maunds, so that something like 80 lakhs of maunds represents the amount of salt which would have been issued but for the anticipation of a reduction of duty in the present Budget. I may add that I have been unable to find any evidence that the restricted issues have been accompanied by any reduction in actual consumption. In the result, we now anticipate that our total revenue from salt in 1923-24 will amount to 8½ crores, which is 3 crores less than the estimate.

EXPENDITURE.

13. **OPIUM**—The only important excess of expenditure over the estimate occurs under the head "Opium". It will be remembered that a supplementary grant of 77 lakhs was voted during the July session to enable us to meet an excess of payments to cultivators in the United Provinces and in the Central India States due to an increase in the out-turn of the last crop. It is now expected that the excess will actually amount to 70 lakhs.

14. **DISCOUNT ON TREASURY BILLS, INTEREST ON RUPEE LOANS, ETC.**—There has been a substantial saving on the Budget provision for discount on Treasury Bills which reflects the great improvement in our ways and means position. On the 31st March 1922, Treasury Bills outstanding with the public reached the formidable total of 54 crores. This figure had been reduced to 22 crores on the 31st March 1923. On the 31st March 1924 it will be approximately 2 crores. It

is not necessary for me to emphasise the great gain to our financial security which these figures disclose. With a large amount of debt maturing from day to day, all within a few months, we were in a serious position if any unhappy emergency had arisen. The Finance Department's constant anxiety was to know how to find the money if Treasury Bills had to be repaid, and they were often at the mercy of the market if the bills had to be renewed. The market also appreciates its release from constant demands by the Government for short money. Indeed, such is the perversity of human nature that the complaint now tends to be that there are not enough Treasury Bills to go round. The favourable rate at which the current year's rupee loan was issued has also resulted in a saving on Budget provision for charges connected with new loans. There has been a small excess in the provision for new sterling loans owing to our having raised 18 million pounds in London instead of the 15 million pounds tentatively entered in the Budget statement. On the whole, we expect a saving of 71 lakhs in the gross interest charges on our debt.

15. SINKING FUNDS—Under the heads of sinking fund, there is a net saving of 85 lakhs, as we have found it unnecessary, owing to the improved state of the Government securities market, to use any portion of the additional provision of 80 lakhs which has been made during the last few years for supporting the two long-term 5 per cent rupee loans.

16. MILITARY EXPENDITURE—The Budget estimates of Military expenditure for 1923-24 amounted to 65.05 crores gross and, 62 crores net. As has already been announced to the House, full effect has now been given to the reductions in British troops proposed by the Retrenchment Committee except in the case of one cavalry regiment and, though the full resulting economies will not accrue until 1924-25, His Excellency the Commander-in-Chief has found it possible by means of various economies to reduce the established charges of the Military services for 1923-24 to 60½ crores as against the figure of 61.94 crores included in the original estimate. A non-recurrent credit of 2½ crores from consumption or disposal of surplus stores was provided for in accordance with the recommendations of the Retrenchment Committee. The actual credit will amount to approximately 3 crores. On the other hand, the latest estimate of special expenditure in Waziristan is about 2 crores as against the figure of 1.69 crores included in the Budget. Gratuities, etc., for demobilised officers, for which 62 lakhs was provided, will cost us 1½ crores.

17. All these figures include sterling expenditure converted into rupees at 16d., and on this basis the revised Military estimate stands at 60.20 crores net. From this total a sum of 40 lakhs has to be deducted representing the saving under the head of Exchange, making the net figure 59.74 crores—a total saving of 2.26 lakhs or, if exchange be excluded, of 1.80 lakhs.

18. The non-recurrent saving of 3 crores in respect of stores has of course been a prominent factor in keeping down our Military expenditure in 1923-24. Our position has also been materially assisted by a non-recurrent receipt of 41 lakhs. During the war temporary lines were constructed for a number of Indian Battalions raised for the British Government, and the cost of these lines was charged to the British Government. Since the termination of the war the lines have been gradually disposed of, but the British Government have only recently accepted our contention that the sale-proceeds belong to the Indian exchequer in consequence of the arrangement arrived at

when the further contribution towards the expenses of the war was agreed to by India.

19. EXCHANGE—There has also been a saving of $\frac{1}{2}$ crore under other heads of Civil Expenditure, but the largest saving on the expenditure side occurs under the head "Exchange." The rate of exchange has except for a few days, stood above the figure of 1s. 4d. assumed for the purposes of the Budget for 1923-24. It has stood above 1s. 5d. almost continuously since November and the average rate for the current financial year is expected to work out to approximately 1s. 4 $\frac{1}{2}$ d. The resultant saving on net expenditure outside India, including Military expenditure and expenditure on commercial services chargeable to revenue, amounts to 128 lakhs. In addition, there is a saving in exchange of approximately 50 lakhs in respect of capital expenditure.

SUMMARY

20. The above variations in revenue and expenditure are summarised below :—

		(In lakhs of rupees.)	
		(+ Better	—Worse)
Customs revenue, less .. ..	.. ..	..	4.68
Salt revenue, less .. ..	.. ..	..	3.05
Opium revenue, more .. ..	.. ..	38	..
Net receipts from Railways, more ..	..	58	..
Net receipts from Posts and Telegraphs, less (62 lakhs of the deterioration is nominal, due to the debit to the Department for the first time of the cost of pensions and to payment made for the stock of postage and telegraph stamps which have now been taken over by the Department)			
Interest, Currency and Miscellaneous receipts, more .. ..	.. ..	1.42	..
Military receipts, more .. ..	.. ..	1.17	..
Loss by exchange on revenue realised in England as compared with 1s. 4d. rate assumed for Budget .. ..	.. ..	..	13
Minor variations .. ..	.. ..	17	..
Total ..		3.72	9.10
		} —5.38	
Net deterioration in revenue .. ..	.. ..	..	70
Opium Expenditure, more .. ..	.. ..	..	..
Saving under expenditure on stamps and superannuation allowances and pensions owing to transfers to the Posts and Telegraphs Department (see explanation above under Posts and Telegraphs receipts) .. ..	.. ..	62	..
Saving in interest chargeable to Posts and Telegraphs and in capital outlay of the Department charged to revenue .. ..	.. ..	40	..
Saving in gross interest payments .. ..	.. ..	74	..

Smaller interest recoveries from Provincial Governments .. ..	..	25
Saving in provision for sinking funds	80	..
Saving in gross Military expenditure	63	..
Saving in exchange on gross expenditure in England as compared to 1s. 4d. rate assumed for Budget ..	1.41	..
Minor variations (mainly savings in Civil expenditure)	54	..
	<hr/>	<hr/>
Total ..	5.14	95
		<hr/>
Net saving in expenditure ..	+ 4.19	
Net deterioration on Budget anticipations	- 1.19	
Surplus in Budget ..	81	
	<hr/>	<hr/>
Deficit now anticipated ..		38

REALISED SURPLUS

21. WINDFALL—So far I have been dealing only with ordinary revenue and expenditure. The figures are so nearly equal that, although they point to a small deficit, it would not be surprising to find that the final figures show, after all, a small surplus on the ordinary Budget. We have, however, been fortunate enough to come in for a valuable legacy. There are certain sums which have for some time been lying in suspense and which represent the profits from the control of enemy ships and similar items. It has not hitherto been possible to say how much, if any, of these sums could be credited to Indian revenues. A great number of intricate problems had to be cleared up first and even to-day there is still some possibility of counter-claims being established against a portion of the amounts in question. But we are able to say with fair certainty that £3½ millions (equivalent at 1s. 4½d. to 4.73 crores) representing profits from the control of enemy ships belong to India. Out of this sum the Government of India propose to reserve 25 lakhs for the payment of *EX GRATIA* grants to private individuals in consideration of losses suffered through enemy action. If the whole of the remainder of this windfall were credited to the revenue of 1923-24, there would be a surplus (including both ordinary and extraordinary revenue) of over 4 crores after allowing for the deficit of 38 lakhs provisionally entered on ordinary account.

22. In the absence of any special arrangement this surplus would, in the ordinary course, go automatically to debt reduction, and, in view of the deficits of previous years, it is clearly desirable that as much of it as possible should be so applied. An item of extraordinary revenue of this sort ought not to be used for meeting ordinary recurrent expenditure or, indeed, any expenditure normally chargeable against ordinary revenue. We have, however, still to provide the means of meeting the special charge of 2 crores for repayment to the Railways of customs duty on imported railway materials if the case goes against us in the Privy Council. This expenditure is, indeed, part of the expenditure properly chargeable to 1923-24 if it eventually has to be incurred. I therefore propose to retain 2 crores out of the available surplus temporarily in suspense pending the decision of the Privy Council. The remainder of the

surplus, estimated at present at approximately 2,06 lakhs, will be applied automatically to the reduction or avoidance of new borrowings for capital expenditure.

GENERAL

23. I do not propose to go again over the ground which I covered a year ago in reviewing the position of India's finances at the close of 1922-25. Broadly speaking, it may be said that both in the provinces and the Central Government the era of unbalanced budgets has now been brought to an end. We have got rid of practically all our embarrassments in regard to floating debt and can face the necessity of meeting short-term bonds which mature in the next few years with confidence. There is no longer any fear of our being forced to undesirable expedients, such as currency inflation, in order to meet our out-goings. And if the time has not yet come at which we can replace the present statutory, but inoperative, ratio of 2s. gold to the Rupee by an effective ratio, this is due not to our inability to maintain our currency in a sound condition but to a continuance of economic instability in other parts of the world, which makes immediate stabilisation unattractive.

24. The improvement in our position is happily reflected in the improved market price of all our rupee securities. On the 15th February 1923, the 5 per cent. tax-free loan 1945-55 was quoted at Rs. 88-10; on the 15th February 1924 it was quoted at Rs. 98. The quotation for the 5 per cent. loan 1929-47 has risen in the same period from Rs. 82-10 to Rs. 93-2. In 1923 we were able for the first time since 1919 to raise money by a long-term issue, and the improved quotations which I have mentioned give us good reason to hope that we may do even better in 1924-25. More important still, the general improvement in our position should enable us, as I shall show later on when I come to the Ways and Means Budget for the coming year, to avoid any new borrowing in London.

25. POST OFFICE CASH CERTIFICATES—One striking feature of the year 1923-24 is the increased popularity of our Post Office Cash Certificates. Originally issued in 1917 these certificates, thanks to a strenuous campaign for saving, were taken by the small investor to a total of 8 crores net during the period ending 31st March 1919. From that time onwards, year by year repayments considerably exceeded new purchases and on the 31st March 1923 the total outstanding had been reduced to 3 crores. There is nothing which will give a greater stimulus to economic progress in India than the extension of the saving habit. The year 1923-24 has seen a very hopeful development in this direction. From the 1st April 1923 the terms on which Post Office Cash Certificates were issued were improved, so that they now offer a net yield of 6 per cent. compound interest to those who hold them till maturity. At the same time as the issue of new certificates began, endeavours were made in various directions to popularise them, with the result that during the ten months ending the 31st January 1924 a total of 6 crores and 4½ crores net (after allowing for repayments) was invested in this way to the great advantage both of the small investor who lent us the money and of the Govt. of India who borrowed it, as well as of the Indian people as a whole who are richer individually by the amount of their savings and collectively by the productive capital assets in which these savings have been invested. It may be necessary to reconsider the terms on which cash certificates are issued if, as seems probable, the Government of India are able to place rupee loans in the open market on terms which show a considerable improvement on the yield

of about 5½ per cent. subject to tax at which last year's loans were issued. But it is my earnest hope, and I trust that all members of the Legislature will use their influence in the same direction, that the habit of investing in Post Office Cash Certificates will go on spreading throughout India and that both the number of small investors who take to the habit and the aggregate volume of their purchases will go on increasing.

26. The holders of all our securities in India have benefited by the general improvement in the outlook for Government finances, and not the least these holders of our 3½ per cent. rupee debt who bought or subscribed for that stock before the war at or near par. It will be remembered that the question of doing something to assist such holders was carefully examined a few years ago. But the conclusion reached, and indeed it was the only possible conclusion, was that the sound and sure way of alleviating their position is to restore the general stability of our finances. The rise in the quotation of the 3½ per cent. rupee paper from its lowest point of Rs. 52 to a maximum figure of Rs. 66-2 during 1923, and the further rise which occurred early this month, when seasonal influences might have been expected to depress the price, is an earnest of what we may hope will prove a permanent recovery.

DEBT.

27. I now come to our debt position. The figures which I am about to give are in a new form which is, I think, more comprehensive and accurate than the form hitherto adopted. The total debt of the Government of India on the 31st March 1924 will be constituted as follows;—

	(Rs. Lakhs)	
In India—		
Loans	3,58,79	
Treasury Bills in the hands of the public	2,13	
	
Total in India		3,60,92
In England (at Rs. 15)—		
Loans	3,64,22	
War contribution	28,90	
	
Total in England		3,93,12
Unfunded—		
Post Office Savings Banks	24,87	
Cash Certificates	8,51	
Provident Funds, etc.	39,97	
	
Total unfunded		73,35
		8,27,39
ADD—		
The Capital value of the liabilities undergoing redemption by way of Terminable Railway Annuities, amounting, on 31st March 1924, to £60,095,485, or at Rs. 15		90,14
		9,17,53
Total debt		

I have excluded Treasury Bills, amounting to 49.65 crores, held in the Paper Currency Reserve, as these represent a liability not entirely comparable to ordinary public debt. If, however, they are included, the gross total of the debt amounts to 9,67.18 crores. The corresponding total on the 31st March 1923 was 9,29.55 crores including a similar total of 49.65 crores of Treasury Bills in the Currency Reserve and 8,79.90 crores excluding these Treasury Bills.

28. Of the total on the 31st March 1924, 11.88 crores are due to the discount at which some of the loans were issued. This liability is treated as an interest charge under our system of book-keeping and is being extinguished by annual appropriations from revenue within the period of each loan. It should therefore be excluded from our total debt figure, which is thus reduced to 9,05.05 crores. Of this 5,78.39 crores are classed as productive debt and 2,28.45 crores as unproductive debt. The balance of 98.81 crores represents loans to Provincial Governments. These figures compare with 5,55.07 crores of productive debt and 2,29.11 crores of unproductive debt a year ago and 87.49 crores of loans to Provincial Governments. The rupee debt, which stood at 4,23.98 crores on the 31st March 1923, amounts to 4,34.27 crores on the 31st March 1924, while the sterling debt has risen from 304 million pounds on the 31st March 1923 to 32½ million pounds on the 31st March 1924.

29. PROPOSALS FOR DEBT REDEMPTION. This brings me to the general question of the provision made annually in our expenditure or sinking funds. So long as we have a considerable annual programme of new productive capital expenditure, any provision for sinking funds operates, not to reduce the net total of our debt, but to reduce the amount of it which is unproductive, and the amount provided becomes in effect a contribution out of revenue towards productive capital expenditure. Instead, therefore, of speaking of such a provision by the convenient but misleading title of a sinking fund, it is preferable to describe it as a contribution out of revenue for reduction or avoidance of debt.

30. The amount provided for reduction or avoidance of debt in the Estimates for 1923-24 was follows:—

(In lakhs of Rupees.)

IN INDIA—

1½ per cent. Depreciation Fund against—		
5 per cent. Indian War Loan, 1929-47 ..	41	
5 per cent. Tax-free Loan, 1945-5, ..	33	
Lump sum addition to the above made in and since 1921-22	80	
		1,54

IN ENGLAND—

War contribution—annual instalment in repayment of principal	4,42,900	
Railway Annuities (capital portion) and sinking funds	1,544,300	
Total in England ..	1,987,200	
Which at Rs. 15= ..		2,98
Total provision ..		4.92

As I have already explained, the special optional addition of 80 lakhs, made in and since 1921-22 to the depreciation fund for the two

5 per cent. Rupee loans was not required during 1923-24. There was also a saving in exchange on the sterling items of 9 lakhs, so that the total actual expenditure for reduction or avoidance of debt during the year will have been Rs. 3.63 lakhs.

The corresponding figures for 1924-25 on the same basis would be Rs. 4.65 lakhs including the special 80 lakhs and Rs. 3.85 lakhs excluding those 80 lakhs. An addition of 14 lakhs has to be made to the Depreciation fund for the 5 per cent. tax-free loan 1945-55 as the result of the further issue of that loan last summer. The balance of the difference between the figures for the two years is explained by exchange variations and by an automatic increase in the capital portion of certain annuities.

31. It will be remembered that a year ago there was some discussion in connection with the Budget of the propriety of charging to capital that portion of the Railway annuities, provided in the Railway grant, which represents repayment of capital. In accordance with a promise which I made last year, we have now reconsidered this particular charge in connection with the general subject of debt. We have come to the conclusion that this charge should henceforth be excluded from the Railway budget, but treated along with our other provision in the general budget for the reduction or avoidance of debt. By so treating it, we are able to get a clear picture of what exactly is our total provision out of revenue against our total debt and to consider whether it is sufficient. In order to do this we must first ask what is the basis on which our present total provision rests and what ought to be the basis. Why, in fact, did we provide 4.52 lakhs in 1923-24 and was that an adequate total?

32. It appears on examination that the present provision is largely the result of accident. We happen to have entered into certain contracts with third parties, such as the contracts with railway companies to buy up their property by means of terminable annuities, and the contract with subscribers to our 5 per cent. war loans to provide a depreciation fund. These contractual obligations account for 3.72 lakhs in the Budget Estimates for 1923-24. The only optional payment was the extra 80 lakhs for additional depreciation funds for the 5 per cent loans. It is obvious that a total made up in this way does not represent a considered plan, and that the aggregate of individual items does not necessarily conform to any criterion of what our total provision should be. Let me give an example of what I mean. Let us suppose that we come to the conclusion that 3.99 crores, which with exchange at 1s. 4d. is the aggregate of the obligatory items in 1924-25, represents almost exactly what ought to be provided. Suppose further that in the course of the next few years the money required for new productive capital expenditure and the money needed to meet the large total of maturing bonds were raised mainly or entirely by the issue of one or other of the 5 five per cent loans to which a contractual depreciation fund attaches. A large addition would then have to be made to our provision for depreciation funds. It is, of course, proper that the provision for reduction or avoidance of debt should grow with the growth of our total debt. But is there any reason why it should grow by exactly the amount of the depreciation funds? And, in so far as the new borrowing merely represents the replacement of maturing bonds, is there any reason for an increase at all?

33. We are clearly in need of some criterion and we should aim at a regular programme based on stable and well-considered principles, not subject to haphazard changes. The best way of arriving at such

a programme is, I think, to take the gross total of our debt, examine the capital assets which we hold against that debt, and fix approximate periods within which it is desirable to amortise each category of debt. The gross total of our debt on the 31st March 1924, according to the figures already given, is approximately 9,17.53 crores. I exclude as before the 49.65 crores of Treasury Bills in the Paper Currency Reserve, for redemption of which statutory arrangements have already in fact been made in our Paper Currency Act. Of this total of 9,17.53 crores, 98.81 crores represents debt incurred on behalf of the Provincial Governments. These Governments themselves provide for the repayment to us of what they have borrowed, and proposals are under consideration for putting these arrangements on a more regular footing and for the establishment of a Provincial Loans Fund. For the purposes of the Central Government's provision for debt reduction, we may, therefore, exclude this sum of 98.81 crores as also the sum of 11.88 crores representing discount on past loans, leaving a net total of 8,06.84 crores, of which 5,78.39 crores is productive and the balance of 2,28.45 crores is unproductive debt.

34. It seems desirable, however, to analyse our unproductive debt a little further. Approximately 98 crores of it represent the accumulated deficits of the five years ending 31st March 1923. The building of New Delhi accounts for 9.85 crores. We are thus left with a figure of 1,20.60 crores which may be said to be our true war debt. It is reasonable to fix different periods for the redemption of different classes of debt. For productive debt 80 years is not too long. For unproductive debt generally a period of more than 50 years is not easily defensible. For repaying the debt due to our deficits or for such an onerous obligation as the building of New Delhi, shorter periods, say 25 years for the first and 15 years for the second, ought to be taken, since in both cases the next generation of tax-payers is in danger of being called upon to provide sums which ought strictly to have been met out of annual revenue. War debt, on the other hand, however desirable it may be to meet war expenditure to the utmost extent possible out of war revenue, is the inevitable outcome of war conditions and part of the cost of war, and may legitimately be passed on to the generations which benefit by the sufferings and privations of their predecessors. PER CONTRA, the fact that borrowing may be needed for emergencies such as war makes it most undesirable for a Government such as the Government of India to borrow for non-productive purposes in time of peace. It should manage to provide in peace time for the gradual amortization of all its debt. Moreover, existence of a regular provision out of revenue for reduction or avoidance of debt will not only reduce the net amount of our new borrowings for productive purposes but will materially reduce their cost.

35. It is not possible in a Budget speech to treat the whole subject exhaustively, and I do not pretend that the periods suggested above are the only possible or reasonable periods to take. But for the purpose of my argument they will serve, well enough by way of illustration. If we take the periods named and apply them to the different classes of debt mentioned and assume further that any sums provided year by year were set aside to accumulate at 5 per cent. compound interest, we obtain as our result a figure of 3.60 crores as the amount which it would be necessary, on the above basis, to provide annually, beginning with the year 1924-25, to redeem the whole debt within the periods named. But it would not be convenient or desirable to set this sum aside year by year to accumulate at com-

pound interest in the manner assumed in the calculation. It must be expended in the year in which it is provided either on actual repayment of existing debt or for new capital purposes in order to reduce the amount of our new borrowings. By so using it, we reduce the amount we have to pay in interest in the future. We could, indeed, obtain a result equivalent to accumulation at compound interest if we first of all provided 3'66 crores in 1924-25, and then set aside in 1925-26, in addition, a sum equivalent to 5 per cent. interest on 3'66 crores, and so on in future years. In that case the sums actually required during the next five years would be:—

(In crores of Rs.)

Year	1924-25.	1925-26.	1926-27.	1927-28.	1928-29.
	3'66	3'84	4'04	4'24	4'45

36. This would, however, be rather a cumbrous arrangement and in view of the hypothetical nature of some of the data on which the calculation is based, for example the assumption of a rate of exactly 5 per cent for interest, it would be better to achieve the results desired by some more simple process. The same amount of debt would be redeemed if a provision of 4'01 crores were made in each year for the next five years. We may therefore conclude that a figure of 4 crores per annum would be an adequate provision to include in our Budget expenditure for the next five years for dealing with our existing debt.

37. I do not mean that we ought to lay down finally as a law of our financial system that a provision of 4 crores per annum shall be made in each of the next five years. In any case, I must remind the House that this figure makes no provision for the further debt which will be incurred during 1924-25 and thereafter. The criteria which I have suggested evidently require that an addition should be made each year for all new debt incurred. On the assumption, which I hope will prove correct, that such debt will (with the one exception of the expenditure now nearing completion on New Delhi) be entirely for productive purposes, the annual addition might be a sum equal to one-eighth of the net addition to our debt during the year. It is much to be desired that in the near future we should arrive at a definite programme—it might with advantage be a statutory programme—for dealing with this subject. For the present, however, I am content to deal with the year 1924-25 only, leaving for further consideration in the light of the discussion which will, I hope, be provoked by what I have said, the final determination of our future programme.

38. The House will not fail to observe that the figure of 4 crores is almost exactly the figure of our obligatory payments. This coincidence is satisfactory as showing that our provision for dealing with our debt hitherto has been a reasonable one. It also provides a further justification for the omission of the optional item of 80 lakhs for additional depreciation fund. In view of the strength of the market for Government securities, this extra 80 lakhs is clearly not required for its specific purpose.

SEPARATION OF RAILWAY FINANCES FROM GENERAL FINANCES

39. RAILWAY BUDGET.—Before coming to grips with the figures of the general Budget for 1924-25, I must devote attention to one more special subject, the subject of Railway Finance. Honourable Members have all seen the resolution on the subject of the separation of the Railway Budget from the ordinary Budget which has been on the table of the House for some days. I know of no reform which

offers greater attractions and greater benefits to our finances and our Railways alike than a definite separation, if it can be achieved. The condition of affairs hitherto prevailing has inevitably tended to an alternation between raids by the Railways on the taxpayer and raids by the taxpayer on the Railways. If we can succeed in putting an end to this state of affairs, we shall have achieved a piece of genuine constructive work, for which the credit will be, in large measure, due to the initiative of the legislature which has pressed the problem upon the Government. It is proposed that time shall be set apart on Monday next for a full discussion of the resolution on this subject. I must not, therefore, delay the House now by dwelling upon it. I want only to say that in my opinion the reform proposed will bring us valuable dividends in our future budgets, and at the same time lead to great economies in the working of our Railways. It will give them a real incentive to increase their efficiency and to provide better service at reduced cost to their customers, the Indian public.

40. In the figures of the general Budget as presented, the return which we expect to receive from our investment in the Railways is included in accordance with the new settlement now proposed. The taxpayer, instead of paying the whole of the expenses and taking the whole of the incomes of the railways, will enter into a bargain with the Railways to receive from them (a) a sum sufficient to pay in full the interest on the capital he has invested in the commercial lines, (b) an additional dividend of five-sixths of one per cent. on that capital and (c) a share of one-fifth of any surplus earnings that may be secured in addition. In return, the railways will be left to carry on their business with the right to retain any surplus over and above what they pay to the Government and to apply it to railway purposes, first of all for creating reserves and then by using these reserves to improve the services they render to the public and reduce the price which they charge for these services. The Government of India and this Assembly will remain in complete control of the Railway Administration just as they now are. That control will be in no way impaired. But there will no longer be any need to consider from the narrow standpoint of their effect upon the general revenues in a particular period of twelve months, that is, in a particular Budget period, proposals by the Railway authorities which, though excellent and desirable in themselves, might, under the present system, upset the apparent equilibrium of the Budget for the year. The tax-payer will secure a regular and increasing contribution from his investment, largely independent of fluctuations in railway receipts and expenditure, and the railways will be able to spend money according to the real needs of the railway system, unimpeded by the necessity for conforming to the vagaries of Budget figures and the requirements of Budget accounting. The Railways will become a real commercial undertaking managed on commercial lines, and the tax-payer will get the benefit of commercial accounts and management.

41. Among the papers which are being circulated with the speech, Honourable Members will find statements showing first, how the net contribution by the railways to general revenues is arrived at under the proposed new settlement, and second, a comparison of the figures under the two systems showing what the contribution would be under the old system. The main figures in the Railway Budget framed according to the proposed new plan are, traffic receipts 97·07 crores, working expenses 65·23 crores, interest and other charges 26·23 crores, leaving 1,33·48 lakhs as reserve and 4,27·30 lakhs as the net

contribution to general revenues. Under the old system the net contribution is 4.16 lakhs. It is necessary, however, to mention one special point. One of the results of the close scrutiny of Railway finances which has taken place during the past year has been to bring to light a difference on the wrong side between the value of stores held for the capital suspense account and the true market value of those stores. Some of them are not now required for railway purposes and must be sold for what they will fetch. Others are required but are worthless than the figure at which they stand in the books. It becomes necessary, therefore, to write off 3 crores from the Capital account and this can only be done by a charge against revenue. The loss has been accumulated over a series of years and is partly the result of the large rise in prices after the war and the subsequent slump. How are we to deal with this charge of 3 crores? It is necessary that the loss should be written off at once in order to enable us to arrive at a proper valuation of East Indian and the Great Indian Peninsula Railways when they are taken over by the State. If we were in a position to do so, we ought undoubtedly to provide this 3 crores out of the revenue of 1924-25. Under the settlement proposed to be made with the Railways, this charge will be taken over by them and spread over a period of ten years, during which there is reason to believe that they will be able to meet it out of their share of surplus profits. Under the old system there is no provision for building up a reserve out of profits, as profits are taken automatically into general revenues for the year in which they accrue. There is, therefore, less justification for spreading the charge. If, however, the whole 3 crores were charged against the revenue for 1924-25, the contribution of the railways to general revenues during the year would be reduced almost to vanishing point. I trust that the need for deciding this difficult point will be avoided by the adoption by this House of the proposed system of commercial accounting and separation of railway finances. But in the contrary event, there seems to be no better solution than to set up a special provision of 30 lakhs a year, beginning with 1924-25, to amortise the debt in ten years, and it is only by this unsatisfactory device that the figure of 4.16 crores for railway net receipts on the present system is arrived at.

BUDGET ESTIMATES FOR THE YEAR 1924-25.

42. I have, I am afraid, already taxed the patience of the House as severely as the Government are accused of taxing the people of India. But the subjects of Debt Redemption and Railway finance have an interest far beyond the immediate question of the Budget of 1924-25, and it was necessary to deal with them at some length in order to prepare the way for the Budget statement itself. Two other subjects, which are of immediate importance for the year 1924-25, must still be disposed of before I am in a position to present the figures for which the House is waiting. The first of these is the question of making Government stores liable to Customs Duty and the second is Exchange.

43. PROPOSAL TO CHARGE IMPORTED; GOVERNMENT STORES TO CUSTOMS DUTY.—I have already referred to the complications caused during 1923-24 by the decision of the Bombay High Court which brought stores purchased for Company Railways into the category of "Government stores." We hope that the decision of the Privy Council will upset this ruling on appeal. But quite apart from that question, we have come to the conclusion that the time has

arrived when Government stores should be treated for Customs purposes like any other imports, and as the House is aware, we have introduced a Bill to rescind the proviso to section 20 of the Sea Customs Act by virtue of which Government stores are admitted duty free.

44. The Budget figures are presented on the assumption that this Bill will become law. The effect is to add about 1.63 lakhs to our estimate of revenue and about 53 lakhs to our general expenditure, of which 25 lakhs occur under the head of Military expenditure and 22 lakhs represent the assignments to be made to Provincial Governments during 1924-25 to compensate them for the duty which they will have to pay. An additional charge of about 1.10 lakhs to Railways is also involved, partly Revenue and partly Capital. Of this 1.10 lakhs about 90 lakhs would in any case accrue if the decision of the Privy Council were in our favour. It has been the practice hitherto to take credit to Revenue for customs duty on stores imported by company-managed Railways for capital purposes even when the capital is provided through the Government of India. We thereby get an increase in revenue at the expense of an increase in capital. It is true that the capital is spent on productive purposes and that the Railways are expected to charge their customers fares and freights sufficient to pay interest and earn profits on capital expenditure. But there are obvious objections to increasing revenue at the expense of capital and this system will be reconsidered during the course of the year. It is not proposed to change it in the present Budget, in so far as the company-managed lines are concerned. But we think it would be unsound to extend the practice to State Railways, which will now have to pay Customs duty on the stores they import. It is accordingly proposed to remark as a special contribution from Revenue to Capital a sum equivalent to the duty collected from State Railways on stores imported by them for capital purposes. The amount in 1924-25 is estimated at 11 lakhs. It will be larger by 30 lakhs in 1925-26 when the Great Indian Peninsula and East Indian Railways are taken over by the State, and the fact of their transfer to State management will thus automatically reduce the extent of the objection to the present system in the case of company-managed lines. The amount of duty on stores for company-managed lines which involves a debit to capital in 1924-25 is estimated at 51 lakhs.

45. EXCHANGE—It will be remembered that in the Budget estimate for 1921-22 a rate of 1s. 8d. per rupee was taken for the purpose of converting into rupees that part of our expenditure which is in sterling. The Government were supposed to have made a prophecy or even a promise that the average rate for the year would be 1s. 8d. and were severely criticised when the rate fell far below that figure. This year and the year before the rate taken was 1s. 4d.; which proved just about right in 1922-23, while in 1923-24 the average rate has been 1s. 4½d. What rate are we to take for 1924-25? The figures were prepared in the first instance on the basis of a 1s. 4d. exchange, but are we content to leave them on that basis? If we do so and the rate for the year averages 1s. 4½d. we shall have over-estimated our expenditure to the extent of 88 lakh (apart from Railways) and if the average rate were as high as 1s. 5d. we shall have over-stated our outgoings by 171 crores. Is the House prepared to pass our Demand Grants on the basis of 1s. 4d. at a moment when the market rate has been almost continually above 1s. 5d. for nearly four months?

46. But if we do not take 1s. 4d. what rate are we to take? The Government of India cannot propose or promise any particular rate, and he would be a bold man who ventured any confident statement in complete ignorance, as he must be, of the nature of the 1924 monsoon, the course of events in the Ruhr and elsewhere, and the movement of the dollar-sterling exchange. We are compelled to adopt some definite figure and yet we are entirely unable to control the events which will determine the accuracy of whatever figure we may adopt. After careful consideration we have decided to frame our forecast on the basis of an average rate for the year of 1s. 4½d. or ½d. better than the actual average in 1923-24.

EXPENDITURE.

47. We are now at last in a position to proceed to a balance-sheet for 1924-25. I begin with the expenditure side.

MILITARY EXPENDITURE—Military expenditure for 1924-25 is estimated at 63 crores gross and 10·25 crores net, which includes a saving on Exchange of 68 lakhs. On the basis of 1s. 4d. to the rupee the net amount required would be 10·93 crores. In order to assist comparison with the current year the remaining figures of Military expenditure which I shall proceed to give will be on the basis of 1s. 4d. to the rupee.

48. Established charges come to 59 crores which compares with the Revised estimate of 60½ crores and the original Budget figure of 61·94 crores for 1923-24. But 25 lakhs is included in the 1924-25 figure for the payment of customs duty on imported stores, which was not required in 1923-24. We shall require 30 lakhs for roads and barracks in Waziristan and 1·63 lakhs for special terminal charges. If we exclude the special sum of 25 lakhs representing customs duty, which will come back as revenue, the established charges will amount to 58½ crores as against the figure of 59·38 crores assumed by the Retrenchment Committee. The non-recurrent saving arising from reduction in stocks cannot of course be repeated for next year. But we have managed to reduce the established charges below the Committee's figure—an achievement for which we are greatly indebted to the vigilance of His Excellency the Commander-in-Chief and his keen anxiety to effect all possible economies which do not interfere with the essential structure and organisation of the reduced Army.

49. Full information about the action taken on the detailed recommendations of the Retrenchment Committee has already been supplied to the House. I may remind Honourable Members that the Committee expressed the view that in matters of detail the Commander-in-Chief must be left a certain amount of discretion in carrying out their proposals. As the financial effect of the retrenchments actually secured is not less than the total specific economies recommended by the Committee, the Government can rightly claim that they have given full effect to the Committee's recommendations. We have not overlooked the fact that the Retrenchment Committee expressed the opinion that the adoption of their recommendations would enable the Military estimates to be reduced in subsequent years to about 57 crores and ultimately to 50 crores, though, as they stated, the Commander-in-Chief did not subscribe to this opinion. Their specific recommendations, however, worked out to a figure of 57½ crores, which included the special non-recurrent saving of 2½ crores from reduction in stocks. There was thus a gap of 3 crores between the figure arrived at as a result of the specific recommendations of the Committee and the figure of 57 crores. Further the Committee took

no account of the inevitable increase in non-effective charges. Owing to a growth in the pension list, which has been accelerated by reductions of personnel, the provisions for non-effective charges included in the established charges of the Military services is, on the basis of a 18 4d. rupee, 35 lakhs higher in the Budget of 1924-25 than in the Budget of 1923-24. It is evident, therefore, that the goal of 57 crores is not immediately attainable. For the last year our energies have been fully occupied in securing the actual retrenchments specifically recommended by the Retrenchment Committee. But I am not without hope that with the continued co-operation of His Excellency the Commander-in-chief it may be possible further to reduce the level of the established charges of the Military services in 1925-26, though unfortunately we have reason to anticipate that terminal charges will be specially heavy in that year.

50. CIVIL EXPENDITURE.—On the Civil side also, we have given effect to almost all the recommendations of the Retrenchment Committee and expenditure generally has been kept low. Under Opium, we are able to count on a decrease of 49 lakhs as compared with the current year's expenditure, as the special payments necessitated this year by an increase in the outturn of the last crop should not recur. A provision of 25 lakhs has been made, as I have already mentioned, for 'ex gratia' payment of compensation to private individuals who suffered from enemy action during the war, but it can be met from an equivalent sum set apart from the windfall from the working enemy ships. Eliminating Railway transactions, which cease to be a direct charge on Central revenues under the new arrangements which I have explained, our total expenditure amounts to 104.57 crores. What is the revenue on the basis of existing taxation from which to meet it?

REVENUE

51. CUSTOMS.—We expect a net customs revenue for 1924-25 of 45.02 crores against 40.42 crores now expected in the current year. The former figure includes the extra 1.03 crores already mentioned on account of duty on imported Government stores including Railway stores. Apart from this special factor, the estimate of revenue for 1924-25 allows for the higher tariff valuation for sugar which came into force from the 1st January last and for a normal expansion of revenue under other tariff heads.

52. Some small changes in the tariff are being proposed in the Finance Bill, the most important being the reduction of the Excise Duty on Motor Spirit to 4½ annas a gallon, which will cheapen motor spirit without loss to our revenue, and the imposition of specific duties on empty match boxes and splints, in order to protect our match revenue. I ought perhaps to add in passing that for Budget purposes it has been necessary to assume that the final out-turn of 1924-25 will be unaffected by any changes which may be introduced into our customs tariff as the result of the recommendations of the Tariff Board.

53. INCOME-TAX.—Under Income-tax, the unsatisfactory condition of the Bombay mill industry in the current year will reduce our revenue in that province in 1924-25, but this decline in revenue should be partly set-off by increases in other provinces, and we do not anticipate a reduction of more than 25 lakhs on the net revenue expected for the current year, making the total figure 18.22 crores.

54. We expect no material variation in the estimates under other heads of revenue, except under Currency where the investments in

British treasury bills made out of the large sterling remittance effected in the current year will result in an increase in revenue of about $\frac{1}{2}$ crore. We propose that the interest on investments of the Currency Reserve as well as the surplus holdings in the Gold Standard Reserve in excess of £40 millions should, as in the current year, continue to be credited to revenue.

55. POSTS AND TELEGRAPHS—The net budget estimate of expenditure of the Indian Posts and Telegraphs Department is 9.03 crores. The revenue for 1924-25 is put at Rs. 10.14 crores. These figures are not comparable with those presented a year ago owing to the inclusion on both sides of certain items not hitherto included. The changes introduced represent the results so far achieved in the attempt to present commercial accounts. It had been hoped that it would be possible to have a commercial account ready for this Budget, but, partly owing to the desirability of awaiting a settlement of the cognate problems in the commercialisation of the Railway accounts, we have had to be satisfied with something less this year. We are able, however, to include in the detailed estimates a profit and loss account which indicates that the actual profit for 1924-25 will be about 24 lakhs.

56. It will be remembered that the Retrenchment Committee laid considerable stress on the large amount of capital locked up in stores. The actual balance in stock in the case of this Department has been reduced from Rs. 257 lakhs to Rs. 196 lakhs during 1923-34, and by the 31st March 1925 it is expected that the figure will have been brought down to less than 1 crore.

SURPLUS.

57. Replacing the net receipts from Railways by the fixed contribution of 4.27 crores, we thus arrive at a total revenue estimate of 10.793 crores, giving us, on the basis of existing taxation, a surplus of 3.36 crores. How are we to utilise this surplus? I see many claimants. I should like to have been able to reduce some of our Customs duties which in certain cases are undoubtedly hampering trade, though not I think so much as has been contended in certain quarters. It is tempting to consider a reduction here and there of some of our charges for postal and telegraph services; these, however, must wait till we know more exactly what the real surplus on the working of the Posts and Telegraphs is. Then there are the Provincial contributions. We had some discussion on these a few weeks ago, and the desirability of getting rid of them was widely recognised. So long as they remain unreduced, we are in the position of having over 9 crores of prior obligations between us and the things we should like to do with our surplus. Moreover, the existence of this liability is a constant source of bitterness in the relations between the different Provincial Governments and between the Government of India and the Provincial Governments, not excluding Bengal, whose three years of grace expire at the close of 1924-25. A beginning of reduction is being eagerly anticipated by the Provinces, especially by Ministers who are anxious to develop the services under their charge and are severely hampered by lack of cash. Undoubtedly the Provincial contributions have a very strong claim. And finally there is the Salt Tax. It was raised from Rs. 1.4 per maund to Rs. 1.8 per maund this year owing to the paramount necessity of balancing the Budget. To reduce it to Rs. 2 per maund would demand 1.82 crores out of our surplus, to reduce it to Rs. 1.4 would take away Rs. 3.32 crores, that is, would devour practically the whole surplus.

WAYS AND MEANS.

58. But perhaps it would be better if, before continuing this exciting inquiry, I were to divert your attention for a moment to that necessary but less exciting portion of the annual Budget Statement—our Ways and Means Budget.

The following statement summarises the Ways and Means operations in India and England together during 1923-24 and 1924-25:—

	[Crores of Rs.]	
	Rev. sed.	Budget.
LIABILITIES.		
Railway capital outlay	23·6	30·0
Delhi, Irrigation and Telegraph outlay	2·8	3·2
Discharge of funded debts, etc.	5·2	1·0
Discharge of Treasury Bills with the public	19·5	2·1
Loans to Provincial Governments	11·3	12·7
Drawings of Provincial Governments from their balances		2·3
	62·4	51·3
Met as follows;—		
Central Government's revenue surplus	2·1	..
Surplus revenues of Provincial Governments	5·0	..
Rupee loan	23·1	20·0
Sterling loan	18·1	..
Net receipts from Post Office Cash Certificates	5·4	1·5
Net receipts from Savings Bank deposits	5·3	6·0
Miscellaneous items	2·3	7·9
Reduction of cash balances	1·0	15·9
	62·4	51·3

59. I have already referred to the satisfactory receipts from Post Office Cash Certificates in the current year and to the practical extinction of Treasury Bills issued to the public. I want to draw special attention to three further points in these figures, the amount of our proposed Rupee borrowings, the position in regard to our sterling remittances, and the absence of any provision for new sterling borrowing. The last is a very satisfactory feature in view of the onerous obligations for the future which the provision of interest and sinking fund on external debt involves. I must, however, remind the House that our Ways and Means Budget figures are necessarily illustrative rather than exact and in particular I must not be taken as saying that in no circumstances will the Government of India borrow abroad during 1924-25. Something must depend on the relative cost of borrowing inside and outside India. But all indications point to our being able to meet all our capital requirements and all our sterling requirements in 1924-25 without issuing any external loan.

60. Moreover, we hope to achieve this while at the same time reducing our demands on the market in India, where, thanks to the reduction of our total requirements for new capital, we expect to be able to limit ourselves to a rupee loan of not more than 20 crores as against the total of 24 crores in 1923. We are assisted in reaching these results by having built up during 1923-24 a large reserve against our sterling needs during 1924-25. Our total purchases of sterling, whether by purchases in India or by sales of rupees in the

form of Council Drafts in London, during 1923-24, are estimated to amount to £26½ million. During the summer we drew £5,050,000 in sterling from the Paper Currency Reserve against payment into the Reserve in India. On the other hand, in order to take advantage of the more attractive rates at which sterling has been obtainable during the winter months and at the same time to do something to mitigate stringency in the Money Market, we have remitted no less than 12 crores to London against issues of Paper Currency in India. We shall start the year 1924-25 with £14 millions in sterling securities in the Paper Currency Reserve, all of which we can, if necessary, apply towards meeting our sterling outgoings. But if conditions are at all similar in the winter of 1924-25 to those which prevailed this year, we may have to replace some of the amount so applied during the summer in order to meet the requirements of the Indian Money Market in the winter. We have, therefore, assumed a net draft on these sterling reserves of £10 million. The Ways and Means figures given above ignore, it will be noticed, any revenue surplus in 1924-25, and they are subject to modification in the light of the final decision as to the use of that surplus.

FINAL PROPOSALS.

61. This brings me back to the problem of what to do with our surplus. It is one of the ironies of fate that the boon which a Finance Member most desires—a Budget surplus—is frequently the cause of more embarrassment to him than anything else. He has first to examine carefully whether he can safely give away any part of his surplus without laying up a store of trouble to future years. We do not want to remit taxation or give away a part of the Provincial contributions this year and then be faced with the necessity of imposing additional taxation next year or the year after. How do we stand in this respect? When the 1923-24 Budget was framed we doubted our ability to effect within the year all the retrenchments which we had under consideration. We were justifiably in doubt whether our revenue estimate were not unduly sanguine. We managed just to balance our Budget on paper, and though it is still doubtful whether the ordinary revenue will quite cover the ordinary expenditure, we have at any rate reached equilibrium. But we attained our balance this year only by special cuts in certain directions which could not possibly be recurrent. I have already explained the way in which this use of non-recurrent savings affects the comparison between the Military budgets for 1923-24 and 1924-25. In the case of the Railways, we made an even less satisfactory saving which was not merely non-recurring but involved the postponement of urgently necessary works of rehabilitation. The cut in Programme Revenue Expenditure in 1923-24, justifiable as it was in all the circumstances, makes it all the more necessary that money should be found in 1924-25. In 1923-24, therefore, even if our paper surplus had been more assured, it would have been an unthinkable act of improvidence to have given up any part of the Provincial contributions. We need not perhaps stop to consider whether it would have been proper to give away to the provinces the proceeds of a tax not agreed to by the House.

62. The Budget for 1924-25 as it stands gives us, I am happy to assure the House, a sounder basis on which to build. I must admit that the estimates of Revenue are still experimental. This is inevitable in the present disturbed state of the world. If our estimate of Customs revenue is a little more cautious than in 1923-24, there

are reasons for thinking that our estimate of income-tax receipts in 1924-25 may be optimistic. But on the expenditure side, there are no such large non-recurrent cuts as disturbed the prospects a year ago, and we are justified in looking forward to the early disappearance of special war and terminal charges, though I have warned the House that the charge for surplus officers may be rather larger in 1925-26 than in 1924-25. Our Railway Budget will, I hope, be established from henceforward on sound commercial principles. Our provision for debt is, as I have shown, not unsatisfactory. Urgently desirable expenditure on new works is still postponed for financial reasons, but this at any rate is what I can call optional expenditure. We must not, indeed, forget that a poor monsoon is due before long. On the other hand, a real improvement in trade would appreciably increase the yield from our existing taxation. We have, moreover, to remember that a contribution of 63 lakhs will be due from Bengal in 1925-26. All things considered, we are justified in regarding the surplus of 3'36 crores as a real surplus, and I come back to the two claimants which the House will, I feel sure, agree to be the only possible ones, the Provincial contributions and the Salt Tax.

63. There is one important distinction between these alternatives. If we retain taxation at its present figure and give away our surplus in whole or in part to the Provincial Governments, we can face the year 1925-26 with some hope not merely of again achieving a balance but with the brighter expectation that some further reductions in expenditure or some normal growth in the yield of our existing sources of income will again give us a small surplus. If, however, we were to reduce the salt tax to Rs. 1-4-0 per maund, we have an initial deficiency of 2'16 crores to face in 1925-26. The receipts in 1924-25 would be abnormal partly because dealers would at once replenish their depleted stocks if the duty were reduced to Rs. 1-4-0 and partly because we give the dealers six months' credit. For the first five months of 1924-25, we shall in any case be collecting some revenue at the rate of Rs. 2-8-0 a maund. A reduction to Rs. 1-4-0 in the 1924-25 Budget would not, therefore, have its full effect on our figures till 1925-26. The same would be true of a reduction to some intermediate figure, though of course to a smaller extent.

64. One further objection to a reduction of the Salt Duty is that, as I have already shown, the hope that the enhanced rate would endure for one year only has induced dealers to run down their stocks and they have thus to a great extent managed to evade payment of the full duty. It is believed that they cannot reduce stocks much further, a decision by this House to retain the duty at Rs. 2-8 would make them give up hope of pocketing the special profits which they have been trying to secure. They would gradually replenish their stocks and the Exchequer would no longer fail to obtain its due revenue. If the tax is reduced to Rs. 1-4, they will certainly succeed in retaining for themselves part of what they ought to have paid to the Government and will not pass on the whole benefit to the consumer.

65. I know that many in this House regard reduction of the Salt Tax from a standpoint which includes wider considerations than those which are purely financial and economic. I am authorised to say that choice will be left to the House. We are not, as last year, confronted by the vital distinction between a Budget which balances and a Budget which does not.

66. But are the economic objections to the salt duty so great as to justify the House in giving up this recurrent source of revenue at

a time when the Provincial contributions remain unreduced, and the needs of the Provinces are as great as they are to-day? We have a sum of over 9 crores between us and a Budget which balances without the assistance of the Provincial contributions. If we reduce the Salt Tax to Rs. 1-4, we are in truth proclaiming to the Provinces that neither in 1924-25 nor in 1925-26 can we offer them any certain prospect of relief. We are at the same time postponing indefinitely the date at which we can foresee any reasonable possibility of reducing other onerous taxes or increasing our expenditure on beneficial services. It is a message of despair to all those who are looking to expenditure, whether by the Central Government or by the Provincial Governments, for the amelioration of the conditions of life, and for improved educational and sanitary services, throughout India.

67. Let not the House deceive itself. We certainly hope for progressive reduction in our Military expenditure, for progressive improvement in the yield of our existing sources of revenue. We hope too that the Committee on Taxation will be able, in due course, to recommend important improvements in the machinery and scope of our taxation system, so that it may be possible for India to raise in taxation an amount equal to what she raises to-day at less sacrifice to the tax payer. But the results of this inquiry can hardly be available in time for the 1925-26 Budget, and the improvements in our position for which we may look owing to reduced expenditure and increased yield from existing taxes, can hardly do much more in 1925-26 than fill the gap of over two crores created by the loss of salt revenue. We have once again explored with exhaustive care the practicability of alternative taxation, and we are unable to recommend any alternative. We cannot, as I have already shown, afford to contemplate reduction of the Provincial contributions by postponements of inevitable expenditure or by any devices, even if they were available, which will merely improve the appearance of one year's Budget by laying up trouble for the next. And we cannot return to the era of unbalanced Budgets. The choice is clear and unambiguous. We can, if we like, reduce the salt tax to Rs. 1-4 but by so doing we do a definite dis-service to the true interests of India's finances.

68. But, it may be said, is there not a middle way? A reduction to Re. 1-4 costs us 3'32 crores in 1924-25 and a further 2'16 crores in 1925-26, making a total loss of 5'48 crores in 1925-26. Thereafter, allowing for normal growth in yield, the annual recurrent loss is in the neighbourhood of 6 crores. A reduction to Rs. 2 per maund involves a loss in 1924-25 of Rs. 1'82 crores and little more in 1925-26. With the salt tax fixed at Rs. 2 per maund by the verdict of this House, the disturbing factors which have upset the calculations in 1923-24 in regard to issues of salt would be eliminated, and though the dealers would, it is to be feared, succeed in making some of the special profits which they have had in view in reducing their stocks, their gains would not be so appreciable as would result from a reduction to Re. 1-4. A reduction of the salt duty to Rs. 2 per maund would still leave us with a surplus of 1'54 lakhs in 1924-25 and the extra loss in 1925-26 is so small that we could afford to ignore it. Even though on purely financial and economic grounds they may be doubtful of the desirability of reducing taxation in face of the claims of the Provinces for reduction of their contributions, are the Government not prepared to adopt this middle course?

69. After full consideration of all the special circumstances, the Government of India have decided not to ask the House to continue the salt duty of Rs. 2-8 a maund. But in view of their repeated

pledges on the subject of the Provincial contributions, and still more because they are convinced that even the poorest Indian—and perhaps the poorest most of all—will benefit far more by the maintenance of sound finances in the Central Government, and by a beginning of a reduction in the Provincial contributions, they have decided that the middle course is the right course. They propose to divide the surplus between the two claimants.

70. The recommendation of the Government of India therefore is, and I desire to make it clear to the House that this recommendation is made after full consultation with the Secretary of State and with his full approval and support, that out of the surplus of 3'36 crores a sum of 1'82 be applied to reducing the salt tax from Rs. 2-8-0 per maund to Rs. 2 per maund and that a sum of Rs. 1'50 crores be applied to a reduction of the Provincial contributions. This will give immediate relief to four provinces. It will reduce the contribution of Madras from 348 lakhs to 268 lakhs. It will reduce the contribution of the Punjab by 38 lakhs, from 175 lakhs to 137 lakhs. The contribution of the United Provinces will be reduced from 240 lakhs to 210 lakhs, a reduction of 30 lakhs. Burma will get a small reduction of 2 lakhs on its contribution of 64 lakhs.

71. I do not wish to appeal to provincial particularism. We here represent the whole of India. As I said a few weeks ago, borrowing the words of the Honourable Pandit Madan Mohan Malaviya, this is a national question and should be looked at from a national standpoint. The Devolution Rules prescribe the proportions in which each province's contribution is to be reduced as money becomes available. The provinces named are the first to get relief. But "well begun is half done." The turn of the others came next, and their prospect of reduction is brought so much the nearer by the clearing away of prior claims. But more important still is the interest of India as a whole in making a beginning in dealing with this running sore of the Provincial contributions. This House, in the first year of its life, has an opportunity of helping to make good the financial basis of the Reforms from lack of which many of the difficulties of the last three years have sprung. The Government of India ask the co-operation of the Assembly in enabling them so to manage the finances of the country that the way may be clear for constitutional progress unhampered by any impediments arising from financial disorders.

STATEMENT I.

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 1913-14 to 1922-23.

(See paragraph 2 of speech.)

	REVISED ESTIMATES.			ACTUALS.		
	Revenue.	Expenditure.	Surplus (+) Deficit (-)	Revenue.	Expenditure.	Surplus (+) Deficit (-)
1913-14	80,66,56	78,43,56	+ 2,23,00	81,32,71	77,85,85	+ 3,46,86
1914-15	74,89,38	79,07,25	- 4,17,87	76,15,35	78,83,14	- 2,67,79
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	88,2 ,37	+ 8,98,30	98,53,10	87,31,37	+ 11,21,73
1917-18	1,14,84,45	1,07,27,74	+ 8,56,74	1,18,70,58	1,06,57,52	+ 12,13,06
1918-19	1,27,91,65	1,34,79,88	- 6,88,23	1,30,40,66	1,36,13,72	- 5,73,05
1919-20	1,14,0 ,56	1,59,18,67	- 45,18,11	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	1,15,21,50	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

STATEMENT II.

Calculation of the net contribution from Railways to General Revenue in 1924-25.

(See paragraph 41 of speech.)

(Figures in thousands of rupees.)

Revised Estimate,
1923-24.

A.—(i)	Capital at charge, all lines			6,45,80.91
	DEDUCT—			
	(a) for strategic lines		20,50.37	
	(b) for capital contributed by Indian States and Railway Companies		74.90.40	1,01,40.77
	(ii) Capital at charge, commercial lines			5,44,40.14
	(iii) Contribution at five-sixths of 1 per cent.			4,53.67
B.—(i)	Gross traffic receipts, all lines			94,22.02
	DEDUCT—Receipts, strategic lines			1,97.23
	(ii) Gross traffic receipts, commercial lines			92,24.79
	(iii) Working expenses, all lines			60,96.00
	DEDUCT—Expenses, strategic lines			2,2.17
	(iv) Working expenses, commercial lines			58,07.83
	(v) Share of surplus profits paid to Indian States and Railway Companies			1,11.42
	(vi) Net receipts, commercial lines [(ii) MINUS (iv) and (v)]			59,79.25
	ADD—Subsidized Companies, Government share of surplus profits			23.27
	(vii) Total net receipts			32,68.81
(viii)	Interest on capital at charge, all lines			17,37.98
	DEDUCT—Interest, strategic lines			1,01.76
	(ix) Interest on capital at charge, commercial lines			10,36.22
(x)	(a) Interest portion of annuities in purchase of railways			3,11.34
	(b) Interest on capital contributed by Indian States and Railway Companies			3,11.70
	(xi) Total interest charges, commercial lines			22,59.35
	(xii) Land and subsidy			7.41
	(xiii) Miscellaneous Railway expenditure			10.72
	(xiv) Total (xi), (xii) and (xiii)			22,83.48
	(xv) Net gain from commercial lines (vii) MINUS (xiv)			9,85.33
(xvi)	Contribution at five-sixths of 1 per cent. on capital at charge [A (iii)]			4,53.67
(xvii)	Surplus profits			5,31.01
(xviii)	One-fifth of surplus profits			1,06.33
(xix)	Total contribution [(xvi) PLUS (xviii)]			5,60.00
	(xx) DEDUCT—			
	(a) loss in working strategic lines		30.94	
	(b) interest on capital at charge, strategic lines		1,01.76	
			2,32.70	
(xxi)	Net contribution			4,27.30

NOTE.—The contribution will in future years be calculated on the actual results of the penultimate year's working; but in 1924-25, the year of inception of the new system, on the results of the working in 1923-24. The net contribution of 4,27,30 shown in this statement is therefore subject to adjustment when the actuals of 1923-24 are known.

STATEMENT III.

Comparison of the contribution from Railways to General Revenues in the year 1924-25 under the present and proposed (separation) systems.

(See paragraph 41 of speech.)

(Figures in thousands of rupees.)

Present system, Budget Estimate 1924-25.	Proposed system. Budget Estimate 1924-25.
(i) Gross traffic receipts ... 97,06,92	(i) Gross traffic receipts ... 97,06,92
DEDUCT—	DEDUCT—
(a) Working Expenses ... 66,68,04	(a) Working Expenses ... 65,23,04
(b) Share of Surplus Profits paid to Indian States and Railway Companies ... 1,14,87	(b) Share of Surplus Profits paid to Indian States and Railway Companies ... 1,14,87
(ii) Net receipts ... 29,24,01	(ii) Net receipts ... 30,69,01
(iii) Subsidized Companies, Government share of surplus profits ... 25,92	(iii) Subsidized Companies, Government share of surplus profits ... 25,92
(iv) Total net receipts ... 29,49,93	(iv) Total net receipts ... 30,94,93
(v) (a) Interest on capital at charge ... 19,18,05	(v) (a) Interest on capital at charge ... 19,18,05
(b) Interest portion of annuities in purchase of railways ... 2,97,56	(b) Interest portion of annuities in purchase of railways ... 2,56
(c) Interest on capital contributed by Indian States and Railway Companies ... 2,80,09	(c) Interest on capital contributed by Indian States and Railway Companies ... 2,80,09
21,95,70	21,95,70
(vi) Land and subsidy ... 16,00	(vi) Land and subsidy ... 16,00
(vii) Miscellaneous Railway expenditure ... 22,45	(vii) Miscellaneous Railway expenditure ... 22,45
(viii) Total (v), (vi) and (vii) ... 25,34,15	(viii) Total (v), (vi) and (vii) ... 25,67,63
(ix) Net contribution from Railways to General revenues [(iv) MINUS (viii)] ... 4,15,78	(ix) Net contribution from Railways to General revenues [(iv) MINUS (ix)] ...

NOTE.—The figures for Working Expenses is 1,45,00 less under the proposed (separation) system than under the present system, because:—

- (i) As an integral part of the proposed system the allocation of expenditure on renewals between Capital and Revenue will be revised, and with the revised allocation 1,15,00 is expected to be charged to Capital next year, which, under the present system, must be charged to Revenue.
- (ii) Under the present system 30 lakhs must be charged to Working Expenses next year, in order to write down to market prices the value of stores in stock, and to write off out of Revenue the loss involved in the sale of surplus and obsolete stores. Under the proposed (separation) system, this charge will be met from the Railway reserves.

It will be observed that this figures of 1,45,00 is the equivalent of (1) the increase of 11,52 in the contribution expected to be made from Railways to General revenues under the proposed (separation) system, and (2) the amount of 1,33,48 expected to be carried to Railway reserves.

General Discussion on the Budget

On MARCH 5th the Assembly met for the general discussion of the Budget. The target of criticisms was the Military Budget and the Salt Duty. Khan Behadur Sharifraz Khan opened the discussion, and Mr. Shanmukham Chetty followed him. Liberals and Independents alone took the leading part. And although Swarajists as a whole were neutral, three speakers on their behalf, Mr. Ranga Iyer, Mr. Jamnadas Mehta, and Mr. A. N. Dutt expressed their view-point towards the close of the debate. Mr. RANGA IYER said that it was a British Budget with a British character, a budget for England's prosperity and also slightly for India's good but only through the English channel. There was in it taxation imposed without listening to the representatives of the people. Since the British came to India, India's doors had been thrown open to exploiters by adopting free trade and her industry killed and all her money sunk in foreign markets by purchasing foreign goods. This injustice had been confessed by some far-sighted statesmen like Lord Randolph Churchill in 1886. He asked, was there any change to-day? The certification of the Salt Tax had shown that autocracy was as supreme as ever. Lord Oliver had himself admitted that there could be no taxation without representation and as under the existing system there was no real representation because Government was not responsible to the Legislature, they could not vote the budget in the name of the people.

Mr. JAMNADAS MEHTA did not enunciate any principle but put down details that unless the Military Budget which, both secret and open, amounted to eighty crores instead of sixty was reduced to thirty crores, unless Provincial Contributions, Salt Tax and Cotton Excise were wiped off the Indian budget, at least Swarajists could never vote for the budget.

The criticism of Moderates ranged between mild and bitter. All were unanimous in favouring the Salt-Tax at Rs. 1-4. Mr. Rangachariar and Sir Chimanlal SETALVAD took Government to task for ignoring the Assembly's opinion and certifying Salt Tax. Sir Chimanlal said that the Salt Tax had not helped Government but had thrown the Liberals who had stood by Government to the wolves (meaning Swarajists). Mr. Ranga Iyer however said that the real reason of the liberals' defeat at the last election was the Liberals' support of the repressive campaign. Sir Purushotamdas and Sir Chimanlal asked the Government as to why it could not use the windfall of 472 lakhs last year and they both dwelt at length on the scandals of Indian money being sacrificed in the disputes of several crores outstanding between India and the War office, and also in respect of those already settled they urged safeguarding of India's interests. Equally vehement was Sir Purushotamdas' onslaught in demanding protection to the Steel Industry before the session concluded. He spoke in the bitterest language of the verdict of the country if by delay Government killed the steel industry. Sir Purushotamdas also exposed the jugglery which the Finance Member had resorted to in balancing his budget. He said the Budget was a deficit budget because the interest on Paper Currency Reserve which required special Legislative sanction had been included in the budget!

Mr. RANGACHARIAR while congratulating the Finance Member on some good points of the budget said that the decrease in Salt revenue was due to poverty of the people. Madras, he said, would not be selfish in the matter of the provincial contribution with that high

salt duty of Rs. 2. He hoped the Government would take a lesson after the Rowlett Act and the certification of the Salt-tax that whenever they spurned and defied popular opinion, they were wrong and dearly paid for it. He warned Government not to repeat the mistake. Further, his objections to the budget was not so much for its commissions as for some serious omissions. No important information can be gathered from it. For instance, how many yards of yarn were they consuming per head in the average? Whether it had gone up or down? How many persons paid Income-tax? What was the daily average income of Indians? and so on. With profound sarcasm he said that the Government staff which was kept busy ransacking what Pt. Malaviya had said so long ago as 1909 and what the Bombay Chronicle had once said about Mr. Patel—matters which seemed to give Sir Malcolm an unholy glee in studying and bringing forward—could be far better employed in collecting useful informations such as he asked.

H. E. the COMMANDER-IN-CHIEF rose early in the debate anticipating a heavy attack on the military policy and spoke at great length. He emphatically asserted that fighting troops had been reduced by eighteen thousand in British ranks and nineteen thousand in Indian ranks. He, as Commander-in-Chief, shall never take responsibility for the defence of India with any further reduction in that strength although he would do his best to economise in other directions. Lord Rawlinson complacently forgot that what was urged by Indian members was not so much reduction in fighting strength as replacement by cheap Indian soldier of the costly Britisher. Secondly Indians feel that military strength is still kept at war strength and not peace strength obviously because of the distrust of the Indians. He however asserted that Indians were not distrusted because fifty per cent of the strength in artillery, for instance, was Indian who were employed as drivers, gunners, etc. This caused a roar of laughter which apparently took the Commander-in-Chief by surprise. Several questions came to which he did not reply and asked for notice. Thereupon Mr. K. C. Roy asked a very pertinent question as to whether any commissions were granted to Indians in these artillery technical services. The Commander-in-Chief replied in the affirmative but he did not seem to have fully caught the question because Indians are not taken into these services. The Commander-in-Chief feeling his position weak at once confessed that the question of commissioned ranks was of vital importance to India, but that its satisfactory solution depended on education alone, because modern warfare was scientific and complicated. Lord Rawlinson then got hold of a statement made by Mr. Pal during the debate on Dominion Status that within a decade Indianisation of the Army should be made good. He said it took twenty-five years to make a Colonel and it had taken forty years to make their Commander-in-Chief. Did India mean to take less time to produce Indians for those ranks? (Several voices replied in the negative). The Commander-in-Chief thought he had won his point but he did not know that what was in the mind of members was that the course of training was undoubtedly to be undergone but that a beginning must be made and that the beginning had not yet been made. They only wanted a beginning and would abide by the period. The Commander-in-Chief's speech left the same impression which the Home Member's speech had recently created that Government brings forward our Military backwardness not to remedy it but to hold it up for ridicule and as a handle to check further constitutional advance.

On March 6th the discussion on the Budget was resumed.

Dr. GOUR asked : Who had the majority : Govt. with its veto, or the Legislature ? In the H. of C. it had been stated that a portion of British Army was stationed in India to relieve the British taxpayer. What had happened to the Esber Recommendations ? He asserted that so long as the Secretary of State who was responsible for holding up the Army Indianisation was there to over-ride the Government of India he saw no hope of a reduction of the Army expenditure which was sapping the Indian Exchequer. He then denounced the Salt Tax and said that the falling off in the expected revenue was the strongest evidence that it should be abolished.

Mr. PILCHER, the Die-hard Anglo-Indian, who followed Dr. Gour made, in the course of a delectable speech condemning Indian viewpoints of the Budget, a severe stricture on Lord Olivier's remarks on the iniquity of the Salt Tax.

Mr. Burdon, who followed after a few more speeches, made a lengthy statement on the Army policy of the Govt.

Pandit MADAN MOHAN MALAVIYA criticised the administration under the heads Finance, Army, Commerce, Public Works and Home Departments, and concluded his speech with an appeal for an effective change in the system of Government. Otherwise, he told the Government that they must be prepared to carry on the administration without the moral support of the Assembly. Referring to the Finance Department, he bitterly complained about the policy of ever-increasing expenditure, while there had not been a corresponding growth in the average income per head of the population. After alluding to the Salt Tax and its Certification by the Viceroy, Pandit Malaviya said that after the War, people expected that the taxation imposed during extraordinary times would be removed; but their hopes were frustrated and more taxes had been imposed. The Government had not placed the Currency question on a sound basis, nor had they established a State Bank with facilities in every District and Taluq. As regards the Army, Pandit Malaviya strongly pleaded for the immediate disbandment of the 27,000 British troops at present employed for internal security, which was a matter for the ordinary police and not for the military. In India there was greater peace and order than in any other country. What was wanted was a large National policy, in which some schools in the country would be required, as in England, to select suitable lads for the Army and give them the necessary training, but the situation at present was very disappointing with one Dehra Dun College with 70 students !!! Alluding to the proposed separation of Railway Finances from General Finance he said that India could not forget that so many as 800 crores of the taxpayers' money had been spent on railways during the last several decades. A good deal of saving could be made in Railway expenditure, if the rolling stock was manufactured in India, and this could not be done without helping iron and steel works in India. The Pandit urged the Government to set apart fifty crores for the purpose. In this connection, the Pandit gave his support to the proposed policy of protection to the Tata Iron and Steel works, and urged Government to publish the recommendations of the Tariff Board and act upon them without delay, as otherwise it would be a great disaster to the Tatas. Protection was also needed to other industries, and the cotton excise duty or, if that could not be done, to increase the import duty on cotton without which, he said, it was impossible for India to compete with energetic Japan. As regards the Public Works Department, the

speaker referred to what he called the criminal waste of public money on new Delhi and urged the appointment of a Committee to go into the matter. Lastly, he referred to the Home Department, and criticised it as a mismanaged Department. He asked the Government to start with a clean state by releasing all those who had been imprisoned during the last few years under the Criminal Law Amendment Act, under the Seditious Meetings Act and under such other measures. Concluding he said: "Remember that a change has come in India. You must recognise the change in the Assembly. Here, we, in the Assembly, are anxious to co-operate with you, and treat with you. Are you, on your part, willing to co-operate with us by ordering the release of all those who have been imprisoned in the name of law and order? We want our grievances to be settled before we vote the supply. Unless there is an early effective change in the system of Government, I tell the Government that they must be prepared to carry on the administration without the moral support of those who have come here."

Mr. HARCHANDRAI VISHINDAS also attacked the Salt duty, and in the matter of the Military imposition said that they should follow a more humanising policy such as agriculture, roads and education on the frontier than the policy of constant military preparedness.

Mr. JINNAH confined his observations to military expenditure. He said that the question of the strength of the fighting troops must no doubt be determined by the Commander-in-Chief, but he asked whether the saving suggested by doing away with the British troops could not be effected without in any way affecting the fighting troops. Secondly, by the increase of Indian troops in the place of the British, a considerable saving could be effected. Mr. Jinnah quoted Mr. Ramsay MacDonald's writings to show that half of the Army in India was for Imperial purposes and must be paid out of the Imperial Exchequer. Then, again, he said that there were 1,078 officers in the Indian portion of the Army in India, and if they were to proceed at the rate of ten cadets a year, how long would it take to completely Indianise the Army? When would the time come? (voices "Never"). Mr. Jinnah said that the present scheme was negligible and the selection of cadets was confined to men whose family history was looked into.

He would like to see an Indian sitting by the Commander-in-Chief's side to see that the Indian Army was made a really National Army. Unfortunately, the Government of India Act did not permit it, and he hoped that the Act would soon be changed. He pointed out that he wanted the army in India on the dominion model. On the one hand, Indianisation of the Commissioned ranks of the Army must proceed, and on the other hand, the territorial Army must be developed to make it a really effective line of defence, which would give opportunity to all classes of Indians to take part in defence. So far, efforts in connection with the Territorial Force had been very unsatisfactory, and very slow. Mr. Jinnah said that if Lord Rawlinson was really the Commander-in-Chief of the Assembly, he ought to very earnestly devote himself to the task of evolving a definite scheme in respect of Indianisation and not make India wait for 200 years by the recruitment of ten cadets a year.

The Commander-in-Chief explained that two hundred years had been apparently calculated on the basis that ten cadetes would be taken for all time to come. On the other hand, he had recently sanctioned an increase of students at Dehra Dun College in order to be able to increase the number of cadets.

Mr. Jinnah welcomed it, but asked the Commander-in-Chief and Government to make an earnest endeavour to come with a definite scheme, making a substantial beginning and not a mere eye-wash.

THE GOVERNMENT REPLY

After Mr. Jinnah had spoken, Sir BASIL BACKETT stood up and addressed the House for 40 minutes. There was a definite responsibility placed before this House in coming to a decision as to how to make proper use of the surplus of three hundred and thirty six lakhs. It was only Mr. Shanmukam Chettiar who suggested an alternative method of meeting the situation if the Salt-Tax was to be brought down, and that was by debiting to capital 180 lakhs of railway annuities. On the other hand, Pundit Malaviya had treated this House to one hour's eloquent flow of incorrect statements, which the House was now getting accustomed to, but there was no practical proposal of meeting the situation if the Salt-Tax was reduced to one rupee and four annas per maund. No doubt, the Pandit had referred to the imposition of an increased import duty on cotton goods, but the effect of such an imposition would, according to Sir Basil Blackett, be six times the cost to the average Indian villager. Then, Sir Basil Blackett quoted figures to show that the military expenditure was not increasing, but slowly decreasing, his figures showing a decrease of some 5 crores in three years in a total of 65 crores !!

The real problem was to increase India's prosperity by way of more money properly spent, so said the finance Member. If the Government was to spend mere money on beneficial services, they must have the support of the representatives of the people, and that was one of the things which the Reforms Act brought within India's reach. If the Salt Tax was not reduced to one Rupee and 4 annas, and maintained at 2 Rupees, then the Government would be able to invest the proceeds in education, sanitation, and other services !!! This was not an argument meant to catch votes, but was placed in all earnestness and sincerity, and in the interest of India. If the Salt Tax was not put at Rs. 2 per maund, there would be no relief in Provincial Contributions. As regards the "windfall" which had been criticised, the Finance Member said that this windfall was seen last year. It was on the tree, but fell only this year. Government was not in a position to make any reduction in the cotton excise duty this year. Proceeding, Sir Basil Blackett referred to the criticisms of Lord Olivier's reference in the House of Lords to the Salt Tax and the support of the Salt Duty at Rs. 2 per maund. Obviously, Lord Olivier was explaining to the House of Lords the reasons for what he described as the general feeling expressed in India. It was, therefore, very unfair that the Secretary of State should be accused in this House of stabbing the Government of India in the back without the opportunity of defence being put up in its behalf, but since realising the things that had been said about Lord Olivier, the Government of India made a special request to the Secretary of State as to what his intention was in that matter, and he had explained in the way he (Sir Basil) had just stated.

Mr. Patel asked: Will the Finance Member lay on the table a copy of the telegram he sent to the Secretary of State? To this Sir Basil replied: "I do not propose to lay anything on the table", much to the amusement of the House.

The general discussion on the Budget having concluded the House adjourned for voting on specific demands to the 10th March.

Voting on the Budget

Refusal to Grant Supplies

MARCH 10TH 1924

On MARCH 10th the great Budget debate on the voting on demands was held. The Assembly met at 11 a.m. amidst tense excitement with above 120 members present—a record attendance during the session. The result of the voting was a foregone conclusion, as the Nationalists by a three-fourths majority had decided to refuse the first demand. The Swarajists and the Government side were equally matched, and 7 Independents, whom neither party claimed, held the key to the situation.

When question time was over, all eyes turned to Pt. Nebru, but to the surprise of many Dr. Gour rose. He asked a question of which he had given private notice to the Home Member. He drew attention to the special cable in the 'STATSMAN' stating that a Cabinet Committee had been set up to consider Indian affairs and to consult the members of the Secretary of State's Council. He drew attention to the statement in the 'DAILY HERALD' that members of Parliament would be consulted and representatives of Indian opinion would be allowed to submit their views. He also asked for information regarding the functions of this Committee, the scope of its enquiry, and as to what steps the Government had taken to institute their departmental enquiries.

Sir Malcolm Hailey said that he had agreed to answer the question because the Assembly might be interested in the matter, even though he was not able to give a very full and satisfactory answer. The news that a Cabinet Committee had been formed was correct and he had cabled the Secretary of State for further information. As for the power of consultation by that Committee, he did not possess any information about it. The Cabinet Committee was already in operation. As soon as he received information about its scope and procedure, he would communicate it to the House.

When this question was being discussed some thought that it was inspired, and that it was a new dodge of Sir Malcolm to divide the nationalist votes in the Assembly by holding up false hopes of a Cabinet Committee. A stream of questions at once poured in from all sides. Sir Malcolm Hailey was answerless, as he had asked for more details which had not yet come. But four questions cleared the issue. Mr. Chamanlal asked whether it was not the part of the general policy of Labour to set up committees attached to all departments. "That may be so"—said the Home member.

Mr. Pal asked: was that committee going to abrogate the Home member's Departmental enquiry committee?

'Certainly not' was Sir Malcolm's emphatic reply.

'Would it undertake revision of the Govt. of India Act', asked Mr. Jinnah. The Home member confessed that he was a drying well and had nothing more to give.

Pandit Moti Lal thereupon pricked the bubble and asked the Home member to divulge the text of the Government's cable to the Secy of State. The Home Member said that they had cabled for information, in view of the budget discussion.

This reply gave the clearest indication that the Government had tried to see if another bait could be thrown to divert the votes of those who were less wary of the Govt's methods. However Dr. Gour and Mr. Pal suggested the postponement of the debate till the reply was received but Sir Malcolm opposed adjournment and did not promise further reply within three days.

DEMAND UNDER "CUSTOMS".

Sir CHARLES INNES next moved for a demand for grants of over Rs. 71,84,000 under the head 'Customs'.

In view of the fact that the policy of total refusal of grants was going to be discussed, Dr. Gour moved for an adjournment of the debate for three days within which time, he thought, a reply might come from the Secretary of State.

The Home Member made it plain that the despatch of a reply rested with the Secretary, and that he did not think it would come within three days.

The President said that he could not accept the motion, but Members would have another chance when the voting on the Finance Bill comes.

Sir Malcolm Hailey, referring to the notices of reduction, pointed out that as motions for omission had been given notice of, he wanted to know whether those could be moved in the form in which they were given, and suggested that such notices should be discussed first.

Pandit Motilal and Mr Patel explained that according to rules, they were right in moving for the omission of demands.

The President said that if Pandit Motilal insisted on his motion for amendment, the Chair would let him do so. He also pointed out that in the discussion under Customs, he would, in view of the general feeling in the House, permit the consideration of bigger issues first, v.z. the question of total rejection on general grounds, but that the discussion in respect of other heads must be confined to those heads.

PANDIT MOTILAL NEHRU.

PANDIT MOTILAL moved for the total omission of the grant under Customs. He made it clear that he had no grievance against the Customs Department as it was, and that his motion related to it because it happened to be the first demand for grant. He said: "My grievance is not against this or that branch of administration, but against the entire administration of the Government of India. The reasons are the very unsatisfactory and disappointing nature of the response made by the Government to the resolution passed by the majority on the subject of the establishment of Responsible Government in India. I may inform the House, and specially some of the more nervous members of it, that it has nothing whatever to do with what has been described as wrecking or destroying—the policy of Non-Co-Operation. It is a perfectly constitutional and legitimate means of bringing the various grievances of India to the notice of the Government, and when other remedies have failed this is the only course open to people who still have outstanding grievances. I know that the grants will be restored, and that we shall be knocking our heads in vain against the treasury gates, but this is the strongest form of protest."

Continuing, Pandit Motilal quoted extensively from well-known writers on the English and French Constitution and the rights in respect of voting on the Budget to point out that the supplies depended upon the redress of grievances, and that if, since 1784, this method had not been resorted to in England, it was due to the development of the Constitution, which made it impossible for any Government to resist the will of the people. He also quoted from the speech of Fox during the days of Pitt, showing that Fox justified the refusal to

vote funds in extreme cases. Drawing a distinction between free people and the slaves of an absolute monarchy, the Pandit asked the House to keep in view this distinction that in the case of a free people the refusal to vote meant the paralysis of the administration. But in the case of slaves, it only meant knocking their heads against the gates of the treasury, as the demand would be restored. He said that while this weapon for the refusal of the vote was rusting in England, they in India had to forge it as a new weapon. The Assembly was helpless in respect of the budget, and could not exercise its independent judgment for the benefit of the people, because the power of Certification could nullify anything they did. They were something like children playing at soldiers. There was all the paraphernalia of a Parliamentary show without the substance.

He said that Lord Olivier's statement had sent a cold wave throughout the country, and it had been declared by the country as totally unsatisfactory and disappointing. Lord Olivier had accused us that we would not play. The fact is that we refuse to play an unfair game in which both sides do not get equal chances and advantages. No immediate or early prospect of the revision of the rules is held out. It is only stated: "We will see whether we cannot find within the rules something to make actual play more fair to you and more fair to us. So far as the revision of the rules is concerned, we commit ourselves to nothing". This is all the reply that Lord Olivier's statement has given to a great deal of expectations and to those who were building castles in the air. Lord Olivier had quoted the manifesto of the Swaraj Party. But while in no way committing the House to the manifesto, the speaker declared that the debates on the same subject in the last Assembly had shown that exactly the same sentiments contained in that manifesto were expressed by Mr. Kargachariar. They were sentiments not only of the Swaraj Party but of the whole of India. Lord Olivier had admitted that certain things did rankle in Indian minds, but Lord Olivier had not seen the wounds deep r. Possibly, he was not supplied with full information by the Government of India. There were serious omissions in the list of grievances. Pandit Motilal expressed his appreciation of the conciliatory manner and courageous criticism and observations of the Secretary of State regarding General Dyer, the steel-frame speech, Kenya, and the Salt Tax (which, he was sorry to find, had been minimised in a subsequent explanation). The reference to Mr. Gandhi was particularly courageous, and took away, to a certain extent, the sting from the action of the Government of India in taking away all grace from the release by putting it on medical grounds. But among the omissions in the speech were the Rowlatt Act and the indiscriminate repression and oppression that followed in the campaign of repression, in the application of the Criminal Law Amendment Act, and the Gurukabag affair which really exasperated the Sikhs. As for Non-co-operation, the far-sighted statesman Mr. Gokhale had admitted in 1905 that if the humiliation of Indians continued, co-operation with the bureaucracy would no longer be possible. But when they came to judge the actual response, they found that the Secretary of State did not go beyond the Home Member. There is the patient bleeding to death, and the Surgeon replies "I am preoccupied, and I must take my own time to get ready to stop the bleeding." Pandit Motilal was glad that Mr. Montagu's phrase that the British were the most determined people on earth had not been repeated by Lord Olivier, because determination was not the heritage of the Britisher only. It was a human

quality, more human in those who stood by their rights than in those who withheld the right of others. Lord Olivier had said that the Government of India provided a seaworthy vessel. My answer is that it may be a seaworthy vessel, but it is not big enough for the millions of Indians who have to be carried to the other shore.

The speaker next quoted from a published letter of Mr. MacDonald stating that the change in Governmental machinery should aim at changing the Viceroy's Council into a Cabinet responsible to the people's representatives, and to give India control over her finances. Mr. MacDonald had expressed the hope that wisdom may help the two people to arrive at that solution. Pandit Motilal therefore asked Labour to deliver the goods. As for the refusal of supplies, it was merely a sign of irritation. They were taking the strongest step possible, and it would be a misfortune if it fell flat. He appealed to all, and particularly to the Indian elected members who, he was sure, would vote with him in refusing supplies.

SIR MALCOLM HAILEY.

Sir MALCOLM HAILEY said that Pandit Motilal Nehru had been perfectly frank in admitting that the Government would have to use their reserve power in the case of a refusal of supplies in the interests, according to Sir Malcolm, of the Indian people. The Pandit had realised the effect of their refusal of expenses under Customs, which brought them forty five crores of revenue. He knew that the vote would take away the chances of Protection to the steel industry, and that if the Customs establishment were abolished, industrial India would be the first to execrate the Pandit's name. (Laughter) The Pandit's real object was, therefore, not to abolish the Customs Department, but to call attention to the grievances and to cause the Government the maximum embarrassment so that he might, in the most emphatic manner, call attention to the grievances under which India is suffering. The Home Member did not want as he said adroitly to enter into an academic discussion about the question of refusal of supplies before the redress of grievances, nor would he discuss constitutional history, as was done by the mover. He wanted to make it clear to those whose votes the Pandit had sought, whether they had good reasons for adopting that course, whether the grievances were really so great as to justify that course, and whether the response of the Secretary of State had been so incomplete as to justify that course, and before they voted, they must see that the course was not only justified but would actually benefit their cause. Pandit Motilal had said that the patient was bleeding, and the physician wanted time. "It may be that the physician is under the necessity of taking due precaution that his diagnosis is correct" (just like the precaution of the monkey dividing the loaf!). It may be, Sir, that we are practical rather than idealistic. It may be that we have been determined to see, first of all, before further advance was made, as to what are the difficulties in the actual administration of our present constitution. There is no country in Europe which depends, as India does, for its stability and material progress on its administrative and Governmental institutions. I do not care what the implications of that may be. But it is nevertheless a fact, as we maintain, that you cannot force the pace of political advance so fast and in advance of administrative and legislative institutions. Our reply is based on one consideration, that evolution should be an orderly and harmonious one. We stand for progress by stages. We considered that, in the circumstances, it was impossible to

accept any resolution the purport of which was that these stages should be disregarded. That is why we opposed Mr. Rangachariar's proposition. We are told that we opposed the Round Table Conference almost with bitterness. I resent any suggestion that we opposed it because we were not prepared to take counsel with men, whether inside or outside the Assembly, whose views differed from ours. We opposed it because it seemed to disregard the necessity of progress by stages, and because it appeared to us to be based on the ground that the British Parliament is not the arbiter of progress to be made in India. We finally opposed it because we thought it an ineffective machinery for the purpose." As for the point whether obstruction was justified, the Home Member said: "If we had shown an indication that we desire to go back upon the solemn pledges of the British people, then, perhaps, extreme steps of this nature might be justified. We do not say so. We are in earnest in going towards the same goal, though by a different method."

Continuing, Sir Malcolm Hailey said that he need not dilate on the point whether the course suggested was constitutional or not in view of India's internal conditions. The Hon. Pandit realised the effect of such a vote on Parliament. Also, there were certain dangers if the refusal of supplies was followed by a refusal to sanction taxation. The matter could not stop there. There must follow a movement outside the Assembly.

Mr. Devakiprasad Sinha: Bound to!

The Home Member, resuming, said that the members of the Swaraj Party had declared that the country was not fit for Civil disobedience, and that they would be able to control their fellows, although previous experience was not encouraging. But they might sow the wind and others might reap the whirlwind. However, he would urge them to realise the consequences of any such mass movement in the country and its effect on the progress of Responsible Government and what would be the effect of this obstruction on the political mentality of the Indian people. He was one of the many officers of his Service who had been brought within the orbit of politics. His Service men accepted the August Declaration because they thought that its principle was correct, though they foresaw difficulties even then, but they loyally (?) set to work the new Constitution. Even now, he admitted that the machinery contained several anomalies, and even illogicalities involved in the working of a transitional system. "We are willing to do our best to smooth over those difficulties, but if this vote is carried, many of us will view it with regret, with resentment, because it must be a manifestation of unreasonableness on the part of the Assembly (voice of no, no); it would also check the orderly and harmonious progress of India towards Responsible Government (voices of no, no). It is because of that and of that alone that I ask those who might have felt tempted to vote with the Pandit to think in time whether the step suggested will retard or advance the progress of the ideal which they have at heart."

OTHER SPEAKERS

Mr. Abhyankar emphasised that the doctrine of grievances before supply should not have a different meaning in India. He appealed to all, including the official Indians, to carry Pt. Motilal's motion.

Mr. Bepin Ch. Pal found himself between two inexorables and exclaimed in anguish: what am I to do? He could not vote for the Govt., neither could he join Pt. Motilal. (A voice; resign.) He

accused Govt. of not laying all their cards on the table as the Pundit had more honestly done.

Mr. PATEL recognised that the decision of the Nationalists was an extreme one, but he considered that it was justifiable in the circumstances created by the Government. There were certain facts which had a direct connection with their present action, and they should be brought forward prominently. These were the grinding poverty of the people and the fact that millions died of pestilence, facts which hundreds of years of British rule had not prevented.

There was also the further fact that since the so-called Reforms thousands of people had been sent to jail, including some of the most respected people in the land.

He referred to the imprisonment of Mr. Gandhi, the Ali Brothers, and several other politicians. He referred also to the diseases prevailing in India, and extremely slow progress in education, and asked the Government whether they were willing to co-operate with the Swarajists on the terms of the Swarajists. "We want you to carry on the administration of the country by veto and by certification. We want you to treat the Government of India Act as a scrap of paper, which I am sure it is. If the Viceroy certifies, what then! Nothing but a mass movement for non-payment of taxes. We want you to either accept our demands or drive us to the mass movement. The responsibility will be yours. I want to obstruct the Government at every step. I wish Pandit Motilal Nehru would allow me to do so. (Laughter). Even now, we give you one more chance, but if you don't trust me, I don't trust you either. You must mend your ways or we must make you mend your ways. Unless you mend at once, India will not be a bed of roses for you.

Sir SIVASWAMI IYER spoke as an apologist of the Labour Govt. in England. He said that he was unable to support the motion of Pandit Motilal Nehru because he considered that it was not an efficacious method of achieving their object. He recognised the spirit of fairness and anxiety which breathed through Pandit Motilal Nehru's speech, but the House must understand the difficult position of the Labor Party in England, and the circumstances in which Lord Olivier had to make that speech in the House of Lords. In the opinion of the speaker, Lord Olivier's speech was not unsatisfactory. It was inspired with sympathy, and he asked whether it was possible to expect more at that stage. The occasion for making a protest had not yet arisen, and he therefore deplored the strong expressions of opinion from his Nationalist friends. Refusal of supplies would not be able to hurt the Government, but it would be injuring their own reputation, and making the people suffer for want of proper beneficial services. He knew there was no use trying to convert the Swarajists, whom he attacked, who had come determined to reject the budget. He made strong appeal to those Independents who got themselves entangled with the Swarajists to disengage themselves from the tangle. The responsibility for any consequence of adopting Pandit Motilal's motion would not be on the Government but on themselves.

GRANT REFUSED.

After Mr. Chatterji of the Govt. of India had spoken, closure was applied.

The motion of Pandit Motilal Nehru for the rejection of the demand was pressed to a division and carried amidst loud non-official applause by 63 to 56 votes.

Sir Purshottamdas Thakurdas, Mr. Pal, and Dr. Gour remained neutral.

TAXES ON INCOME REJECTED.

The next head was a demand of Rs. 6,131,000 under the head taxes on income. Mr. Patel moved for the rejection of the demand, and did not make any speech. He contented himself with the observation that the same reasons which impelled them to reject the former item also stood against this.

Sir Basil Blackett opposed the motion.

Sir Purshottamdas and Mr. Rama Iyengar asked the Swarajists not to press this motion, as they had already achieved their object of protesting against the Government's attitude on the Reforms question by refusing the first supply under Customs. It would be better, they thought, to adopt the policy of discriminating obstruction, and discuss each head on its merits. Mr. Pal declared that if the Swarajists pressed this motion, he would be compelled to vote with the Government, and not even remain neutral.

Mr. Jamnadas Mehta and Dr. D. P. Singha asked the non-officials, in the name of consistency, to reject this item as well.

The motion of Mr. Patel for the rejection of the demand was carried by a majority of one vote there being 61 for and 60 against it.

Mr. B. C. Pal and Sir Purshottamdas Thakurdas this time threw in their weight with the Government.

Mr. R. Rama Iyengar and Mr. Harbilas Sarda who voted with the nationalists in the first demand now voted against them and with the Govt.

SALT DEMAND REJECTED

The next demand was for Rs. 10,655,000 under Salt.

Before the Salt demand was put to vote Mr. Calvert (official, Punjab) pointed out the gravity of the proposal, because, if the machinery for the production of the Salt Tax came to a standstill, it would mean serious consequences to the Northern India population.

Pandit Motilal Nehru pointed out that the Government had already indicated in respect of two previous demands that they would restore them. If they did not restore the Salt demand, it would be a proof of how far they cared for the welfare of the people of India.

Sir Basil Blackett said that if the Assembly had acted foolishly, the Government would not act foolishly.

Sir Purshottamdas Thakurdas urged strongly that the House should not vote against this demand, which touched them most vitally.

Mr. Lokhare and Mr. Mehta supported Pandit Motilal Nehru. Mr. Mehta said that India could produce salt without any Government help, and asked the Government to give a trial to Indians by abolishing the Department for a year!

The omission of the Salt demand was moved by Mr. Doraiswami Aiyangar, and carried by a majority of 62 against 53.

OPIUM DEMAND REJECTED

The next demand for grant of Rs. 20,731,000 under the head "Opium" was similarly rejected by 62 to 57 votes.

The House then adjourned to the next day.

The following is the Division List on Pt. Motilal Nehru's motion for total rejection of the Customs Demand:—

Division List

AYES—63.

Bama Chandra Rao
V. J. Patel
M. A. Jirah
A. Fargawami Iyengar
Venkatapathi Razu
K. C. Nery
K. V. Reedy
Shanmukham Chetty
M. K. Acharya
Duraiswami Iyengar
N. C. Kelkar
K. Rama Iyengar
Sadasiva Bhat
S. A. K. Jolani
K. K. Nambiyar
K. G. Lokkare
D. V. Kelvi
Jannadas Mehta
Kasturilal Lalbhai
B. C. Ray
T. C. Gowami
Yakub C. Amif
Ananath Dutt
Kazim Ali
Abul Karim
K. S. Jay
Maung Kun
Shambudajal Mitra
M. B. Abhyarkar
Neth Govinddas
Shekh Kidwai
M. S. Aney
Fahimullah Khan
M. M. Malaviya
Lala Hanraj

Motilal Nehru
Lala Duni Chand
Shyama Charan
Shamlal Nehru
Nawab Ismail Khan
C. S. Ranga Iyer
Kishenlal Nehru
Chamanlal
Sardar Gulab Singh
Gaya Prasad Singh
Nilkanta Das
Sharfraz Hussain Khan
Maulvi M. Shatee
B. Das
Hariprasad Lal Kumar
Gangabasad Singh
Devaki Prasad Singh
Narain Das
Kishra Kanta Malaviya
Harkaranath Misra
Maulvi Yacoob
Yusuf Imam
Shaikh Sadiq Hassan
T. R. Phockan
K. K. Chauria
Kartar Singh
Lala Iyare Lal
Habibnagar Sardar

NOES—56.

Sir Gordon Fraser
" Sivaswami Iyer
" Muthiah Chettiar
Mr. Wilson
Sir Campbell Rhodes
Mr. M. Schmrade
Sardar B. A. Dalal
Sir Chimanlal Setalvad
Mr. K. C. Roy
" Darcy Lindsay
" Shams-uz Zuba
" N. M. Dumasia
Prince Akram Hussain
Mr. Ali Choushvi
" Entilly
" S. C. Ghose
Sir Henry Stanyon
Dr. L. K. Hyder
Mr. Bomne
" A. V. Iyer
Nawab S. Abdul Quyam
Mr. S. N. Nag
" Allen
" Plicher
Gulam Bari Makhdom
Rajan Bakhsh Shah
N. M. Joshi
Captain Hira Singh
" Ajab Khan
Mr. Ahmed Ali Khan
Maulvi Abul Kassim
Col. Gidney
Sayed M. Ismail

and 23 Officials

Voting on the Budget—2nd Day—March 11th 1924

PT. MOTILAL NEHRU'S STATEMENT

Next day before the House resumed discussion on the demands for grants Pandit Motilal rose to make a statement about the policy of the Nationalist Party. He said that yesterday he spoke on behalf of the Nationalist Party as a whole, and not for the Swarajist section of it, when he said that their intention, by passing motions for omission of grants, was to establish a principle. He had further made it clear that yesterday's position had nothing to do with what was called the 'wrecking' programme of the Swarajists. The Nationalist Party had now decided, having established the principle which they maintained, that they would let the remaining demands for grants be discussed in the ordinary course. He hoped that the Treasury Benches would receive the statement in the spirit in which it was made.

This statement, coming so suddenly after the great Nationalist victory of the day before, surprised many and was taken by some as a new move, by others as a Swarajist climb down. As a matter of fact, the two sections of the Nationalists, the Swarajists and the Independents, had come to a working arrangement that to establish the principle of redress of grievances before grant of supplies the latter would support the obstructionist tactics of the Swarajists, but that once the principle is established, obstruction should not be pushed to extremes. This was made clear by Mr. Jinnah who followed.

MR. JINNAH

MR. JINNAH, as a member of the Nationalist Party, entirely endorsed what Pandit Motilal had said. "I further want to make it clear that the Nationalist Party, in this House, do not stand for any wrecking programme. The Nationalist Party wants to work in this Assembly and nothing more. We stand to pursue a policy and a programme of a constitutional character. There is no idea in the minds of the Nationalist Party that we wish to resort to Civil Disobedience, that we want revolution, that we want to carry on a campaign of non-payment of taxes. We condemn the Government of India. We condemn the Secretary of State. That was why we passed a resolution here by an overwhelming majority putting forward our demand for Reforms. You have not satisfied us, and we wanted, therefore, in the clearest possible manner, to record our protest, our condemnation, disapproval, of the way in which you have managed it. We also recognise that there are difficulties, but you have entirely failed so far to satisfy us. Therefore, I do not wish the Government to allege anything else beyond what I have stated in this House, nor do we wish that any impression should be created abroad that we stand for anything else."

SIR M. HAILEY

SIR MALCOLM HAILEY, however, in spite of the clearest assurance to the contrary, persisted in denying that any principle has been established, and once more tried to drive a wedge between Mr. Jinnah and Pt. Nehru. He said: "Pandit Motilal Nehru has asked that the Treasury Benches should express approval of the action which his Party now proposes. The Treasury Bench is unable, and does not desire to go into any question regarding the internal politics of the Nationalist Party. We are not fully aware of its composition. I do no discredit to it when I say that up to the moment we have had some doubt as to its policy, or indeed, if it has any one policy. When we

are told that they have established their principle by the votes of yesterday, we take the liberty to doubt it. When we are told that they have proved anything at all by their votes of yesterday, we equally take the liberty to retain our own opinion on the subject. They now desire, I understand, not to press their motions for the complete re'usal of grants. We have no desire to challenge that decision. With regard to what Mr. Jinnah has said, I will only say in reply that I have not any desire to associate his section of the Nationalist Party with the programme to which he referred. I was careful yesterday, in speaking on the subject, to say that we do not charge them with any such intentions. I was careful to limit myself to reminding the House that we had had previous experience of mass movements in India and desired to see no recurrence of those experiences. Mass movements we may perhaps see, but we do not wish to charge his friends with a wish to promote revolution or wreckage. We are both here, for the moment, on the floor of the House, fighting out a Constitutional issue, and have no desire, for the moment, to look outside or to forecast anything that might happen off the floor of this House. For the present, we are content to fight out a constitutional issue in constitutional ways. One of those ways is the free and open discussion of all the demands put forward by the Government for its expenditure. We are perfectly prepared to undertake that discussion."

Demands for grants therefore took their normal course. On the demand under Excise, members expressed strong views in favour of Prohibition and Pundit Malaviya asserted that the excise policy was one of the many black spots in British administration of India. A vote of censure was passed by reducing the demand under Forests by Rs. 100 because the Dehra Dun scheme for full training in India had not been yet given effect to.

The main discussion of the day centred round the Railway budget which has swollen beyond all proportions during the last ten years. Swarajists maintained an attitude of benevolent neutrality throughout. Mr. Rangaswami Iyengar and Mr. Acharya made useful contributions to the debate on Railways. Swarajists were however there to support their independent friends in any division that might be challenged, and one that was challenged in respect of forest they were able to carry by 60 against 51.

LAND REVENUE DEMAND

The demand under ' Land Revenue ' was agreed to without discussion.

EXCISE

The demand under ' Excise ' was next moved.

Mr. Venkatapathi Raju, in moving for a reduction of one hundred rupees, criticised the Excise Administration and pointed out that the amount spent on the Excise Department could be well utilised for educational purposes. This was carried as mentioned above.

RAILWAYS.

The next demand was for Rs. 676,008,000 under the head Railways.

MR. K. RAMA IYENGAR proposed a reduction of this figure by ten and three-fourth crores. In moving this proposition, he said that he had put the figure at much less than what he had originally intended. The first item he referred to was working expenses, which amounted to 67 crores. This figure was much too high, and should be reduced to an appreciable extent, because there had been extraordinary leaps in the working expenses. Mr. Rama Iyengar then went

into the details of railway expenditure, and after alluding to the recommendations of the Inchcape Committee and the Acworth Committee, appealed to the Government to effect economy. He suggested that this cut could be made by reducing the general administration figure by two crores of rupees and also by reducing the provision for engineering establishment and by various other means. Mr. Rama Iyengar mentioned the amounts spent as salaries on a number of highly paid officers, especially in the E. f. Ry. and appealed to the House to carry his motion for reduction by ten and three-quarter crores.

SIR CHARLES INNES said that they had been told that the wholesale refusal of demands had been given up, but Mr Iyengar's motion for a cut of no less than 10½ crores showed that perhaps he had merely changed tactics and adopted another form of obstruction. He did not know whether it was all an elaborate joke, and whether Mr. Iyengar wanted the House to take him seriously. He said that the Inchcape Committee had gone thoroughly into the railway expenses and had suggested all possible economies. As for increase in working expenses, this was not peculiar to India. In Canada and United Kingdom, it had doubled, compared with the pre-war expenses, and in the case of France, it had gone up six times. The causes which led to this rise were entirely outside the control of those managing the Railways.

SIR PURSHOTTAMDAS THAKURDAS said that he would not endorse the Commerce Member's remarks that Mr. Rama Iyengar should not be taken seriously. The speaker felt that although Mr. Iyengar had given a tall order, he had done well to draw attention to the various matters, and the Government should try to examine his figures and try to come to some understanding. He said that the Retrenchment Committee had no doubt recommended only 4½ crores, but they wanted economy. The speaker admitted that the Government had not yet had enough time to give results. He said the comparison with the figures of foreign countries was misleading. He thought that as Railways involved an expense of about a hundred crores, which was half of the total revenues, the Assembly should discuss the railway budget separately, and thus have greater time to devote itself to details.

PANDIT MALAVIYA deplored the tone of Sir Charles Innes' speech. It was inconceivable that a responsible member of the Government should ridicule members and regard the discussion as an elaborate joke and twit them with what had happened yesterday. Sir Charles Innes had not given the House any information necessary for arriving at a solution of this question. The Inchcape Committee had recommended that each railway should yield five per cent as dividend. This short recommendation was itself a serious condemnation of the present management of railways. What, he asked, was the number of Indians in State railways. Among the gazetted officers there were 38 per cent Indians, and 62 per cent non-Indians. This was not a satisfactory state of affairs. A serious effort must be made to reduce the number of persons imported from out of India to work in Indian Railways and Indians appointed to those posts. Then, the other working expenses had to be considerably reduced. In order to make all the necessary enquiries, there must be a Committee of this House.

Mr. Ramachandra Rao emphasised the need of separation of Railway Finance from the General Finance and of decentralisation. Mr. Hindley, the Chief Commissioner of Railways, deprecated any enquiry by a committee of the House as urged by Pt. Malaviya.

Sir Charles Innes, replying to Pundit Malaviya's point, admitted

that Europeans were liberally paid, but at what amount of sacrifice they left their homes and gave their service to India!!

Pandit Malaviya asked Sir Charles how he would feel if in England foreigners were employed rather than Englishmen?

Sir Charles now took shelter under the Government of India Act which, he said, laid down increasing association of Indians, and he gave figures to show that the Railway Department was not lagging behind any other Department in giving effect to the policy of Indianisation. Railways in India were gigantic business concerns. He said that the estimates before the House for the next year were a mere guess, and it was impossible to accept big cuts. The House should judge the Railways by their actual returns and he showed that during the past three years, Railway returns in India were higher than in many other countries, particularly higher than that in the United Kingdom. If the percentage for the coming year was to be less than in the current year, it was due to the fact that the programme revenue expenditure, which had been cut down last year, was to be fully met next year.

MOTIONS REJECTED

Mr. Rama Iyengar's motion was rejected.

MR. RAMA IYENGAR next moved another cut of three crores under ordinary repairs and maintenance. He strongly criticised the manner in which the Government presented the Railway Budget, which was deficient from that presented by other Departments. He said that he had carefully gone into the figures of the various branches of Railways, and had suggested cuts which, he believed, fell below those which could be carried out. He further observed that he had not suggested any reduction in revenue expenditure, and urged that the Railway Budget hereafter should be so prepared as to show the permanent recurring cost and temporary cost and the programmes of renewals all separately. This motion too was rejected.

THE G. I. P. RAILWAY

Mr. Joshi then moved that the demand under sub-head "G. I. P. Railway" be reduced by Rs. 100. The mover complained that the G. I. P. Railway authorities had not recognised the Association of their Employees. The right of free association was recognised by the International Labour Conference, but the G. I. P. Ry. Agent did not even reply to the letters sent to him by the two Associations of G. I. P. Railway Employees. Mere courtesy demanded a few lines of reply, and the absence of this form of courtesy would not lead to happy relations between the employers and the employees. Sometime ago, there was a strike on this Railway in Bombay, and if the Association of Employees had been recognised, the strike could have been averted. The report of the Retrenchment Officer of the G. I. P. Railway was not published, nor was the recommendation of the Officer carried out in regard to the higher Services whereas full effect was given to the recommendation in respect of lower grades of appointments. This policy had caused a great deal of discontent among the subordinate staff. Then there was racial discrimination observed in respect of granting passes and leave rules, and in regard to the promotion of Indians to higher appointments.

Mr. Joshi's motion was put to vote and rejected.

Further Voting on the Budget

On the Assembly meeting on the 12th March discussion on the demand under Railways was resumed.

Sir PURUSHOTAMDAS THAKURDAS moved a reduction of 25 lakhs. He said that Mr. Hindley's reply as to Indianisation was most disappointing and urged that at least 50 per cent. of the higher posts should be Indianised. He strongly condemned the policy of the Govt. in regard to purchase of Ry. Stores which should be purchased through the Indian Stores Department. The most disappointing feature of the railway budget was the proposal to write off three crores in respect of the fall in the value of stores. That, he said, was due to gross neglect by the railway managements which imported stores on an extravagant scale.

After Sir Charles Innes had replied on behalf of Govt. Sir Purushotamas' motion was put and carried by 58 votes to 43.

Mr. VENKATAPATHI RAJU next moved for a cut of two crores which was rejected by the narrow majority of 58 against 56. Mr. Rama Iyengar's motion of a reduction of one crore and 15 lakhs was next withdrawn after a short discussion, and then the Railway Demand with 25 lakhs less was granted.

POSTS & TELEGRAPHS.

Discussion then proceeded on the demand under Post & Telegraphs which after some discussion was passed.

On the next day March 13th the Legislative Assembly met again to continue the discussion on the demands for supplies. There was only a moderate attendance, most of the leading Swarajists being absent. The reason why they were absent this day was that pledged as they were to support the Independents against Government they suffered a defeat the day before on Mr. Raju's motion through the action of the Independents themselves. Mr. Raju was of the latter party and his motion should have been supported by other Independents. The Swarajists therefore made it plain that their votes were to be sought only when the Independents agreed amongst themselves.

THE JAITO MASSACRE.

Pandit M. M. MALAVIYA desired to move the adjournment of the House in connection with the Akali question and the Jaito affair. This was to prevent the repetition of the previous Jaito massacre. He said that the second Jatha, which had recently started, was now approaching the place it had started out for. Had Government withdrawn the order for the Jatha only to approach in parties of fifty or not? The Jatha had made it clear that they only wanted to read the 'Grantha Sahib' and that they intended no violence whatever. He wanted an assurance from Government that the order had been withdrawn as also the order requiring the Jatha to leave the Gurdwara as soon as they had finished the reading of their Scripture; if these orders had not been withdrawn then the position was a delicate one. He was anxious to avoid a repetition of what had occurred on February 21. The public declaration of those who were conducting the Jatha made it clear that they had no political objects in view.

Here the President told the speaker that he must rule him out of order for the reasons he had given on a previous occasion.

The Pandit begged that the President would reconsider the matter in view of the fact that his previous decision was based on the rule which related to discussions dealing with Indian States. The Jatha

was now in British territory and he hoped that an opportunity would be given for ventilating the matter.

Dr. Gour repeated that the party was yet in British territory and he could not see that they contravened any rule by asking for a discussion. Mr. D. P. Singha referred the President to May's Parliamentary Practice which laid down that where the members and the Speaker were in doubt as to the interpretation of rules, the sense of the House should be sought. Sir Frederick Whyte said that unlike the H. of Commons, under the Standing Orders here, the maintenance of orderly debate and the interpretation of rules rested with the Chair. As for the point raised by Dr. Gour he said that if the Jatha was still in British territory the matter could be raised in the Punjab Council.

Mr. Jinnah said that the matter was definite and urgent and he wanted Government to take steps to prevent any repetition of the deplorable occurrences in February.

The President ruled this also out of order. Pt. Malaviya then asked if instructions had been given to the Administrator at Nabha against shooting. To this no reply was given by the Government.

Mr. Venkatapati raju wanted to know whether the question could be discussed under general administration and the President said he would inform him later on.

VOTING ON GENERAL ADMINISTRATION.

Dewan Bahadur Ramachandra Rao was the first to initiate this discussion, and he was followed by those who had tabled similar motions for reduction. In asking for a nominal reduction of Rs. 100 under the sub-head 'Home Department,' Mr. Ramachandra Rao referred to the fact that several schemes relating to pensions, allowances, salaries, and compensation on premature retirement had been discussed on the initiative of the Secretary of State by the Government of India and between the Government of India and the Local Governments. All these schemes imposed a considerable financial burden on this country, but they had not been discussed in that House. No Parliament could tolerate the imposition of such a burden, the responsibility for which was initiated from a body outside the country. Then, there was the Lee Commission, which was appointed against the express wishes of that House. This Commission was likely to come to the end of its labour by the end of the month. Mr. Ramachandra Rao urged that the report of this Commission should be published simultaneously in India and in England, and that no orders thereon should be passed without the report being discussed in that House.

Dr. Gour: This was promised last year.

"I demand that the Lee Commission report should be published and discussed in this House, preferably in the special session in May." Proceeding, Mr. Ramachandra Rao referred to the demand pressed in several local Legislatures for the reduction of the number of Executive Councillors in their Provinces, and wanted to know the Government of India's views on this matter. He added that expansion of the number of Executive Councillors to undesirable lengths had created dissatisfaction throughout the country, and the impression had gained ground that the only sign of reform was that the administration had become top-heavy.

Dr. GOUR, in criticising the policy of the Home Department, said that various standing committees had been appointed to work out the different departments of Government but that to these committees had been relegated work of an altogether subordinate character which was in no way calculated to educate Indians with the problems before

the country. He complained that no Indian had been appointed Home Member, the most difficult and important post in India which dealt with the internal administration of the country to which it was particularly fitting that an Indian should be appointed. He drew attention to the reply given by Mr. Richards in the House of Commons to a query regarding the extension of the Reforms in India and stated with some heat that the patience of non-official Indians was exhausted and the Government was greatly mistaken if they supposed that the Legislative Assembly would complacently submit to the House of Commons.

Dr. Gour here somewhat cleverly alluded to the Akali Jatha on the ground that it was concerned with law and order in British India. He wanted to know what the Home Member was doing in this matter. He put forward a threat that if no satisfactory answer was received, the House would press this issue to a division.

Referring to the Lee Commission, he said that he understood, in fact he had been assured, that Provincial Governments had been asked to set aside certain sums to meet the increases in salaries to be recommended by the Lee Commission.

At this stage Sir M. Hailey emphatically protested against Dr. Gour's statement and said that the Govt. of India had not passed any such order. There were cries of "Withdraw" from Govt. Benches, but Dr. Gour stuck to his point and though he did not divulge the source of his information he asked the Home Member to categorically deny the fact.

Pandit MALAVIYA drew attention to the necessity for the reconstruction of the Governor-General's Council. The salaries in India were excessively high. He wanted the Viceroy's salary to be reduced to Rs. 15,000 a year and that of the members of the Executive Council to Rs. 4,000, equivalent to a judge's salary. He proposed that the Viceroy's position should be like that of the King in England. The Commander-in-Chief should confine his attention to military operations and an Indian civilian must hold charge of the defence portfolio. The Indian Members should serve at 25 per cent. less salary than their European colleagues. It was an anomaly that the Home Member who had to deal with the internal affairs of the country should be a European. The Home Membership should go to an Indian. He complained of mal-administration of law and order and attacked the Criminal Law Amendment Act under which several members of the new Assembly had been sent to jail after the declaration of a public association as unlawful without assigning any reason for such order and without any provision for appeal against such order. He particularly drew attention to the misuse of section 144 of Criminal Procedure Code against which he himself had defied half a dozen times and would do so again.

The Pandit observed that Indianisation was very backward and that instead of calling the Lee Commission Government should have consulted the Assembly and stopped European recruitment to the Civil Service.

Sardar KARTAR SINGH said that law and order had become law-breaking order and complained against the Government order against the Gurdwara Committee. The Government of India, he said, had given wrong information to Lord Olivier who had described the Gurdwara Committee as a revolutionary body.

Mr. GOSWAMI said that when they were talking about unlawful assemblies it reminded him of the fact that once a member of Par-

liament described the Government of India as an unlawful assembly (Laughter). As for law and order they could not find such prostitution of that good phrase as it was in India.

HOME MEMBER'S REPLY

Sir MALCOLM HAILEY, replying, said that the Home Department had carried out the full retrenchment recommended and that the increase under the estimates for the next year was due to the increase in the Secret Service allotment which had been mainly necessitated in connection with the importation of arms from outside India. Coming to graver issues he said that it was immaterial to him whether the Home Member was an Indian or a European because Government was a composite Government. As for the use of Section 144 he reminded Pandit Malaviya that the Law Member, when Sir William Vincent was the Home Member, was not a European. His imputation was that Sir Tej Bahadur Sapru who was then the law Member was accountable. But this subterfuge was exposed when Pt. Malaviya pointed out that Sir Tej Bahadur was at that time ill and he was not responsible for the action of the Government. Besides, 'Law and Order' came under the Home Dept. and it was an unmerited dodge to bring in the name of the Indian Law Member, Sir Tej Bahadur Sapru.

As regards Indianisation of the higher posts which are the monopoly of Englishmen, Sir Malcolm said that certain posts required long administrative training and experience, and recruitment on five years' contract as experts in the case of such posts would be of very little use. If Government had not decided for immediate cessation of recruitment of Europeans it was because India still needed Europeans. "We may not have gone far enough but at all events do not bring the charge that we had done nothing at all. I ask any one to look to the civil service in the Provinces where a large number of Indians are gradually mounting up the ladder and in ten or fifteen years' time they should be holding high administrative posts in large numbers. Proceeding by that gradual and cautious method you will get men who will fill posts with distinction."

The Home Member said that Mr. Kartar Singh had charged Government with law-breaking and disorder. Sir Malcolm Hailey asked Mr. Kartar Singh honestly to say whether the law had been broken by Government or by his own community which did not preserve the standard of good citizenship. He did not want to attack that community and had attempted to put Government's justification on the lowest terms but in innumerable cases the community had under a mistaken notion of religious feeling refused to obey the strictest requirements of law and order.

Mr. Chamanlal: "What about the Gurukabagh beating?"

The Home Member said that he did not want to enter into that big subject. In answer to a question he said that it concerned the Punjab Government more than the Government of India and it related to an incident they all deplored but which was now past history.

As for the treatment of political prisoners, Mr. Shanmukum Chetty had complained of inhuman treatment probably in his own Province.

Mr. Chetty: "I refer to the case of Pandit Bajpai who died under tragic circumstances."

The Home Member said that Government had issued instructions to local Governments who had agreed to institute a special division to cover that class of prisoners who went to jail, as was said for the sake of conscience. Rules had been liberalised to approximate to those in vogue in England. The Madras Government were deputing an officer

to go to the Andamans to consider the case of the Moplah prisoners there.

THE LEE COMMISSION'S REPORT

As for the Lee Commission's report, it would no doubt be published simultaneously in the two countries. The Government of India had previously discussed all important Commissions in the Assembly before coming to a decision on them. In this case also they would follow the same practice, but they could not bind the Secretary of State who could in the light of the report of the Lee Commission exercise his statutory powers to give effect to any part about which the Commission might urge early orders. He did not doubt that the Secretary would like to allow the fullest discussion before coming to a decision on any point.

Mr. Ramachandra Rao said that the wish of the House should be communicated to the Secretary of State not to pass orders on the Report without giving a chance to the Assembly.

The Home Member promised to do so.

Concluding, the Home Member referred to the question of constitutional advance. He wanted Dr. Gour not to come to conclusions from the abbreviated report of Mr. Richard's reply in the Commons. The Home Member had cabled for a fuller version and would communicate to the House. He held that only if Government had gone back or had retarded India's progress, Government might come in for a severe condemnation. "Blame no man for his caution, so long as his intentions are good."

After the Home Member's speech Mr. Ramachandra Rao withdrew his motion.

THE JAITO TRAGEDY

Mr. RAMACHANDRA RAO moved a formal reduction of one hundred rupees under head "Foreign and Political". He referred to the Jaito affair and said that it occurred in British territory. A representation had been made to the Government for an inquiry and Mr. Ramachandra Rao wanted to know what the Government of India was doing in order to ease the Akali situation.

Sir HALCOLM HAILEY on behalf of the Government said that he had not heard of any one who was concerned in the last affair and who had been sent for from British territory for trial in Nabha.

As for the second Jatha which was on its way to Jaito the Home Member said that the Government had taken every precaution, but the trouble was that the Jatha was being joined by a large number of villagers in our territory. It was largely the presence of villagers that caused trouble on the last occasion, but on this occasion they had sent a certain number of police with the Jatha in order to warn the villagers not to join the procession. At one period of the march in British territory they were joined by nearly twenty thousand people. That was for a day, but fortunately they went back. At another period there were two thousand persons who joined, and due to persuasion they too had fortunately went back. All these were done in order to reduce the possibility of trouble at Jaito. Government deplored the occurrence last month and they would deplore in a double measure a recurrence of that incident and they had taken precautions in order to prevent the necessity of using force either on the Jatha or on the crowd. That was why they had announced that Jathas should give undertakings that they would proceed in batches of fifty and after reading their Grantha Sahib return without making any political demonstration.

PANDIT MALAVIYA asked why the limitation of fifty persons should be imposed in the case of persons who were going into Nabha

only for religious purposes? It could not be said that they were going there for any political demonstration because at no time had they held any such demonstration. In the face of these facts it was an insult to the Jathas to be told that they should bind themselves not to make any demonstration. It did not become a powerful Government to insist on such undertaking. If they insisted on this undertaking it was perfectly certain, knowing the Sikh temperament as every one did, that they would refuse to give it. And the result would be nothing but an open conflict. But if the Government withdrew their restrictions then no trouble would arise.

In reply, Sir Malcolm Hailey pointed out that what the Government wanted from the Jathas was an undertaking that they would not make any political demonstration, the very thing which they had been stating. He saw no reason why the Jathas should not give an undertaking of what they often said. It was the duty of every citizen to use his influence to see that the Jathas gave this reasonable undertaking. The question was whether the leaders of these Jathas would accept any restrictions or conditions which appeared to hamper them in their relation with Government. The Government's duty was to maintain law and order, but the Jathas were under the influence of men who were misguided and Government desired nothing but that the Jathas should see reason and allow Government to find a solution. In the meantime the Government would not be acting in the best interests of themselves and of law generally if they withdrew the very reasonable restrictions in regard to their entry into Nabha.

Pandit Malaviya: Under what law are these resolutions imposed?

Sir Malcolm Hailey: Under the law of Nabha.

Mr. Jamnadas warned that the Government should not make Jaito the Jerusalem of the Sikhs.

The motion for reduction of grants under head Foreign and Political was withdrawn and the Assembly then adjourned till the next day.

On the 14th March the main interests of the Assembly centred round the two apparently inspired questions of Sir Campbell Rhodes both intended to hit the Nationalist party, one by discrediting it and other by bribing the Independents to break away from the Coalition.

Sardar Mutalik asked a question as to what steps had been taken by Government to start its enquiry into the Reforms, as to whether it was going to be an open enquiry or not. The Home Member replied that it was merely to be an investigation to assess the defect of the existing system and consider the remedies.

Sir Campbell Rhodes thereupon asked 'will the Government consider the advisability of associating with themselves in the enquiry one or two of those Members of the House who have had some experience of the working of the Reforms during the last three years?'

Sir Malcolm Hailey:—As I said, Sir, I cannot give a definite answer on this subject at present but we have that suggestion under consideration."

This was intended to shake some Independents by holding imaginary prospects before them with a view to ward off the renewal of attack on the Finance Bill.

But this was not all. Question time being over, Sir Campbell Rhodes again got up and drew attention to Mr. C. R. Das's interview with 'Statesman' wherein Mr. Das was said to have declared that he did not know about the facts of the case and presumed that some understanding must have been reached with the authorities. In asking the question Sir Campbell Rhodes forwarded his opinion that the decision of the Party was due not to any pact with Government but to the

impact within the Party itself! Pundit Motilal was not there to give a proper reply to Sir Campbell Rhodes as Swarajists did not attend the Budget discussion. Mr. Chamaulal repudiated Sir Campbell Rhodes' insinuation and declared that no such thing as impact had taken place.

Business of the day was extremely dull. Pundit Malaviya and four other members of the Assembly had gone to Jaito and Pundit Motilal and Swarajists were absent. The spectacle of Liberals without Swarajists was really pitiable. The smallness of the numbers on the non-official benches made Sir Malcolm Hailey treat the House with contempt and when Mr. Doraiswami Iyengar launched a strong attack on the manner in which the Moral and Material Progress Report annually issued by the Publicity Dept. had been misrepresenting to members of Parliament, before whom the book is placed, the great movement of Non-co-operation and its leaders, the only reply which Sir Malcolm Hailey condescended to give was "I am quite prepared to let the matter to the vote of the House without giving any reply." Liberals and a few Independents sitting on the non-official benches were helpless. They could not challenge a division in such a depleted House.

EDUCATION

Mr. Ramachandra Rao moving for a nominal reduction of one hundred rupees under the department of Education, Lands and Health, criticised the unsatisfactory progress made in education. He also referred to the slow progress in civil, veterinary, forest, geological, survey and mining services.

Sir Sivaswami Iyer objected to the use of the word "Cooly" in Government documents. This word had a bad odour and ugly association and should be replaced by the word "Labour."

Mr. Joshi complained that the Government of India had been attaching more importance to the University and Secondary Education than to the Primary Education in the territories under their direct control. He advocated to spend more money in the Frontier Provinces in order to bring the tribes under the humanising influence of Education.

Mr. Jamnadas Mehta brought into prominence the espionage on Indian students in England and the difficulties these students experienced in getting admission to British Universities. Sir Narasimha Sarma and Mr. Montague Butler defended the Government and attributed the absence of further progress to lack of funds and all-round retrenchment.

Concluding, Sir Narasimha Sarma said that the Lytton Committee's report had been received. The Government had asked the representatives of Universities to meet them in Simla in May. They hoped to be able to fix some procedure for enabling students duly qualified to deserve entry into British Universities, to secure accommodation as speedily as possible. As for espionage he thought that the evil was not the same now as it was some time ago.

INDIA AND THE WAR OFFICE

After lunch Sir Sivaswami Iyer referred to huge amounts outstanding between India and the War Office and urged to send a deputation to London. He hoped Sir Malcolm Hailey would lead the delegation during his forthcoming trip to London. He urged that India Office accounts should be placed before the Public Accounts Committee, that the cost of the education of British soldiers be debited to the British exchequer and that the disbursement of pensions should be handed over to the High Commissioner by the India Office.

Mr. Ramachandra Rao said that the Secretary of State for India was also a member of the British Cabinet. In a dispute between the two countries the Secretary of State could not fully stand for India's right.

Sir Purshottamadas said that only once he remembered within the past half a century the point of Indian Government prevailing in such disputes. He therefore wanted an assurance that the agreement would be placed before the Assembly or at least the Standing Finance Committee before it was given effect to:

Sir Basil Blackett assured that the Government would do their best and that they were as anxious as any one for an early settlement. They would see that the settlement was equitable to India. He said that the decision rested not with the Secretary of State but with the Secretary of State in Council.

Mr. Ramachandra Rao.—Does the Finance Member mean that the Secretary of State in Council succeeds against the British Cabinet in such disputes?

Sir Basil Blackett said that the Secretary of State in Council exercised very real power in any case. Constitutional difficulty stood in the way of the Government of India seeking previous approval of the legislature. Moreover, the Government did not command a majority in the House and could not be certain that its agreement would be accepted. He assured that he would keep the House fully informed about the progress in settlement.

LABOUR

In moving for a small reduction on the demand under Industries and Labour Department, Mr. Joshi deplored the condition of labour and urged starting more Labour Bureaus. The Government of India should bring into existence a machinery for arbitration and conciliation. He demanded prohibition of women from work during the time of confinement. He asked the Government to give serious consideration to the question of unemployment. He urged them to institute service-securing agencies and to consider whether some sort of unemployment insurance could not be started. Mr. Chamanlal wanted to have a labour ministry to deal with questions connected with labour. If they had a labour ministry that ministry would appoint certain members of this House to advice on all topics relating to workers and see that no exploitation was made of them but that justice was given to them. Mr. Chamanlal vigorously pleaded for standardisation of wages and make them approximate to those prevailing in Great Britain. Concluding he referred to what he called utter destitution among the workers and wanted the Government to institute a searching enquiry.

Sir Purshottamdas and Mr. Coke appealed to those who pleaded on behalf of labourers to be fair to the capitalists. He assured that the capitalists would not be slow to appreciate the Labour point of view and act according to it provided Labour was reasonable and fair to the capitalists.

The Hon'ble Mr. Chatterjee on behalf of Government testified to the interest which they were taking on behalf of labour. He particularly referred to labour legislation like the Workmen Compension Act and said if nothing more was done it was because of certain difficulties. As regards arbitration boards and labour bureaus and unemployment insurance Mr. Chatterjee said that their proposals had not yet matured. The motion was withdrawn.

ARMY DEPARTMENT

Mr. Ramachandra Rao then introduced an interesting discussion on the Army Department by moving formal reduction in the demand. He wanted to know several details of information regarding capitation charges.

Sir Sivaswami Iyer wanted to know in detail the progress in the Indianisation of the Army. He was not satisfied with the Commander-in-Chief's statement that Indians had been admitted to artillery. He said that Indians were only there as camel-riders and not on higher grades. He wanted to know if Indians had been taken as gunners and whether serious attempt had been made to Indianise the artillery services. Concluding Sir Sivaswami Iyer urged that additional units must be created in order to train in them Indians for air squadron, artillery and other forces.

Before the total demand under the "General Administration" was put and carried, Mr. Doraiswami Iyengar criticised certain statements contained in Prof. Rushbrook William's book on India presented each year to Parliament. He did not care whether the administration of India was good, bad, or indifferent but he insisted that a true account should be presented before Parliament and not statements inserted to throw dust in the eyes of the British Public. It was not a compliment to the members of the old Assembly to say that they voted down the Salt Tax because they had to face the approaching elections, and some of the statements regarding Mr. Gandhi, non-co-operation movement and Akali movement were incorrect, and he suggested that in future before the report was placed before the Parliament a committee of this House should be asked to go through it.

Sir Malcolm Hailey did not want to make a reply to the speech of Mr. Doraiswami Iyengar. The demand under 'General Administration' was therefore carried.

After some discussion demands under "Audit, Administration of Justice, Jail and Convicts, Police and Port and Pilotage" were agreed to without any reduction. On demand under 'Ports and Pilotage' Mr. Joshi urged that the report of the Seamen's Recruitment Committee should be given effect to and Advisory Committees should be established.

Sir Charles Innes replied that the Government had decided after consultation with the Government of Bombay and the Government of Bengal not to introduce any change in Bombay for the present, but to improve the position in Calcutta. They had therefore decided to give charge of shipment office to a carefully selected officer who would formulate his own scheme of recruitment in the light of general principles laid down for his guidance and that Advisory Committees were not to be established at present. It would be left to the officer to evolve his scheme.

Sir Campbell Rhodes asked as to whether the Government of India had abandoned the scheme of provincialising Bengal Pilot Service. Sir Charles Innes replied that no decision had yet been arrived at.

The Assembly adjourned till next day after disposing of only 20 demands out of 64.

The Legislative Assembly held on March 15th was the last allotted sitting for voting on demands for grants.

Grants.

Demand under "Survey of India" was granted without much discussion. On the demand under "Meteorology" an interesting discussion ensued. Dr. Gour referred to Sir Purshottamdas's minute of dissent attached to the Inchcape Report, wherein Sir Purshottamdas had urged the transfer to Agra of the Meteorological Head Office, now located in Simla. He pointed out that there was no scientific reason for keeping office in the Simla heights.

Mr. Chatterji said that the transfer of storm work from Calcutta to Simla was done with the best of intentions. At Calcutta, they could not keep more than a qualified Meteorologist, while in Simla they had two or three scientific officers of very high qualifications, who could consult one another and come to conclusions. It did not take more than half an hour to transmit these conclusions to Calcutta. The Government of India had decided provisionally to keep the storm work in Simla and to strengthen the Calcutta Staff.

Mines.

Mr. Joshi then moved for the reduction of the demand under the head "mines" by Rs. 100. He referred to the question of the appointment of women in mines, and asked what replies have been received from the Local Governments, as also on the subject of the introduction of the shift system. If any reform had to be introduced in the condition of labor, it must be done in spite of the opposition of mine-owners.

The motion for reduction was put and lost.

Internal Immigration.

Mr. Venkatapathi Razu criticised the policy in respect of internal immigration, and gave details as to how Madras laborers were taken to the Assam Tea Garden, and suffered there for reasons of low wages and inadequate accommodation. He objected to the laborers being taken away from the Agency tracts. The motion was rejected.

Empire Exhibition.

Discussion next proceeded on the demand under "Miscellaneous items" including the demand for the Store Department and British Empire Exhibition. Mr. B. N. Das, in whose name the motion for the omission of the grant for the Exhibition stood, was not in his seat. The discussion, therefore proceeded on the whole demand.

Mr. Jannadas Mehta said that the Exhibition was organised purely as a political propaganda. It was to show that the Empire was one in war and the Empire was also one in peace. He said that India could not associate with other Empire-countries when she was humiliated. He, therefore, asked the members not to be a party to India's participation in it.

Mr. Bell (Bombay) agreed with the previous speaker that the object of the Exhibition was not merely to promote industry, but to stand for the ideal of one-ness of the Empire in peace. He said that by such an Exhibition the chances for an amicable settlement between opposing sections improve, and he reminded Indians of the remarks made by the LONDON TIMES that for India probably there was at present more work to be done in London than in India.

Sir Charles Innes said that democratic assemblies could not go back on the obligations incurred by the policy adopted by their predecessors. The first Indian Legislative Assembly was fully consulted and agreed to participation in the Exhibition. Accordingly, the Government had entered into contracts and if the vote was refused, it would only mean dishonoring their obligations. He expressed profound disagreement with what Mr. Mehta said, because he believed that the Exhibition provided the best opportunity for dispelling those suspicions under which India suffered, while non-participation would only injure her.

Pandit Malaviya said that the question at issue could not be disposed of so easily as was done by the Commerce Member, but it was no use now discussing it, because the motion for a reduction of the vote had not been moved and was not before the House. He reminded Sir Charles Innes that there was another side to the picture

as well. Indians felt that if by participation in the War and in other Exhibitions and Imperial Conferences, where India and Indians had established their names, India could not dispel suspicions and get her due, she would not improve her position by participation in the forthcoming exhibition.

Mr. Reddi asked as to whether the Government could give information about the Devil's Dance about which the Secretary of State had been questioned in the House of Commons.

Sir Charles Innes said that he had wired to the Political Officer at Sikkim to find out whether there was any objection, and he was still awaiting the reply.

The demand was then passed.

CURRENCY POLICY

Mr. Mehta said that the demand under the "Currency Policy of the Government" was not inspiring confidence. The Government should not have credited to revenues the interest on Paper Currency Reserve. He complained that by crediting this interest and excess in gold standard, the Government had made known to the world that the Indian Budget had been balanced; which in reality was not. His view was that this interest should have been utilised in reducing securities, thereby avoiding inflation. He strongly attacked the policy pursued by the Government in the purchase of silver during the past 40 years which resulted in monopolists in London making India pay the highest price for silver. He advocated the purchase of silver in Bombay or Calcutta by open tenders from all over the world.

At this stage, the clock struck 5, and only 41 demands had been gone through. The remaining 23 demands were agreed to without discussion, and the House adjourned.

SIX DAY'S RESULT

The result of six days' voting on the demands for grants was that Rs. 4 crores 48 lakhs and 35 thousand were refused under four demands on the first day as the result of the policy of obstruction, while, only in two motions, 25 lakhs and 100 rupees were cut from other demands for grants. These two motions, it may be recalled, were passed as a censure in respect of a certain policy pursued by the Railway Board and the Forest Branch.

Nationalist Party Meetings

With reference to the fall back in the nationalist position on the 11th March and the wild rumours to which it gave currency, and specially with reference to the talk of 'pact and impact' raised by Sir Campbell Rhodes in the Assembly, Mr. V. J. Patel, M.L.A., issued on 15th March the following statement to the Press explaining his own position and that of the Swaraj party in the Assembly:—

"Certain newspapers, whose criticisms I have seen, are very much mistaken if they think that they will in any degree shake the solidarity of the 'Swarajya' party by publishing lying and misleading accounts regarding events of Monday and Tuesday last in the Legislative Assembly. I desire to make it clear that no difference of opinion has arisen between myself and Pundit Motilal Nehru. In fact the whole Swarajya party acts with one mind, one determination and one aim. It is our misfortune and not our fault that we find ourselves in a minority in the Assembly. The speech delivered by me on Monday last outlining the programme and policy of the Swarajya party, and every word of which was endorsed by Pundit Motilal Nehru by way of personal explanation when Mr. Chatterjee was trying consciously or unconsciously to misrepresent both of us, was made by me as a Swarajist. Pundit Motilal Nehru was speaking on behalf of the Nationalist party and studiously confined himself to matters which were common ground between Swarajists and Independents, but as a Swarajist he said he endorsed every word of what I said. Pundit Motilal Nehru has only recently congratulated the leaders of the Swarajya party in the Central Provinces for successfully carrying out the policy of the Party which leaves no room for doubt as to what we would have done if we had a Swarajist majority. The statement made by Pundit Motilal Nehru on Tuesday represented the view of a section of the Nationalist party and this was made clear by him. It has nothing to do with what the Swarajya party as such may do hereafter."

Immediately after the Assembly meeting the Nationalists held their party meeting on the 16th, to decide on the next step. Pundit Motilal presided at the meeting and pointed out to those Independents who were not willing to see eye to eye with Swarajists in their full programme of obstruction to agree to the view that no honest Indian could vote the Finance Bill as it stood.

The peculiarly iniquitous and horrible form of taxation, as Lord Olivier described the Salt Tax, must go but a compromise was reached to reduce it to annas seven a maund. Similarly in the interests of the masses and in the interest of trade, Postal rates must in their opinion revert to their previous level. Cotton excise duty must also go and for that purpose Swarajists were to introduce a new clause in the Finance bill, but it appears according to rules new clauses can be introduced only by the Government Member. However the members made it clear that this duty must disappear as soon as possible. The Indian gold-thread industry which has been crippled by import of cheaper gold-thread from foreign countries must be protected and the Finance Member's proposal to reduce the duty from thirty to fifteen per-cent was to be rejected.

These changes were of a drastic character and would in practice mean throwing out the whole bill in spirit if not in form. But the decision of the Nationalist party was to put the Swarajist motion through. There was however no thought of the whole Finance bill being thrown out on this day, though by an unexpected turn of events it was decided on the next morning to move for the total rejection.

Finance Bill Thrown Out

On March 17th. the Nationalists scored a signal and surprising victory over the Govt. by totally rejecting the whole Finance Bill. The full House met as before on the 10th March, and though obstruction was in the air the Govt. benches were not prepared for the great surprise that was sprung upon them. The Finance Member introduced the Finance Bill, and in a brilliant speech Pt. Madan Mohan Malaviya, who acted as the leader of the Nationalists on this day, moved for its total rejection.

His speech lasted for three hours and arraigned all the misdeeds of the present Govt. to which the House resounded with applause from time to time. The debate lasted for 5 hours and only five members took part. Sir Malcolm Hailey played at the old game of threatening and dividing the Nationalists, but these were of little avail and the House carried by 60 against 57 the motion of Pt. Malaviya amidst ringing Nationalist cheers.

A secret move on the part of government was exposed on this day by Mr. Rangaswami Iyengar, and this seemed to have influenced some of the members to vote against Government. On Saturday, the 15th March, the Government of India quietly introduced amendments in the Legislative rules of a drastic character including one which permits the Viceroy to recommend a bill at any stage—a power which did not exist before and which takes away whatever little power the Assembly has in respect of discussion of bills. This amendment was made in view of the Swarajist advent. When questioned by Mr. Rangaswami Iyengar and Dr. Gour, Sir H. Moncrieff Smith, the Home Secretary, admitted that the new provision was not enacted in the light of any difficulty experienced but to meet any difficulty which might arise hereafter. Though he professed that this had been under consideration for two years it was forwarded to the Secretary of State only in November last.

Pandit Motilal therefore, taking Government's words at their face value, connected its despatch with the Swarajist intention to come into the Assembly as declared in the October manifesto. Pandit Motilal described this provision most appropriately when he said that it means that the Viceroy has only to press a button from the Viceregal lodge and the Government Member in charge of a bill will say to the Assembly "Here is the Viceroy's recommendation and you must proceed thus far and no further."

THE QUESTION

At question time Mr. A. Rangaswami Iyengar asked for the reasons that led the Government to make further amendments to the statutory rules under Section 67 of the Government of India Act, as published on the 15th and when the Secretary of State's sanction was applied for and obtained. He further asked if the procedure of placing the draft rules before Parliament has been adopted, and if so when; if not whether the Government would refrain from putting the Rules into force until Parliament had considered them, and until the members of the Assembly had time to understand the curious and complicated process contemplated. He further asked whether the new rules were designed to augment further the Viceroy's powers of exceptional legislation.

The Home Secretary replied evasively as stated above. It appears that the sanction of the Sec. of State was urgently sought and received on the 8th March last. After further remarks the President intervened on behalf of Sir Henry and the matter was dropped for the time.

The Finance member then rose.

THE LEGISLATIVE ASSEMBLY
THE FINANCE BILL INTRODUCED.

[DEBATE]

RESTORATION OF THE REFUSED GRANTS

The Finance Member announced that it had been decided to restore the four demands for grants refused by the Assembly on Monday (10th). The cut of rupees twenty-five lakhs under Railways and Rs. 100 under Forests had been accepted. It was possible that under a large head like "Railways," involving expense of over sixty-seven crores, twenty five lakhs might be saved. He said that as a result of the voting of demands, the position of the budget (taking account the railway estimates on the basis of the existing system) was that the surplus, after allowing for reduction in Provincial Contributions, etc., would amount to 18,74,100 rupees. Of course, this took for granted that the taxation proposed in the Bill would be agreed to.

The FINANCE MEMBER, in moving the consideration of the Finance Bill, reiterated in some respects his previous reply to critics, and expressed his inability to agree to the tariff and taxation changes urged. He said that no central budget could really be balanced so long as Provincial Contributions existed, and if the Cotton Excise Duty was also to be abolished, he saw no chance of solving in the immediate future the more urgent question of Contributions. He then proceeded to refute the charges very often made about the administration of India, namely, that the administration was extravagant, that the number of officers must be reduced, that military expenditure was colossal, and that vast increase had taken place in taxation. Sir Basil Blackett was surprised, not at the extravagance, but at the cheapness of Indian administration!!! As Lord Selbourne said, speaking on the Government of India Bill, the system inaugurated by the British people in India was the most economical that the world had ever known, or was likely to know. As for highly-paid officials, the Finance Member was surprised at the extremely low number of highly paid officials in India. He had already spoken on previous occasions about military expenditure. He admitted that it ought to be further reduced, but that would take time, and could not be given effect to in the next year's budget. He warned the Members not to use catch-words which had no basis, because he felt that when, in the course of time, they came to administer Government and wanted to make it more efficient, they would find themselves severely hampered by the expectations which they had raised in the mind of the people for reductions in expenses which would not be possible. In conclusion, he pointed out to the House that whatever might be the political considerations, the Budget had a right to claim consideration on financial merits. He maintained that without the Salt Tax at Rupees two, they might be running the risk of a deficit next year, and hoped that the House would keep before it economic and financial considerations, and vote accordingly.

MOTION TO THROW OUT THE BILL

PT. MADAN MOHAN MALAVIYA opposed the consideration of the Finance Bill. He recounted India's war services, and the disappointing character of the Reforms. Diarchy had broken down, the Transferred subjects had been starved, the Swarajists in the Central Provinces had thrown out the budget, and Swarajists in Bengal were also going to do so. The sooner, therefore, the existing position in the Provinces was changed, the better for all. The Central Government had also outlived its usefulness. He would have liked the Government to continue under

the old system, when the Viceroy's Executive Council decided upon the extent of taxation and expenditure. What was the use of the Assembly, with a majority of elected members, when a greater portion of the expenditure was non-votable, and on matter of taxation their words were not final? As this state of affairs could not continue, the Assembly put forward a most reasonable demand. The reply to this given by the English members of the Government was cruel. They were told they were incapable of exercising larger powers.

Sir Malcolm Hailey: I deny that statement. I never said that.

Pandit Malaviya said that the Home Member had stated the factors which stood in the way of accomplishing their object. The speaker's belief was that representative institutions were a real instrument to get over the difficulties enumerated by the Home Member, to develop National defence, and make up communal differences. The record of the work of the National Congress was a testimony of the fitness of Indians. Lord Olivier's reply was not satisfactory, and Prof. Richards had made it clear that the Act was not to be changed before 1929. He asked the Government to have the courage to sit at a Round Table Conference and examine the pros and cons of the issues and leave the people of India and Parliament to form their opinion about the conclusions of the Conference.

He pointed out that Indians had been refused the opportunity to manufacture their own salt, and that no Indian member could agree to the imposition of the Salt Tax. If, therefore, they wanted to refuse the Salt-Tax, they must also have the power to effect a corresponding reduction in expenditure, but as they did not possess that power, they could not be asked to vote the Finance Bill. He said: "So long as the Government of India Act is not revised, I find that with my sense of self-respect, and with the little conscience that God has given me, I cannot support taxation either now or in the near future, until the Government of India Act is revised. (Hear, hear). Take away the Government of India Act, if you please. We shall not complain of it, but if you want to rule India in the form of a civilised Government, introduce a measure of Self-Government in the place of the sham you have introduced." (Hear, hear).

GOVT. PRACTISING A FRAUD !

Pandit Malaviya, continuing, said that Earl Balfour, when he went to America, said that the only form of real Government was Government conducted according to the will of the people. Judged by that standard, where did the Government of India stand to-day? When India helped Britain in the war, the British people agreed with the principle of self-determination enunciated by President Wilson, but the principle had not been given effect to. A book annually published, called India's Parliament, was giving misleading ideas about the actual state of things in India to people abroad. He summed up his criticism thus: "With all respect to individual members of the Government, I say that it is a fraud you are practising upon the civilised world. (Hear, hear). Why further humiliate us by inviting us to take part in a League of Nations and an Imperial Conference where our representatives cannot speak with the authority of the people behind them? I hope no elected members would agree to take part in these bodies without the authority of India." Continuing, Pandit Malaviya said that they could not conscientiously vote for the Taxation Bill. Replying to Sir Basil Blackett's observations, Pandit Malaviya held that the Government of India was extravagant, and that the Finance

Member had not yet proved the contrary. He corrected the Finance Member by stating that Indians did not consider the number of officers large or costly, but European officers with fat salaries were very large in number, and their salaries disproportionate with the National income. If he had it in his power, he would considerably increase the number of Indian officers. He would appoint more Ministers, and create more portfolios. He would like to spend more money, and his complaint was that under British rule so little had the income of the people increased that expenditure for beneficent purposes could not be undertaken. The Finance Member had quoted figures of taxation per head in other countries without giving comparative figures of the average income in those countries, which would have exposed his game.

Pandit Malaviya had spoken for more than an hour when the President, finding that the Pandit had to say more, adjourned the sitting for lunch.

A BREEZE

Mr. Nogy, one of the panel of Chairmen, took the chair when the Assembly commenced proceedings after lunch. Pandit Malaviya continued his speech opposing consideration of the Finance Bill. Referring to the army, he reiterated the demand for a National policy, which would give them a citizen army, which was the only means of making an effective reduction in the expenditure on the regular army. He described the financial policy of the Government up till some time ago as scandalous, and urged that the Finance Member must be an Indian. The Pandit then criticised the abuse of the Criminal Law Amendment Act, the application of Section 144 of the Cr. P. C. and Section 108, I.P.C., and asked whether there was any time even in the history of India where so many respectable and innocent persons were prosecuted and subjected to indignities and hardships under the operation of a law which was never meant to apply to such persons. Gandhi, Nehru, C. R. Das, Lajpat Rai, and thousands of the best Indians in jail! He asked what had happened to the Assembly's demand for the release of Sardar Kharak Singh. The Pandit was referring to the enforced abdication of the Maharaja of Nabha when up rose the Home Member.—

Sir Malcolm Hailey protested against this reference to the Maharaja of Nabha's abdication.

Pandit Malaviya: You protest to the Chair, and not here.

Sir Malcolm Hailey: I protest against the discussion on the floor of this House of the merits or demerits of the abdication of the Maharaja of Nabha or the action taken by the Government.

Pandit Malaviya: Under what rule am I prevented?

Sir Malcolm Hailey: Rule No. 23.

Pandit Malaviya: Yes; but that only refers to questions and resolutions, and not to the Finance Bill.

Sir Malcolm Hailey: I want you to recognise the effect of the President's rulings, given several times in the course of the budget discussion, and they apply equally to a motion for the consideration of a Bill such has been put forward to-day.

Dr. Gour pointed out that the final authority to debar a discussion on these matters was the Governor-General and not the President. It was a well known fact that what the law did not prohibit, it permitted.

Mr. Patel asked the President to decide whether the subject matter to which the Pandit had referred was relevant or not. The

President Mr. Neogy was non-plussed. Just at this stage, Sir Frederick Whyte came in and took the Chair, Mr. Neogy leaving it amidst much laughter.

Sir Henry Stanyon, Pandit Malaviya and Dr. Gour all expressed their views on the admissibility or otherwise of the discussion on the subject to which the Pandit made reference. The President ruled such discussion out of order. Both Pandit Malaviya and Dr. Gour tried to acquaint the President with what happened during his temporary absence when Mr. Neogy presided, but the President adhered to his ruling. Thereupon, Pandit Malaviya referred to the report that many residents of Ferozepore district lost their lives when they went to the Gurudwara at Gangasar to read the Granth Sahab. He emphasised his point that the Government had not protected the religious liberty of Indians, and therefore, that the Government did not enjoy the confidence of the people. British Indians were entitled to protection for performing religious duties in temples situated in the territory of an Indian Prince. Concluding, Pandit Malaviya said that situated as Indians were, they could not lend their support to the Taxation Bill. He knew that the Viceroy would certify it. The representatives of the people had no option but to refuse to support taxation unless they were given rightful voice in framing the Budget. He hoped that every Indian member would support his motion to refuse consideration of the Bill in order that this system of Government might be ended, and they may have a really Responsible Government.

SIR M. HAILEY

SIR MALCOLM HAILEY said: 'In a way, I am not sorry that Pandit Malaviya had put forward his motion, because it has brought us once more to a clear issue.' He then reminded the House that in the first three years of the working of the Government of India Act they found themselves with men who were prepared to work the Act and who greatly influenced the whole course of their administration, but in the new Assembly the Swarajists had come with their declared policy. It was hoped that they would work with the Government. The Swarajists and some Independents had put forward admittedly a compromise motion on the question of Responsible Government. The House fully well knew the reasons why the Government could not accept it. Through all these discussions they were in doubt as to how far the compromise of the Nationalists had gone. We were in doubt, he said, as to whether it was brought about on account of the desire on the part of our friends for complete revision of the Constitution or something more far-reaching. That debate ended there, followed by the Secretary of State's speech in the House of Lords, which was received with di-satisfaction among some of them. The result was that four demands for grants were thrown out, and it was said that this was done to demonstrate a principle. We are still unaware as to what their motives were, whether the rejection of those demands for grants was some obscure form of co-operation, or merely a demonstration or proof of their common programme of completely wrecking the Constitution, for reasons equally obscure. We found ourselves next day on the question of demands for grants when they gave us larger consideration and criticism of the type we hitherto found to be of great effect on our administration. Now Pandit Malaviya has come forward with a denunciation of the whole of our policy in the past, expressing his total inability to accept the motion of the Finance Member on the specific ground that we could not agree to a Round

Table Conference. I have been trying to know the reasons which led to a sudden change of attitude on their part. I have seen in the papers some strong criticism about the attitude of the Nationalist Party, stating that they should have thrown out the budget. Now, I ask, is it for that reason that you have suddenly gone back to the complete policy of wrecking?"

Proceeding, the Home Member said that he had noticed in many parts of the House criticisms arising out of the fact that the enhanced salt duty would provide the means of relieving the Provinces of their provincial contributions. Also, there was some hesitation on the part of some members in voting for the salt duty at anything like Rs. 2. Was it to get the vote of these members that this motion was sprung up, and to show that it would be easier to throw out the Finance Bill as a whole than leaving it to the Government to certify the Salt Tax at some rate? Was it really felt that it would be easier to take that course, and thus relieve the provincial members of the necessity of voting one way or the other? Then, again, there were motions on the paper for reducing the salt tax to seven annas a maund.

I notice that the country has found great difficulty in appreciating the tactics of our friends here. Those versed in the method of the constitutional institutions of Europe have equally found it difficult to appreciate the tactics of our friends. Pandit Malaviya says clearly and explicitly that so long as he is dissatisfied with the attitude of the Government, he will not join in voting for any taxation at all. I am glad for one thing. It does not affect me personally, for I am about to enjoy a brief period of leisure, but I am sorry for those members of the Assembly who might otherwise have to come up and consider the Tariff Board's Report in Simla. Obviously, Pandit Malaviya will not assist them in any operation of that kind. It is extreme statements of that kind which bring home the nature of the course he proposes. The Hon. Pandit has joined that section which is determined on the complete wreckage of the present Constitution, with all its consequences in India as well as in England. If that is any satisfaction for the more extreme section of the Party which he stood for in the past, and stands to-day, then all I can say is that on calmer reflection he will regret that he has given them that satisfaction. It is perfectly clear that the Swaraj Party has never changed its ideals and its methods. (Pandit Motilal and others: Hear, hear).

THE BRITISH NATION & PARLIAMENT AGAIN !!

Proceeding, Sir Malcolm Hailey said that the British Nation would not give a constitutional advance to India unless it was satisfied that the measure of advance given was likely to be properly worked, and that to the complete advantage of India. The British Parliament, after many years of demand from India, had at last set India on the road to Responsible Government. Now, what did the Pandit say? He proposed to throw that back in the face of the British Parliament. If they looked facts calmly in the face, then it would be found that this decision would not help India on the path of Responsible Government. His motion for the rejection of the Finance Bill was exactly a gesture of dissatisfaction, and a sign of impatience and irresponsibility which would make it impossible for the British Parliament to consider any further advance. The King's Government must be carried on. The demands, if rejected, would be certified by the Viceroy; otherwise, the Government would come to an end. Concluding, the Home Member

said: "Neither you nor your friends will suffer from the results of refusing taxation. The result will rest with the Government. That again, is not responsibility. It is on that ground that I appeal to you all to consider the effect of passing the Pandit's motion. If you follow his suggestion, it would be taken as a sign of irresponsibility. I know that no section of the British Parliament will be influenced in the slightest degree by any such action."

PANDIT MOTILAL NEHRU.

Pandit MOTILAL NEHRU said that his short experience of the Assembly had shown that the Home Member was a past master in the art which was generally attributed to the whole Government of India, namely, Divide and Rule. To-day he had practised that art to perfection. He had again warned the non-Swarajists not to identify themselves with the Swarajists. The speaker felt proud that he was the author of the October manifesto, and stood by it as a Swarajist, but as he had explained, he was acting in the Assembly as a member of the Nationalist Party, and not as a Swarajist. They came to the councils to co-operate with the Government on their own terms, and passed the resolution embodying their demand by an overwhelming majority. The resolution was voted on by the Nationalists as well as by others not belonging to that Party, thereby proving that the demand put forward in it was the demand of the whole country. It was very reasonable, and had not been put forward to provoke a negative reply. As for the decision to throw out the Finance Bill, the reason was that his Party thought that in any case the Viceroy's Certification must come. It was, therefore, useless for them to waste the day in going into the lobby and coming out on various motions. He said that the Assembly was not refusing supplies. It was not in their power to do so. They refused to be party to supply funds to the Government when that Government was being run without their having any control of the executive in respect of the expenses, or the raising of revenue. The Home Member had said that he doubted that any principle was being established. The speaker thought that it was the oldest principle that they were establishing. He said that his Party's decision on Tuesday had met with both favourable and adverse criticism, but the Home Member apparently read only the adverse criticism. In any case, press criticism had nothing to do with the Party's decision. He said that since Tuesday the Swarajists did not take part in the discussion. In the interval, they had learnt that Prof. Richards, in answering a leading question in the House of Commons, had declared that the Labour Government did not want to interfere with the ten year' programme, nor had the Government of India moved in respect even of its own departmental enquiry. Furthermore the copy of the GAZETTE issued on Saturday last contained the amended Legislative Rules, and had shown that the Viceroy can recommend a Bill at any stage. The speaker had a shrewd suspicion that this had been introduced to meet the Swarajist opposition in the Assembly. Now, therefore, the Government had merely to press the button, and like an automaton the Assembly had to consider the Viceroy's recommendation at whatever stage a bill might be. He said that their proposal for a Round Table Conference was intended, not for immediate establishment of Responsible Government, but for the immediate acceptance of that right, and the attempt by the Conference to evolve a Constitution suited to the genius of India based on her traditions. Western people had their own institutions, but they could not understand India's needs and

requirements. As for the Home Member's charge that the refusal to consider the Finance Bill would show irresponsibility, he asked: "How is one man responsible for the action of another? You frame the Budget; you regulate the income; you regulate the expenditure. We have no power and no control. The course proposed by Pandit Malaviya is to use the strongest weapon in his hand to protest." He appealed to all elected members of the House to support it.

SIR PURSHOTTAMDAS THAKURDAS

Sir PURSHOTTAMDAS THAKURDAS opposed obstruction. He admitted that when men like Pandit Malaviya and Pandit Motilal had urged the grave step of obstruction, there were serious causes necessitating it. He also believed in the principle of self-help, but he felt that the Labour Government must be given time to respond. Moreover, the Assembly having voted expenditure under demands for grants, could not consistently now refuse taxation to meet those obligations. He also felt that if the Finance Bill was rejected, and if it was eventually certified and placed before the House, it would mean the Salt Tax at Rs. 2, while the Assembly had power to reduce it to Rs. 1-4. He appealed to their statesmanship to realise the situation, and prevent serious results as the result of the rejection of the Bill.

BILL REJECTED

At five-thirty, the House divided and refused consideration of the Bill by 60 votes against 57 amidst loud Nationalist applause. The Assembly then adjourned till the next day.

Recommended Finance Bill Rejected Again !

The Nationalist party met the same night and discussed the triumphant manner in which it had come out of the ordeal. At the same time the Viceroy in the Government House was deliberating with his Council on the next move. When the Nationalist party meeting had dispersed for the night and almost all members had gone to bed Pandit Motilal was roused by a telephonic message sent to him at 11 p.m. at the instance of Sir Malcolm Hailey, communicating Govt's decision to send back the Finance Bill to the Assembly with the Viceroy's recommendation. This message, the Pundit told the Assembly next day, took him by surprise and it was too late in the night for him to disturb his party members. Early next morning the Party considered the situation. There was no doubt about their decision but they all felt that this move involved a direct affront to the Assembly because, even though the bill had been modified, its rejection was based not on its merit but on outside issues, and how could Government expect the Assembly to eat its words. This action of the Government further confirmed the view that the new rules to which reference was made on the 17th by Mr. Rangaswamy Iyengar had been framed solely to meet the Swarajist attack. In the ordinary course under the old rules the Viceroy should have applied the Certificate and the Council of Elders would have passed it and the Bill would have become law.

THE CHANGES IN THE RECOMMENDED BILL

The changes introduced in the Finance Bill are reduction of Salt duty to Rs. 1-4, retention of the old high import duty on Gold Thread, (lower duty proposed would have seriously injured the Gold Thread industry in India), and the retention of old high duty on Motor spirit. It is a curious commentary on the management of the present administration that petrol sent out from Burma to the United Kingdom sells there much cheaper than in India.

The motives behind Government's mind must have been two: firstly, to show that the Finance Bill had been stripped of all reasonable objections so that some of the votes recorded against it on the 17th might be either won or kept neutral; secondly, Government might have felt that the adverse vote on the Bill was certain and it wanted to show to the outside world, particularly to the Labour Government at Home, that though it had adopted a most responsible attitude, and that despite its 'climb down', the Bill had been thrown out. This would naturally strengthen the hands of Govt. by taking away Labour support from the Nationalists. Govt. could then more easily launch upon a full-fledged policy of reaction which the Die-hards both here and in London had been panting to adopt.

THE VICEROY'S MESSAGE

On the Assembly meeting again on the 18th, after 'interpellations' SIR BASIL BLACKETT rose to announce that he had a message from the Governor-General.

The President read the following message, all members standing:

"In pursuance of the provisions of sub-section (1) of Section 67 B of the Government of India Act, 1, Rufus Daniel, Earl of Reading, do recommend to the Legislative Assembly that it do pass the Bill to fix the duty on salt manufactured in or imported by land into certain parts of British India, to vary certain duties leviable under the Tariff Act 1894, to fix the maximum rates of postage under the Indian

Post Office Act, 1898, further to amend the Indian Paper Currency Act 1923, and to fix the rates of income-tax in the form hereto annexed.—READING, Viceroy and Governor-General."

Sir Basil Blackett said that the Bill was identical with the Bill which was considered, or rather not considered, yesterday but it was an emasculated Bill. The main changes was the fixation of the Salt Duty at Re. 1-4 and all other changes proposed in the original Bill have been given up with the exception of the duty on splints and empty match boxes. He said that only those provisions in the Bill had been retained which were considered essential for the safety and tranquility of British India.

The House thereupon proceeded to transact ordinary legislative business. After this Sir Basil Blackett moved for leave to introduce the recommended Finance Bill. He did not make any speech.

PANDIT MOTILAL OPPOSES

Pandit MOTILAL NEHRU rose to oppose the introduction. He disclaimed that his opposition meant an affront to the Viceroy or any discourtesy to His Excellency. Nothing was further from their mind. He felt that the procedure adopted by the Government in pursuance of the rules recently framed was an affront to the vote of the Assembly. The new rules have been taken advantage of in re-introducing a Bill which the House rejected yesterday. If he opposed introduction, it was because the rules permitted him to do so. He held that the new rules were unconstitutional in their nature and confessed that the procedure adopted by the Government had come to the House as a surprise. They had thought that the Bill would go to the Council of State. It was only by the courtesy of the Home Member that he was informed last night on telephone at 11 o'clock that the Bill would come before the Assembly that day with the recommendation. It was too late for him to inform his colleagues at that late hour. The speaker further referred to the fact that he and his colleagues were not in the advantageous position in which the Government was. Mr. K. C. Roy, their esteemed colleague, had left on deputation and in his place another member, Mr. Raj Narain, who took his oath to-day, had been appointed. Non-Official members could not fill the seats of the absentees in that manner.

Continuing, Pandit Motilal observed that Government need not have shown such unnecessary haste. He did not want to repeat the arguments used by Pandit Malaviya the day before, which were still unanswered and were unanswerable. He said that the Salt Duty had been reduced by the Government to Re. 1-4 because it was in favour of the people. The Finance Member had described his Bill as having been emasculated because of this reduction.

Sir Basil Blackett dissented from this view.

Pandit Motilal said that the circumstances in which the Bill had been sent back to the Assembly were entirely different and were an affront to the House. He hoped the Hon. members would be jealous of preserving the dignity of the Assembly and that even those who remained neutral yesterday or who voted with the Government would vote in refusing the introduction of the Bill.

Motion of Introduction Rejected

The motion for leave to introduce the Bill was put to the House and rejected. Government did not challenge a division this time.

The New Legislative Rules

Next day, March 19th, the Assembly sat for only half an hour for interpellations. Very interesting side-lights were thrown on the secretly hatched rules under which the Viceroy had the day before used his extraordinary powers for 'recommending' the Finance Bill. Mr. K. C. Neogy asked a question on which followed a series of supplementary questions about the much debated new Legislative Rules. Sir Malcolm Hailey had stated in the Assembly on the 28th January, 1922. "It is not the function of the Governor-General-in-Council to make recommendations to the Governor-General in regard to the exercise of his personal power, nor can they in any way seek to sway his decision." Mr. Neogy asked whether, in view of the above statement, an exception has been made in the Legislative Rule 36A in so far as it contemplated the Governor-General being moved by the Governor-General-in-Council in regard to the exercise of his personal power under Section 67B of the Government of India Act.

Sir Moncrief Smith said that the intention of the rule was merely to afford the Governor-General an opportunity for deciding whether he would exercise his power of recommendation or not. He admitted that it would have been better if the rules had been so worded. Sir Malcolm Hailey's enunciation of the position, as quoted by Mr. Neogy, was correct. The Governor-General in Council would not, and in fact, dare not attempt to control or sway the Governor-General's discretion in the exercise of his powers.

Mr. Rangaswami Iyengar asked if it was open to the Governor-General-in-Council to move the Governor-General to exercise the power of recommendation. Was it not equally open to the House to recommend the Governor-General-in-Council to move the Governor-General to consider the opinion of the House in respect of a Bill?

Sir Malcolm Hailey said that the Rules, as they stood, referred to Government Bills, but he imagined that if a private member wanted to get the Viceroy's recommendation in respect of a private Bill, there was nothing to prevent him from doing so.

Mr. Ramachandra Rao asked why were not these Rules referred to a Committee of the House?

Sir Moncrief Smith said that the rule-making power was purely an Executive action.

Dr. Gour pointed out that the Rules made were *ULTRA VIRES* in the sense that they widened the narrow limits of certification and recommendation contemplated by Section 67-B.

Mr. Ramachandra Rao and Mr. Rangaswami Iyengar pointed out that the Committee appointed to formulate Rules, before the Reformed Legislature came into being, discussed these Rules.

The Finance Bill in the Council of State

On the 24th March the "Recommended" Finance Bill came before the Council of State for consideration. Mr. McWatters, Finance Secretary, in moving the Bill gave a brief history of its experience in the Lower House. This recommended Bill now provided just sufficient funds to enable administration being carried on and to provide also for balancing the budget. Government believed that Salt Tax at a rate higher than one rupee and four annas was not actually required to balance the budget and so they had brought it down to the old level. But the effect of this was that they could not make any reduction in the Provincial contributions during the present year and that next year they would have to make up something

like two crores and sixteen lakhs before they could arrive at a stage when they could help the Provincial Governments by providing funds for the Nation-building Departments.

Concluding he said "It is true that this is a 'Recommended Bill' and even if amendments are passed they do not necessarily follow that they become law. But it does mean, if the amendments are passed, that the House refuses to pass the Bill as recommended. Government attach greatest importance to the unanimous vote of this House in favour of the Bill. This House has the privilege of sharing in the great responsibility of Government. Your support will mean that you want the constitutional progress of this country to be orderly and that you refuse your concurrence with the dangerous theory that political progress can be facilitated by irresponsible and obstructive tactics."

Other Govt. members also strongly urged that the bill be passed unanimously. Amendments proposed by the non-officials had therefore to be dropped or withdrawn under pressure. The majority of members were glad that the Salt Tax had been reduced, but not Sir Umar Hayat Khan who was sorry for the reduction. The Rt. Hon. Mr. Sastri and Sir Deva Prosad would have liked to introduce amendments but in view of the requisition of an unanimous vote, they willingly voted in favour of the bill. Messrs. Natesan and Barua raised their voice of protest, but still under the emergent circumstances they supported the bill. The only dissentient voice throughout was that of Mr. K. V. Rangaswamy Iyengar who kept on persistently saying "No" to every motion. In the end the Finance Bill was passed by the Council next day, the 25th March without any amendments and unanimously, the only dissentient being Mr. Iyengar.

The Viceroy's Explanation

The following was published on the 31st March in an extraordinary "Gazette" giving the reasons which moved His Excellency the Governor-General to pass an order under Section 67(B) of the Government of India Act for the certification of the Indian Finance Bill as recommended to the Assembly and the Council of State:—

"When the Budget for the year 1924-25 was introduced in the Legislative Assembly, the Hon. the Finance Member was authorised by me to announce that as our anticipations for the coming year indicated a budget which would balance on the present basis of taxation and with the salt duty reduced to its former level of Re. 1-4 per maund, the choice between the rate and any higher rate would be left to the Assembly. At the same time my Government, with the full concurrence of the Secretary of State for India, made clear their view that a higher rate of the Salt Duty at Rs. 2 per maund would be in the best interests of the country, since it would enable a commencement to be made with the reduction of provincial contributions in four Provinces and would thereby secure an increased provision for objects such as education, public health and industry, the furtherance of which is our anxious concern. When the demands for grants under different heads of expenditure were laid before the Assembly, that House saw fit to reject, without any examination of the expenditure on its merits and for reasons extraneous to the Budget, the demands for the Customs, Income Tax, Salt and Opium departments, four of the main revenue-earning departments of the Government. These four demands, on the retention of which the revenue of these important Departments necessarily depended, were later on restored by my Government acting in accordance with the powers conferred on them by Section 67A (7) of the Government of India Act.

The remaining demands had in the meantime been passed by the Assembly with small reductions under two heads only.

ASSEMBLY'S RESPONSIBILITY.

"When during the next stage of the Budget procedure the Finance Bill was presented for the consideration of the Assembly, the consideration was refused without examination of the details in spite of the fact that the majority of demands for expenditure under different Departments of Government had actually been accepted by the House. The position which resulted from the action of the Assembly, therefore, was that when the Finance Bill providing for means of meeting expenditure which it had already voted came before the Assembly, the Bill was rejected without consideration. The Finance Bill prescribes rates at which taxation shall be levied under several of the most important revenue heads including Salt Duty, Postage and Income Tax, and the Legislative sanction given by the Finance Act of the preceeding years for collection of taxation under these heads would have expired on March 31, 1924. In these circumstances it was my obvious duty, under special powers conferred upon me by Section 67B of the Government of India Act, to take such action as was essential for the interests of British India in order to enable the administration of the country to be carried on and to provide sufficient funds to enable the Government of India's Budget for the coming year to be balanced. It was with this sole object in view that I recommended to the Assembly the Finance Bill in modified form containing only such provisions as were essential for the purpose above mentioned.

BENEFICIAL PROPOSALS.

"The Finance Bill as recommended by me provided for the levy of the Salt Duty at the former rate of Rs. 1-4 per maund, for the existing postal rates and rate of Income-tax, for continuance for a further year, of the provisions agreed to by the Legislative Assembly last year, for credit to the general revenues of interest on securities held in the currency Reserve, and for the imposition of a specific duty on certain material for match manufacture which required to safeguard the revenue and exceeding one and a half crores of rupees (derived from the present import duty on matches). Certain items including the proposals to reduce Excise Duty and Import Duty on motor spirit, to reduce Import Duty on certain component parts of cotton mill machinery and to effect minor changes in the Customs Tariff were omitted from the recommended Bill. These proposals though of a beneficial character were not such as I could hold to be essential for the interests of India. This Bill with my recommendation was presented to the Legislative Assembly, but leave to introduce it was refused. It was thereupon laid before the Council of State with a certificate by me that the provisions of the Bill were essential for the interests of British India and was passed by the Council without amendment. To this Bill as consented to by that Chamber I have signed my assent.

"It is to me a matter of regret that the Legislative Assembly to which important responsibilities are entrusted in voting expenditure to be incurred by Government and in authorising provision of necessary funds to meet that expenditure should have failed on this occasion to consider these important financial matters on their merits. The action which my Government was compelled to take to restore the four grants rejected by the Assembly and that which I found it necessary to take in exercise of special power conferred upon me as Governor-General have, as their sole object, the maintenance of administration to be carried on."

Repeal of Repressive Laws

On March 20th, the Govt. again suffered a crushing defeat at the hand of the nationalists. By a majority of 68 to 44 the Swarajists, backed by almost all the Independents including Sir Purushottam and Mr. Bepin Pal, carried Mr. Shambhudayal Misra's amendment to repeal, besides the old iniquitous Bengal Regulation III of 1818, all other Repressive laws and regulations including the Criminal Law Amend. Act.

After interpellations Mr. Kasturbhai Lalbhai moved his resolution for early steps to abolish the Cotton Excise Duty. After his speech Mr. Neogy moved an adjournment of the debate till the September session, because, he said, even if the Assembly passed the resolution, the Govt. would not be able to give effect to it during the financial year. Moreover the House was anxious to come at once to the next resolution on the agenda regarding the release of State prisoners.

The Government, the representatives of European commerce and the nominated members, were furious at being deprived of the opportunity to discuss the Cotton Duty, and each one of them vied with the other in trying to show that the Assembly was shirking the issue.

Sir Ch. Innes and Mr. Wilson complained that the Assembly was choking discussion on commercial and economic problems by confining itself to political issues, and Sir M. Hailey put in a remark that the Nationalist party was postponing the debate because they have no case. This was to provoke the Nationalist Party to prove that they had a case by carrying the resolution urging the abolition of Cotton Excise Duty. But last night the Party had fully deliberated on the matter. They felt that even if they passed the resolution, Government would never give relief during the next financial year while, as Mr. Dunichand of Ambala said, hundreds and thousands of the flowers of the country who were rotting in jail were awaiting the verdict of the Assembly regarding their fate.

Pundit Motilal added that as a sick man could not think of anything else except how to cure his disease, similarly the Indian nation at present was bound to put political matters above others. It was clear that Government was manoeuvring to postpone the debate on the Repeal of the Bengal Regulation.

Sir Charles Innes threw a small bait to the Bombay benches by saying that he wanted to give his reply to the representation of Bombay Millowners regarding their representation for protection to Cotton Mill Industry. No less than an hour and half was wasted on merely as to whether the debate be adjourned or not. Eventually the President accepted Pundit Shyamalal Nehru's motion for closure and by 61 votes against 49 the House carried the motion for the adjournment of the debate.

BENGAL REGULATION III OF 1818

Mr. AMARNATH DUTT then moved for the immediate repeal of the Bengal Regulation III of 1818. Mr. Dutt said that if the laws of a country are an index of its political progress, Regulation III of 1818 was an anachronism. The Regulation was enacted by the East India Company to meet the special condition of those days. The Repressive Laws Committee last year had also adversely commented on this Regulation, and though the Govt had accepted the report of the Committee, legislation on the subject had not yet been brought forward. This repressive law had been used against highly moral and intellectual persons whose only fault was that they loved their country too well. Law and Lawyers, he said, were to the Govt. like a red rag

to a bull. He claimed the right of free speech and free association, and asked Englishmen to stand for this right and vote with him. He asked, with Regulation III on the Statute Book could they say that they were living under a civilised Government? In England, the Habeas Corpus Act defended the liberties of the people.

AN AMENDMENT

Pandit SHAMBU DAYAL MISRA moved an amendment for the repeal of the Criminal Law Amendment Act and all other Repressive Laws and Regulations that still exist on the Statute Book.

Sir Malcolm Hailey asked whether the amendment was in order.

The President said that the proposal to bring similar regulations and exceptional legislation was in order, though he was not fully aware of the precise terms of the Regulations.

The Home Member pointed out that the Bombay, Madras and Bengal Regulations were exactly the same, but the Criminal Law Amendment Act was of an entirely different type.

Mr. O'MALLEY, the Bengal Official, in opposing strongly supported the retention of Regulation III. His speech threw some sidelight as to why the recommendations of the last Repressive Laws Committee were set at naught by his Govt. He said that the report was accepted by the Govt. of India as it was constituted in 1921 (with Sir Tej Bahadur & Sir William Vincent) but that the Bengal Govt. had never accepted the report and instead had told the Govt. of India that it would never be able to carry on the administration without this regulation.

Khan Bahadur SARFRAZ KHAN pointed out that the Repressive Laws Committee had urged the repeal of Regulation III and the confinement of its application to the Frontier.

Sir P. S. SIVASWAMI AIYAR characterised the amendment as vague. He was for the repeal of Regulation III of 1818 because it was repugnant to the sense of law and justice. As for the repeal of the Criminal Law Amendment Act and the Prevention of Seditious Meetings Act, he left them to the discretion of the Executive to see whether a situation had not arisen for their repeal, and if it had arisen, to consider their repeal.

Dr. GOUR supporting the amendment of Mr. Shambudayal Misra said that the Assembly should not allow the Executive to be independent of the control and sanction of the judicial authorities. He contended that normal conditions had been restored in the country, and therefore, there was no reason why the Criminal Law Amendment Act should be allowed to be retained on the Statute Book.

Sir MALCOLM HAILEY opposed the resolution and the amendment. He was surprised to see Khan Bahadur Sarfaraz Hussain Khan demanding the repeal of these laws in the roundest terms; but not long ago the same Khan Bahadur in that Assembly asked the Government not to repeal the laws as they were necessary. (Many voices: Opinions change).

Khan Bahadur Sarfaraz Hussain Khan: I admit that I asked the Government at that time not to repeal these laws, because there were then disturbances in Bombay and Calcutta, but now there is quiet in the land, and hence my change of view. Even Mr. Gandhi had to change creed. He was a co-operator first, and after the Jallianwalabagh, he became a Non-co-operator. I was a co-operator but after the certifications and other things I became a Non-Co-Operator.

Proceeding, the Home Member said that the Seditious Meetings Act was very sparingly used, but this measure was necessary because, in a country so large as this, and where there were elements different from those in other countries, the Government could not afford to be deprived of a measure of this character. He charged the Nationalist party for not suggesting a remedy. ("Come to a Round Table Conference," "come to the Law Courts," chimed in Pandit Motilal). But the Home Member could not come to the law courts because, he said, that would disclose the names of his informants and their life would be in danger. Some of the arguments of the Home member deserves quoting. The Bengal Regulation III, he remarked, was no more antiquated than murder, not more archaic than criminal conspiracy, not older than assassination!! In his peroration Sir Malcolm made the astounding statement that if the liberty of twenty persons was deprived to stamp out anarchy, the price was very small!

At 6 O'clock the amendment of Mr. Shambhudayal was put to vote and carried by 68 to 44. The amended resolution of Mr. Dutt was then carried without a division.

Passports to the Ali Brothers.

On March 25 the Assembly met for the final sitting of the March session. Business was confined to the introduction of private bills, but the main interest centred in a motion for adjournment to discuss the question of refusal of passports to the Ali Brothers' delegation to Angora. Without a division the Assembly censured the Government regarding their action in the matter.

Before the House proceeded to Legislative business Mr. Chamanlal asked for reasons why Passports had been refused to the proposed Khilafat Delegation. Sir Malcolm Hailey said Government had laid down two principles. Firstly, that 'Passports' be not given to person convicted of offences against the State, particularly for inciting disaffection among Government Servants, and that members of the Delegation must be prepared to give an undertaking not to take part in political movements against the States they were intending to visit and that no Non-Muslim would be allowed to go with the delegation. In other words this meant that Maulanas Shaukat Ali, Mahomed Ali and Pandit Motilal Nehru could not be allowed to go. Thereupon Mr. Chamanlal moved an adjournment of the House to give expression to the grave unrest caused among Indian Mussalmans by this decision of Government. The President very rightly agreed to accept the motion. In the meantime Government sustained another defeat over Dr. Gour's motion to introduce a bill to repeal the obnoxious legislation called the Criminal Law amendment Act. By an overwhelming majority establishing a record of non-official voting, he was able to introduce his bill by 58 votes against 39 votes. It was regretted by many that by oversight Dr. Gour had not set down the other two readings for the same day in order to pass the Repealing Bill in one sitting, thereby repaying in the same coin the Government who in the old autocratic days in 1908 had forced through this very measure at the sitting.

At 3-30 Mr. Chamanlal moved his motion for adjournment. The manner in which member after member among Mussalmans vied with one another in condemning Government was remarkable. Whether he was Swarajist or a loyalist not a single Muslim voice was sparing in criticising the Government.

Mr. Chamanlal explained the correspondence which passed between Mr. Shaukat Ali and the Govt. of India on the subject of the issue of

passports to the Angora Delegation. The Delegation, he said, was to consist of three batches of persons, including Mr. Mahomed Ali, Hakim Ajmal Khan, Abul Kalam Azad, Dr. Ansari, Mr. Shaukat Ali, Mr. Qureshi, Mr. Abdul Majid and Pandits Motilal Nehru and Jawaharlal Nehru. But the Government replied that they were not prepared to grant passports to any person convicted of offences against the State or for inciting Government servants to disaffection. This reply applied to Maulanas Mahomed Ali and Shaukat Ali. There was no law, argued Mr. Chamanlal, under which the Government could prevent the grant of passports. The Angora Government was prepared to welcome the Delegation, but the Government of India stood in the way of the Ali Brothers. This, as Mr. Shaukat Ali himself stated in the course of a correspondence, was an undesirable and unjustifiable intervention in a purely domestic matter of Muslims. Moreover, the delegates were asked to give an undertaking that they would not carry on any political propaganda. This was in direct contrast with the religious liberty granted by the Queen's Proclamation. By refusing passports, the Government of India was proving that they were not responsible either to man or to God, and that they were engaged in a sinister international intrigue. The Delegation, Mr. Chamanlal concluded, was purely a religious mission of peace and the restrictions in the grant of passports should be removed.

Maulvi Muhammad Shafi (Behar) declared that the Government was not justified in refusing passports to an entirely religious mission. He appealed to the Government not to impose restrictions upon the members of a delegation and thus interfere with their religious liberty.

Khan Bahadur Sarfraz Hussain Khan (Behar) warned that just as in the case of the Akalis the Government created a deep resentment by interfering with their religious liberty, so also their refusal of passport to a Muslim religious mission would be tantamount to interference with the Muslim religion and would enrage the Mussalmans.

Sayid Murtuza Sahab (Madras) said that the Khilafat question was a momentous one. The Government of India should show practical sympathy to Indian Mussalmans by granting permission to the members of the Mission to proceed to the Muslim countries to amicably settle the Khilafat problem. He challenged the Government to prove that the mission which intended to proceed was not a religious mission.

SIR MALCOLM HAILEY, in opposing the motion, said that it was wrong to say that by refusing passports or imposing restrictions the Govt. were interfering with the domestic concern of Mussalmans or that they were engaged in a sinister international intrigue. The State was responsible, he ingeniously suggested, for the conduct and safety of the delegates in countries they wanted to visit, and the State had therefore to exercise its discretion in granting passports before their leaving the Indian shores. Moreover, this was a case of persons requiring access to large bodies of persons who influenced the opinion of their country, religious or otherwise. In these circumstances, it was only a matter of diplomatic usage that the Government of India should ask the country which the delegates wanted to visit whether they had any objection to it and welcomed them, but before asking the Government concerned for their opinion, the Government of India had themselves to satisfy certain requirements. They had, therefore, laid down that the persons who had been ill-advised enough to preach insubordination to troops should not be granted passports. Was that not a reasonable requirement? asked the Home Member. Moreover, Mahomed Ali had not acknowledged the authority of the State.

Mr. Ranga Iyer: Sir, may I remind the Home Member that after his release Mr. Mahomed Ali, speaking on the Independence resolution at the Cocanada Congress, said that he was for Swaraj within the British Empire and he owed his allegiance to the King-Emperor. In view of this change, is it right to pursue the old story?

Sir Malcolm Hailey: I know what Mr. Mahomed Ali said at Cocanada, but I should require from him something more. There are certain persons, who for their own reasons defy the authority of the State. Is it in any way reasonable to ask the State to exercise discretion and give them the benefit of protection abroad? It is the United Kingdom which in the last resort is responsible for British Indian subjects. Each one of the countries which the deputation proposed to visit had lately been subject to trouble. The British Government has every right to exercise the greatest caution in approaching the Governments of these countries in regard to the Deputation. It is possible that by their restrictions two or three might be prevented from visiting the countries they want to, but is that really an offence to the whole Muslim world? Does the whole Muslim world of India subscribe to the plea that the best solution of the difficulties of the Khilafat could be found by Mr. Mahomed Ali and his brother?

Several cries of "Yes, yes."

Sir Malcolm Hailey: For my part, I would require some further evidence. I repeat that it is not right for any one to say that the Government of India, by imposing the reasonable restrictions I have referred to, has been actuated by any feelings against Mussalmans or their religion or that we intended to do anything that would prevent a peaceful and successful solution of the Khilafat difficulties.

Pandit Madan Mohan Malaviya, in a lengthy speech, said that the Ali Brothers had now been released and it was not right to revive the charges of which they had been convicted. He explained that the inclusion of Pandits Motilal Nehru and Jawaharlal Nehru was to help the Mussalmans in becoming really united. The Hindus of India had no cause to fear the unity of Muhammadans.

ADJOURNMENT OF THE MOTION.

At this stage several members pressed for the closure of the debate. The motion for adjournment was then put and carried, the Government not challenging a division.

The Assembly then adjourned till the 27th May.

Council of State—Chronicle.

- 30 Jan 24 Members Sworn—Committee of petitions nominated—Criminal Tribes and Indian Tolls Bills introduced.
- 31 Jan 24 Joint Session of Assembly and Council—Inauguration by the Viceroy.
- 4 Feb 24 Mr. Sethna's resolution re. the enquiry into the economic conditions of the people of India passed with Sir Dadabhoj's amendment.
- Feb 24 Sir Maneckjee Dadabhoj's resolution re. award of Nobel Peace Prize to the Aga Khan passed.
- 6 Feb 24 Mr. Sethna's resolution re. Kenya Immigration Bill was not moved on an assurance given by Sir B. N. Sarma—Mr. Karandikar's resolution re. Publication of Bills in all their stages along with Council Debates withdrawn.
- 11 Feb 24 Mr. Sethna's resolution on Mural Paintings at New Delhi passed.
- 12 Feb 24 Cotton Cess Bill passed—Mr. Vedamurti's resolution on a non-official Capital (Delhi) Committee passed.
- 13 Feb 24 Debate on the Reciprocity Bill—Sir D. P. Sarbadhikary's motion on the Immigration into India Bill to reciprocate treatment to Indians in S. Africa was passed after a heated debate.
- 14 Feb 24 The Cantonments Bill passed.
- 18 Feb 24 Mr. Vedamurti's resolution re. substitution of provident fund for pension system was passed with Mr. Kharatde's Amendment.
- 20 Feb 24 Mr. Rangaswamy Ayyangar's resolution re. unemployment in India was negatived.—Lala Sukhbir Singh's resolution on child welfare was negatived.
- 21 Feb 24 Indian Tolls Bill and the Indian Criminal Tribes Bill passed.
- 25 Feb 24 Sir D. P. Sarbadhikary's resolution on expansion of the Reforms withdrawn.
- 29 Feb 24 Budget presented.
- 5 Mar 24 S. Jogendra Singh's resolution on a survey of irrigation for its expansion was passed.
- 6 Mar 24 Three Official Bills passed by the Assembly were considered and passed.
- 7 Mar 24 General Discussion on the Budget.
- 10 Mar 24 The Kenya Debate—Mr Sastri withdrew his resolution.
- 11 Mar 24 Official resolution on obscene literature passed.
- 12 Mar 24 S. Jogendra Singh's resolution for encouragement to the Sugar Industry was passed after amendment and heated opposition by Govt.
- 13 Mar 24 Sea Customs & Tariff Act amendment passed.
- 18 Mar 24 Sir D. P. Sarbadhikary's questions on new Legislature Rules.
- 19 Mar 24 The South African Debate on Mr. Natesan's motion.
- 20 Mar 24 South African debate continued. Mr. Natesan's resolution carried.
- 24 Mar 24 The recommended Finance Bill considered.
- 25 Mar 24 Finance Bill passed.

C. P. Council—Chronicle

- 15 Jan 24 Council Opened by Governor
- 16 Jan 24 Council first met for Official business. Official Bills defeated
Non-official resolutions passed.
- 18 Jan 24 The great "No-confidence" debate and Govt. defeat. Council adjourned sine die.
- 4 Mar 24 Budget presented, Govt. Bills all thrown out.
- 5 Mar 24 Non-official resolutions passed against Govt.
- 6 Mar 24 Supplementary Grants all thrown out.
- 8 Mar 24 Voting on Budget Grants. All demands thrown out except Minister's Salaries which were reduced to Rs. 2 per annum!

The Council of State

JANUARY—MARCH 1924

The Winter Session of the COUNCIL OF STATE commenced on Jan. 30th with an attendance of 32 members. Before proceedings commenced the President, Sir Alexander Muddiman, referred to the death of Sir Behram Khan who was a member of the Council and hoped it was the verdict of the House to send a message of condolence to the bereaved family to which the House assented.

Two messages were then read from the Viceroy, one requiring the attendance of the members in the Assembly Chamber next day, to hear the Viceroy's address (p. 115), and the other announcing the panel of Chairman. The President next announced the names of members of the Committee on public petitions.

At question time replying to Mr. Karandikar re. separation of judicial and executive functions, Mr. Crerar said that Govt. was still considering the matter and refused to publish papers. Mr. Raza Ali asked if the Premier's book "Awakening of India" was proscribed, to which Govt. refused to reply.

There was on the agenda no less than 26 interpellations, but Messrs. Sethna and Samaldas not being present about a dozen of them were postponed for answer to the next meeting.

On the motion of Mr. Khaparde and of Sir Mahomed Shafi, two bills consolidating certain existing Acts were introduced. Mr. Khaparde in introducing a bill to consolidate the Law relating to Criminal Tribes said that it was intended to bring all the present five measures within the compass of one enactment. There was one slight alteration in clause 14 and that was necessitated by the fact that since the enactment of the amending Act I of 1923, individuals of a criminal tribe may be restricted to an area or settled in a place of residence.

Sir Mahomed Shafi introduced a bill to consolidate the law relating to tolls on public roads and bridges. The Council then adjourned.

The first non-official business day of the Council of State was held on Feb. 4th. The first motion on the order paper was by Mr. Sethna for an enquiry into the economic condition of the people, and the second was by Mr. Karandikar for the immediate release of Mr. Gandhi. To the latter proposition there were two amendments, one of which was by Mr. Khaparde for the release of Mr. Gandhi without any conditions if, in the opinion of the doctors in attendance on him, sending him back to jail on recovery would be dangerous to his life. Sir Maueckjee Dadabhoy who acted throughout as the non-official Government's man had tabled the other amendment to the effect that Mr. Gandhi be released subject to such terms or conditions as the Government may deem fit to impose in public interest. Mr. Karandikar however wrote to the President before the proceedings commenced that he would not move the resolution. The amendments therefore automatically fell.

MR. SETHNA ON THE ECONOMIC CONDITION OF INDIANS.

The Hon'ble Mr. SETHNA moved for a committee with a majority of non-official Indians to make a full and detailed survey of the

economic conditions of the people of India with special reference to the agricultural population with a view to finding out the average annual income per head of the population, particularly of the agricultural population, and to report on measures to reduce, as far as possible, the existing destitution and to raise the average economic level of the masses. Mr. Sethna quoted the opinions of John Bright, Lord Lawrence, Sir William Hunter and Sir Charles Elliot among others to show the increasing poverty of the country.

Sir Maneckji Dadabhoy moved an alternative proposition to the effect that local Governments should be consulted in regard to the desirability of undertaking an enquiry into the general economic conditions of the people in British India and whether they were prepared to support the proposal for the appointment of a Committee and to co-operate in its labour if appointed.

Sir Narasimha Sarma on behalf of the Government said that far from there being any sign of growing poverty there were distinct indications of improvement in the economic condition of the people! This statement from Sir Narasimha amazed the members specially as being an Indian he was fully aware of the facts. But for the time being he was the mouth-piece of the Govt.

Mr. Sethna, after a lengthy reply to the debate, accepted the amendment of Sir Maneckjee Dadabhoy, as the thin end of the wedge in the matter of enquiry. The resolution as amended by Sir Dadabhoy was carried.

Next day Feb. 5th. Mr. Khaparde moved for consideration of a Bill to consolidate the law relating to Criminal tribes. The motion was postponed for a fortnight.

Sir Mahomed Shafi moved for consideration of a Bill to consolidate laws relating to tolls on public roads and bridges. This too was postponed for 2 weeks on the request of Mr. Raza Ali.

Nobel Peace Prize to the Aga Khan!

Sir Maneckjee Dadabhoy then moved the following resolution :—“This Council recommends to the Governor-General in Council to convey to the Norwegian Parliament, the considered opinion of this House that His Highness Sir Sultan Muhammad Shah Aga Khan is the fit person for the Nobel Prize for peace this year in view of the strenuous, persistent and successful efforts that His Highness has made to maintain peace between Turkey and the Western Powers”. This queer resolution was passed after much solemn debate during which the names of such men as Gandhi, Curzon, Lloyd George were mentioned by their protagonists and this formed in all seriousness the main business of the day!

On Feb. 6th the Council of State held a short sitting.. An important debate was anticipated on the motion of Mr. Sethna urging upon the Secretary of State for the Colonies the urgent necessity of delaying the progress of the Kenya Immigration Bill through the Kenya Legislature until the Committee to be appointed by the Government of India in pursuance of the resolution of the last Imperial Conference regarding the position of Indians in the British Empire had opportunities of examining the measure and discussing its provisions, with the Colonial Office. But as soon as the Council assembled, Sir Narasimha Sarma, member in charge of Emigration, said: ‘Sir, I wish to make an

announcement regarding this resolution. I have already stated in answer to the questions put to me that the Government of India have strongly urged upon the Secretary of State for the Colonies, the desirability of not proceeding with the Kenya Immigration Bill until the Committee to be appointed made its report to us and the Colonial Office. The Secretary of State for India has now wired to forthwith appoint the Committee in as much as a decision has been reached that new drafts of the Bill would be prepared. I, therefore, take it that nothing would be done in the matter of the Immigration Ordinance by the Colonial Office until the Committee meets in London, discusses the question and negotiates with the Colonial Office.

On Feb. 11th. Mr. Sethna moved, "That if and when the work of the mural paintings in the buildings at Raisina, including the Government House and Secretariat, is taken in hand, it should be entrusted to Indian artists and preferably to the Bombay School of Arts."

Mr. Ley, of the Industries Dept. Govt. of India, moved an amendment to the effect that if and when the work of mural paintings is taken in hand it should be entrusted to Indian artists if the requisite type could be found in India and that the Government should consider the possibility of utilising the services of art students selected from the Schools of Arts already existing in India. This was only meant to shelve the question. Mr. Sethna said in anger: "The constitution of this Council was such that not a single non-official resolution was passed during the last 3 years without an amendment defeating the main object of the proposition." The amendment was however passed by a majority of Govt. votes.

On Feb. 12th. on the motion of Sir B. Narasimha Sarma the Council passed, without discussion, the Indian Cotton Cess Bill as already passed by the Assembly.

Mr. Vedamurthi then initiated the discussion on his resolution that the New Capital Committee (Delhi) be reconstituted with non-official members in a majority. Govt. strongly opposed the motion, and Sir Deva Prasad Sarvadhikari then toned it down and moved an amendment to the effect that the New Capital Committee be assisted in its work by the Advisory Committee of non-officials till the work was complete.

After further discussion, the resolution as amended was adopted.

The Reciprocity Bill.

On Feb. 13th. the work of the Council of State was devoted to the discussion of an important motion by Sir D. P. SARBHADHIKARI for the consideration of a Bill to regulate the entry into and residence in British India of persons domiciled in other British possessions. This Bill was passed by the old Legislative Assembly at its Simla Session in July last on the motion of Dr. H. S. Gour. Since then there were several attempts made by non-official members to bring this matter before the Council of State to get it passed.

Under this Bill, known as the Reciprocity Bill, the Governor-General-in-Council is empowered to make rules for securing that persons, not being of Indian origin, domiciled in any British possession should have no greater rights and privileges as regards entry into and residence in British India than are accorded by law and administration of such possession to persons of Indian domicile. The Governor-General-in-Council may also provide for the establishment of suitable agents to administer the rules to provide

suitable penalties for the contravention of such rules and to authorise the arrests of any person contravening any such rule.

Sir Devaprasad, in moving for the consideration of the Bill, explained the history of the legislation. As an ex-Member of the Assembly which passed Dr. Gour's Bill and as one who took part in its passage Sir Devaprasad considered it a privilege to make the present motion in the Upper House. He quoted the resolutions passed at the Imperial Conference in 1918 and 1921, and pointed out that the principle of reciprocity had been established thereunder. The Assembly passed the Bill in July 1923; and it was absolutely the minimum that could be done by India in view of the treatment meted out to Indians in certain parts of the British Empire.

Though all Indian members strongly supported the Bill, Sir Maneckjee Dadabhoy, as usual, moved an amendment that the Bill be referred to a Select Committee for further consideration which meant further shelving it.

The Rt. Hon. Mr. V. S. SRINIVASA SASTRI then rose and delivered a very strong speech. He regretted that when the Bill was before the Assembly its passage was opposed by the Government. This fact did not encourage the speaker in the hope that the Government would now vote with non-officials on this matter. If the Government of India were really possessed of the strength of Indian feeling on this subject and if they wished to make themselves really understood in the Dominions, they would have come forward with a motion at least for reference of the Bill to a Select Committee. Was he (Mr. Sastri), therefore, wrong in inferring that the Government were quite content to let the Bill encounter its fate on the shoals of discussion? Reciprocity was in good and in bad matters. Retaliation could only be in bad matters. This Bill was a retaliatory measure. Who could deny it, and he (Mr. Sastri) was prepared to defend this measure as one of retaliation in any court of impartial judges. General Smuts in 1924 himself had said: "We have recognised your (Indians') power to retaliate. Why don't you retaliate? If we ill-treat your people, you are at liberty to ill-treat our people." General Smuts should not, therefore, be dissatisfied with any measure of retaliation. As regards the suggestion of the possibility of dissociating from certain parts of the Empire, Mr. Sastri said: "Reviewing the history of Indians abroad, one can only hang down one's head in shame. If we, Indians, were brought before the bar of public opinion in the world, Indians would have to hang their heads in shame, that they have submitted to these things for nearly 35 years and still longed and hoped for remedy, because they did not wish to be thrust out of the Empire. Every Indian has paid heavily for his desire to be associated with the British Empire and dearer and dearer prices are being exacted at every turn. To tell him that he would dissociate himself from the Empire by merely enacting an innocent reciprocity measure is to abuse the language which the Almighty has given us to-day. After unparalleled indignities, we are not seeking dissociation from the Empire. We are still going down on our knees before the authorities to find some means of consulting our self-respect so that we may still continue to be within the Empire. It is the other parts of the Empire that thrust us out and tell us continuously that we cannot digest the black color of the skin. Let me assure Sir Maneckjee that there are some Dominions who will have no compunction whatsoever. We wish the association to continue."

but it should be put on a proper basis. In passing this measure we want to say we are no longer the old Government of India and the old people of India. Some of the Dominions would not have continuously humiliated us if they did not feel certain that India is not governed by Indians, but by British people who, even in the last resort, do nothing in the way of reciprocity or retaliation. I do hope that the Government of India, I mean its Executive, will permit the wishes of the people of India to find their proper expression and not use the undoubted powers they have of impeding, distorting and misrepresenting India as in the past. This Bill must be on the Statute Book as a feeble belated protest against the continued misbehavior of the British Cabinet and the Dominion Governments. It is still in the power of the Government of India under this Bill to keep it inoperative for a long time. Any defects can be remedied by the Executive Government in making rules. Nobody in the world would be more unwilling than myself to separate certain members of the Army, Navy, and Civil Service from us by passing this Bill; but if it is necessary to protect the self-respect of India, I should not shirk from that duty much as I hesitate.

Sir Maneckjee Dadabhoj's motion for the reference of the Bill to a Select Committee was lost. The resolution for the consideration of the Bill was passed. The Bill was then considered clause by clause and passed without discussion.

On Feb. 14th the Commander-in-Chief moved that the bill to consolidate and amend the law relating to the administration of Cantonnments as passed by the Assembly be taken into consideration which was done and the bill was passed.

On Feb. 18th the President announced the personnel of the Advisory Committees. The first resolution on the agenda paper was by Mr. Sethna for the amalgamation of the Imperial and Provincial branches of the Forest Service, as had been done in the case of the Engineering Service. Mr. Sethna did not move the resolution. His explanation was that after discussing with certain persons, he had decided to await the publication of the Lee Commission's Report.

Provident Fund Scheme.

Mr. Vedamurthy then moved that a scheme for granting Provident Fund on the railway system or some such analogous system be substituted as far as possible for existing pension system for Government employees, gazetted and non-gazetted, under the Government of India and Provincial Governments and administrations.

Mr. McWatters favoured the amendment of Mr. Khaparde on the agenda, *viz.*, that the Government should consider the practicability of substituting, either wholly or in a moiety or in such proportion as may be found desirable, a scheme on a contributory fund basis for the existing pension system for Government employees gazetted under the Government of India and Provincial Department and Administrations.

Mr. Khaparde, in moving the amendment standing as above, advised the Government to consider seriously the practicability of combining both the Pension and the Provident Fund system. Mr. Vedamurthi accepted the amendment of Mr. Khaparde. Eventually the resolution, as amended, was carried.

Unemployment Problem.

Mr. K. V. Rangaswami Ayyangar then moved that the problem of unemployment in India be seriously considered and satisfactory remedial measures be adopted. He said that he included among the unemployed the educated classes. A state of misery had been caused in India by the recommendations of the Inchcape Committee, and at present many of the Bombay mills had to be closed down, throwing a large number of mill-hands out of work. The youth of the Nation, with infinite capacity for manual and brain work, did not find its market value for even a living scale. The Labor Department must find the exact number of unemployed and exert itself to solve the problem by eliminating the causes. The lakhs of men thrown out of employment by the Inchcape Committee must be given first preference when vacancies under Government or the Railways were to be filled up.

Further discussion on this resolution was postponed till the next meeting on the 20th.

On Feb. 20th after some questions and answers regarding the Forest Department the adjourned debate on the resolution of Mr. Ayyangar on unemployment was taken up. Sir Deva Prasad moved an amendment for adding the following at the end of the resolution: "in conjunction and consultation with the local governments concerned." Both the resolution and the amendment were however negatived by a majority.

Lala Sukhbir Singha then moved: "This Council recommends to the Governor-General in Council that, in view of the great public utility and beneficence of the Child Welfare movement started by Her Excellency the Countess of Reading, he may be pleased to take steps to secure for it generous financial help from Imperial Funds." This together with an amendment moved Sir Deva Prasad as regards better milk supply was negatived.

On Feb. 21st. considerable time was given on the question put by the President to the members to ascertain the wish of the House as regards taking a group photo and hanging a painting of Lord Reading. After a satisfactory solution of this august question, the Criminal Tribes Law Consolidation Bill was taken into consideration and passed.

Next came the bill to consolidate the law relating to tolls on public roads and bridges which was also passed.

On Feb. 25th, the Council of State's meeting was meant for an important discussion for the expansion of the Constitutional Reforms. Sir Devaprasad Sarvadhikari had tabled a resolution for a Committee of officials and non-officials to suggest measures of Reform under the Government of India Act. To this resolution there was an amendment on the Order paper by Mr. Karandikar that the resolution be adopted without prejudice to the Assembly's resolution passed on the 18th. Sir Devaprasad stated that he had decided not to move the resolution in the Council of State in view of the announcement expected to be made in the House of Lords by Lord Olivier the next day.

On Feb. 29th, at question time, replying to the Rt. Hon. V. S. Srinivasa Sastri on the functions and scope of the Government of India's Committee which would shortly proceed to London on the Kemp's affair, it was stated that the Committee would confer directly with the Colonial Office. This would be a departure made in the constitutional status of India. The Committee would not, at present, be instructed to deal with any

cases besides that of Indians in Kenya. Whether the Committee would be instructed to proceed to Kenya or not was a matter which would be considered if the Committee so desired. The Committee would be designated the Colonies Committee. Mr. G. A. Natesan asked whether the word Colonies included the Dominions besides the Crown Colonies, and if so, whether the Committee could not be better designated as the Dominions Committee.

Sir Narasimha Sarma pointed out that the word "Colonies" was wide enough, and included not only the Crown Colonies but also the Dominions. Sir Devaprasad Sarvadhikari asked whether the instructions to be given to the Committee would be made public, and whether the Legislature would be in any way consulted.

Sir Narasimha Sarma replied that there was at present no intention of making the instructions public, but the Government would certainly consider the desirability of doing so.

The Financial statement was presented by Mr. McWatters.

On March 5th, the Council of State devoted its attention to the discussion of Sardar Jogendra Singh's resolution for a fresh survey of irrigation possibilities both from rivers and wells in the light of scientific advance and for framing a programme particularly providing for the organisation of power lift-irrigation from wells. Sardar Jogendra Singh, in moving his resolution, quoted his statistics to show that there were a million square miles available for irrigation and agriculture but which were not brought under cultivation because of want of provision of water. According to Sir Gangaram, the average annual production of food supply was 81 million tons, while the annual requirement in India for a population of 319 millions was 79 million tons. Thus it would be seen that there was only a narrow margin of 2 million tons. If there was to be famine in any one year, then what was to happen? The whole of India would have to starve.

Mr. Ley, Industries Secretary, opposed the resolution on behalf of the Government pointing out that there was no necessity for an enquiry at present. Sir Narasimha Sarma detailed the efforts of the Government and advised the mover to withdraw his resolution, as no useful purpose would be served by a comprehensive enquiry at present throughout India.

The resolution was put to vote and carried, the Government Members saying "No" but not claiming a division.

On March 6th three official bills, passed by the Legislative Assembly, were placed for consideration by the Council of State. The first was moved by the Finance Secretary (Mr. McWatters) for the consideration of the Indian Coinage Act Amendment Bill giving power to the Government to call in coins of whatever date or denomination and to declare that from a specified date such coins should cease to be legal tender.

Sir Maneekjee Dadabhoj moved an amendment to the effect that the minimum period of six months provided in the Bill for making the coins in questions to be legal tender within that time should be extended to the minimum of twelve months, because it was his conviction that otherwise there would be hardship felt by people, especially in villages.

The amendment was carried and the Bill as amended was passed.

Mr. McWatters then moved for the consideration of the Bill providing for the constitution of a Central Board of Revenue and conferring

powers and imposing duties on this Board. This measure was, said the Finance Secretary, the result of the recommendation of the Retrenchment Committee. It would eventually be in charge of Customs, Salt, Excise and Stamps. At present what was wanted was statutory power to appoint a Central Board. The Bill was passed without discussion.

Age of Minor Girls

Mr. Crerar moved for the consideration of a Bill to amend the Penal Code for fixing the age of minor girls at 18 instead of 16 in sections 372 and 373.

On March 7th the Council of State met five minutes earlier than the usual time. The meeting was devoted to a general discussion of the Budget. As the Assembly had a holiday, some members belonging to that House were present in the galleries. Half an hour before the proceedings commenced, a group photo was taken of the President and Members of the Council. Interest in this day's proceedings was roused not only because of the Budget discussion, but also because of the fact that the announcement had just then been made of the appointment of the President, Sir Alexander Muddiman, as Home Member in succession to Sir Malcolm Hailey. After question time, therefore, eloquent tributes were paid by members from all sides of the House to Sir Alexander Muddiman. The speech of Mr. Sastri expressed the real feeling, namely, that the nomination of Sir Alexander Muddiman had come as a surprise. Indeed no body had heard Sir Alexander's name mentioned in that connection and no one would have believed that Sir Alexander would have liked to change his comfortable un-exacting and dignified position as President of the Elders for the Home Membership.

The Budget Debate.

The inauguration of the Budget debate fell to Sir Umar Hayat Khan who never said a word about the Budget and assumed the role of arbiter of India's destiny and declared that his community wanted a Raj and not Hindu Raj. This was all irrelevant and the President had to bring Sir Umar Hayat Khan to his seat. It was however relieving to find that Mr. Natesan and Sir Devaprasad Sarabhadhikari attacked the Budget though Sir Dinahaw Wacha blamed the people of India for bringing about disorder and thereby making reduction in the Military Budget difficult. Mr. Sethna and Mr. Raza Ali however pointed out that peaceful conditions should now result in cutting down Army, but the Commander-in-Chief who had recently developed a very diplomatic way of couching his speeches in a tone of sweet reasonableness expressed profuse sympathies with aspirations of Indians for Indianisation and this wordy sympathy satisfied the House. It was surprising that no member contradicted the Commander-in-Chief that Indianisation would mean more cost. It was true that to establish military schools and a Sandhurst would involve outlay but this would be fifty times counterbalanced by the disbandment of British Troops for internal security, thereby saving 7½ crores.

Mr. Natesan strongly criticised making remission in Provincial contributions on salt tax. He recalled the history of the salt tax and the feeling in India about it and remarked that the salt tax must revert to the old level of Rs. 1-1. He said Lord Olivier's explanation

about his observations on salt tax (p. 291) only proved once again how strong the bureaucracy in India was that even the Secretary of State was compelled not to speak the truth. He next narrated what he described as a tale of woe of his province and asked, was it because Madras was far away that her cry was not heard? All departments, both reserved and transferred, were suffering from lack of funds and although a new University Act had been passed, there was no money to spend on education. It was surprising that money was available to be sunk in new Delhi and in the back bay of Bombay, but not available for really nation-building activities. He urged reduction in Military expenditure and pointed out in support of his argument that even during war half of the troops in India had gone out, half were in India and were considered adequate for defence of India. Was more army required in Peace time? he asked. He particularly urged the Indianisation of the army and this question awaited urgent settlement at the hands of far-sighted statesman and not mere soldiers. Indianisation of railways which was the other big spending department was equally incumbent.

Mr PHEROZE SETHNA said that the Finance Member helped by the Incheape cuts was doing his best to straighten out the financial tangle which threatened to choke the solvency of India, but without the windfall the surplus would have given place to a deficit.

Sir Basil Blackett corrected Mr. Sethna by pointing out that the windfall had nothing to do with the surplus and had not been taken into account for the next year.

Continuing, Mr. Sethna pointed out that estimates of Government in recent past had been falsified and this budget also was optimistic, particularly in respect of Customs receipt. He said 40 crores instead of 45 crores would have been near the mark. He thought Government had included in the estimates higher income from imported iron and steel articles as a result of protection of Tata's works. He hoped Government would immediately announce their acceptance of protection. He gave instances of how silk was imported through Indian States where it was under-valued thereby giving loss in duty. Similarly, in respect of matches, devices were being adopted to get materials and make them in Bombay thereby evading duty. He said that decline in returns from Railway, Post Office, Telegraph rate and Salt tax was due to the working of the law of diminishing returns. Proceeding, he objected to taking exchange rate at 1sh. 4d. He urged that it should be taken at 1sh. 4d. He pointed out that the time of the year when Government had made heavy remittance coincided with the busiest season when money was most needed.

Mr. LALLUBHAI SAMALDAS speaking on the budget urged for the reduction of salt tax and reduction of Military expenditure. Referring to salt tax Mr. Samaldas asked how the news of increase of salt tax last year leaked out early and whether any enquiry was made and with what result. The extra 36 lakhs was used up in two months of March and April and the issues thereafter were lower, not because traders reduced their stock, but because of reduction in consumption. The statement made by traders could not be relied upon until they were examined in the presence of the members of the Council. Mr. Samaldas referred to Sir Basil Blackett's explanation of Lord Olivier's speech on salt tax and quoted the views of Mr. Ramsay Macdonald, who

too in his book on Government of India had condemned the salt tax in no unequivocal terms. Salt tax, he had said, was an exaction and oppression and if people understood, it would only breed discontent. It was a survival of the general exploitation of India's poverty by the profit-making Company. He further quoted Mr. Ramsay MacDonald and urged the Government to widen the scope of the proposed taxation enquiry so that the constant rancour between official and non-official benches might to a certain extent be set at rest. Government should also consider the necessity of helping various provincial co-operative banks to understand the work of debt redemption of agriculturists. They should also start an industrial Bank for helping Industries in India or they must ask the Imperial Bank to do it.

Referring to Army expenditure, Mr. Lallubhai Samaldas suggested the reduction of transport charges under various heads and said that it was possible by this means to save about sixty lakhs. Concluding the speaker agreed with the Commander-in-Chief that Indianisation of the Military service was possible only through education and appealed to H. E. the Viceroy to provide facilities therefor.

Sir Maneckji Dadabhoj congratulated the Finance member on his skilful handling of India's finances. He described the budget as a document of exceptional importance showing great statesmanship.

Sir D. P. SARBADHIKARI said that the Commander-in-Chief had pointed out in the other House that fighting troops could not be reduced; he therefore urged that reduction in auxiliary and other services should be carried out. He wanted proper adjustment of capitation charges and Indianisation of army. Whose fault was it that educational institutions for this purpose were not to be found in the country? If the speaker had his way he would abolish all Arts colleges and schools and start colleges with military course of training. He therefore pressed for the establishment of many more colleges on Dehra Dun model and cheapening of cost of education in them. In this connection he suggested an advisory committee to help the Commander-in-Chief. He deplored the absence of any provision for nation-building departments.

Sir Basil Blackett :—There is 1½ crores for the provinces (laughter).

Sir Devaprasad replied that the Finance Member ought to have known that the Assembly would never agree to the salt tax at Rs. 2.

Sir Dinshaw WACHA deplored that politics and finances were mixed together. His views about military expenditure were well known. But while urging reduction in military expenditure he felt that Indians were not making the task of the authorities easy by bringing about disorders. As for the budget he asked the whole country to welcome it not merely because it was balanced but because the Finance Member with his real knowledge of finances had introduced a new departure into the financial system of India. As for the surplus he said there was no real surplus so long as national debt was there. He hoped the Government would reduce the salt tax to Rs. 1-4. He wished Government had not gone against popular voice. He further said : "I am a free trader and I say protection will be the ruin of this country. I do not oppose some protection to steel or sugar industry for ten or fifteen years but they must soon stand on their legs. You require Industrial brains. I am an old man. I may die tomorrow, but remember my words that protection will be the ruin of this country."

The Right Hon'ble V. S. SRINIVASA SASTRI made a short speech with particular reference to Sir Maneckjee Dadabhoj's arguments. Mr. Sastri said that the salt tax was an emergency tax and if the emergency of deficit was gone the tax must be removed. Now that there was no deficit but surplus he saw no reason why the tax should not be reduced to the old level.

His Excellency the Commander-in-Chief then addressed the House and thanked the Council for having spared him from that free criticism to which he was subjected last year. He specially thanked Sir Dinshaw Wacha for having refrained from belabouring him in the way he had done on previous occasions. Much had been said about the growing military expenditure, but during the last few years it had been shrinking. He said: "I hope the maximum has been reached and that in future year we may see reduced grants in the Budget (applause). On the one hand I am doing all that is possible to reduce expenditure, but on the other I am forced to provide money for Indianisation by establishing more schools. There is indeed some difficulty in reconciling the one with the other. I shall make it my business to consider the useful suggestions of Sir Devaprasad with a view to economy.

It must be remembered, H. E. said further, that sixty crores of military expenditure was only 28 per cent of the total revenues of India and nine crores of this sixty crores were used for pensions and two crores for Royal Air force and Indian Marine. Referring to the problem of development of territorial army, he said he was doing his best to find a solution and he would be only too glad to welcome non-official help in the matter and hoped they would eventually evolve a satisfactory programme.

Several speakers then followed. Major Akbar Khan dissociated himself from the view expressed by Colonel Sir Umar Hayat Khan in favour of forward policy on the frontier. Speaking with life long study and experience of the frontier he said the policy favoured by a majority of frontier men was the close border policy. Mr. Jogendra Singh urged claims of agriculture for facilities in respect of credit. Mr. Raza Ali confined his remarks to military expenditure. He thanked the Commander-in-Chief for sympathetic assurances though these did not go far enough.

Sir Basil Blackett in replying to the discussion said that the report of the Tariff Board had just been received by the Government. He said that remittances to London had helped the issue of emergency currency and had avoided external loan for the next year. He felt that even if the law had permitted the issue of currency beyond 12 crores the Imperial Bank would not have been able to do so in practice. There was stringency in the money market at this time every year due to payment for crops. So far as he could find the reason for special stringency this year was high price of cotton. He appealed to the House to sanction the Salt Tax at Rs. 2.

This closed the general discussion of the Budget. The Council then adjourned till the 10th March.

Indians in Kenya.

On March 10th three non-official resolutions were discussed in the Council of State. The first on the order paper was by Mr. Natesan, recommending to the Government that as soon as practicable they should cause to be published the brief of instructions to the Committee which will confer with the Colonial Office on Kenya, on the Immigration Bill and other matters concerning Indians in the Colony, and the materials placed at their disposal in so far as they have been published already. The same resolution appeared also in the names of the Right Hon. Mr. V. S. Srinivasa Sastri and Mr. Sethna.

Mr. NATESAN requested the President under Standing Orders to allow Mr. Sastri to move the resolution as it was the general sense of the House that one who had made a deep study of the Colonial question should move it. Sir Narasimha Sarma had no objection to Mr. Sastri moving the resolution.

Thereupon Mr. SASTRI moved the resolution. He wanted to know the status and functions of the Colonial Committee, the date of whose departure for England to discuss with the Colonial Office had been fixed very early. The Council should send its good wishes to the Committee whose high sense of patriotism and fearless advocacy, he hoped, would bring triumph to the Indian cause. There was an uneasy consciousness in the public mind that the Kenya Mission last year was almost a complete failure. The Government, on the other hand, believed that the results of the Mission were a substantial gain, but in Mr. Sastri's opinion those gains were of doubtful and equivocal character.

When the Kenya decision was announced by the British Cabinet, the Government of India submitted to it under protest, but even this protest had since been withdrawn or modified. It meant that those priests who presided over the constitutional rituals in England would not allow the innocent word 'protest' to remain in the vocabulary of a subordinate Government even when this subordinate Government was employed in the task of protecting the inherent rights of the colored subjects of His Majesty. Lord Peel, when he was the Secretary of State, had, according to Mr. Andrews, entered into a secret compact with the Colonial Office and stated that so long as he remained in office, he would not raise the question of allowing Indians free and unrestricted rights of sale and purchase of lands in the Highlands. If that was correct, then it was a serious surrender of the position on the part of the Government of India. The Government of India should have published all the available information on this matter and armed themselves with public opinion and repudiated Lord Peel's surrender.

Referring to Lord Reading's opening speech in which His Excellency had approvingly mentioned about adult suffrage, Mr. Sastri said that the grant of adult suffrage and the enactment of a statute practically meant the closing of the door, so far as Indians were concerned, to a common electoral roll. Indians did not ask for adult suffrage but common electoral rolls, but the White settlers had refused this to Indians on the express ground that they were inferiors. The White settlers had always the Government of the country behind them. Indeed the White settlers required no representation in the Kenya Legislature. What Indians wanted was equal representation in the place of the present position.

where a minority of Europeans had a majority of non-official element. Indians were in fact entitled to something more than equality. If there should be restriction as regards Immigration, let it be based on numerical strength as in the United States and let it not be guided by the personal caprices of the Protector of Immigrants.

The Colonies Committee should now be asked to raise the whole question of immigration into Kenya and not merely make modifications here and there. The object of the Committee should be not so much the immediate benefit of Kenya Indians as the preservation of the honor and self-respect of India. In the name of India, he ventured to repudiate the slave mentality in dealing with the question (hear, hear). "Kenya Indians do not want that India should surrender her cause for the smallest concession that may be won from the reluctant British Cabinet. They want India to put up the fight, unmindful of the harm that might come."

Sir NARASIMHA SARMA, replying on behalf of Government, said that they had nothing to conceal from the public and if they had not published any correspondence it was because in public interests considered undesirable to do so. The Colonies Committee would however be given all the necessary papers and it would be competent to deal with all questions raised by the Kenya White paper. As for the status of the Committee, Sir Narasimha Sarma said that it was a Government of India Committee, responsible to the Government of India and taking instructions from the Government of India. The Secretary of State would only assist the Committee in England and not interfere with its work. There was nothing to prevent the Committee from expressing their views directly to the Government of India. (Hear, hear). The Government of India held that it was undesirable that there should be any restriction in emigration from one part of the Empire to another excluding Self-Governing Dominions. The Government of India did not see that any case had been made out for restriction being imposed on Emigration to Kenya. It was for the Colonial Office and the Colonies Committee to consider the problem. The Government of India saw no need for further instructions. Assuming that a case had been made out in favor of restriction then the extent of restriction was a matter for discussion. As regards franchise, Sir Narasimha Sarma said that the Government always stood for a common electoral roll. The Committee was free to discuss the question and secure, if possible, common electoral franchise for the Indian community resident in Kenya but the Government of India could not object to Kenya Indians receiving adult suffrage. On the question of the Highlands also the Committee was free to negotiate with the Colonial Office if they thought that time was favourable. Moreover, the Government of India had asked the Committee to try for common electoral franchise for the Municipalities. They had full confidence in the Committee and would look India's honor and status even more than the immediate benefit of the Kenya Indians. They did not countenance first class and second class citizenship. They stood for equality. Concluding Sir Narasimha Sarma said that the Government hoped to utilise the Colonies Committee to deal with some outstanding questions regarding Fiji, but he hoped to make a statement later on the subject.

On this assurance Mr. Sastri withdrew his resolution.

League of Nations.

After Mr. Sastri had withdrawn his resolution, Mr. SETHNA moved that an Indian, suitable in rank and qualifications, should be the leader of the delegation representing India at the session of the Assembly of the League of Nations to be held in September this year. He said that the proper course would be for a representative to be elected by the legislature. This was not possible to-day because the delegates were supposed to express not their own views but the views of the Govt. as at present constituted. Even then, he suggested that the legislature should elect a dozen men to form a panel out of which the Govt. might select any persons they liked whose views coincided with their own.

Sir Muhammad Shafi said that Govt. would take into consideration the proposals embodied in the resolution at the time of the next appointment.

On March 11th the Council had a short sitting. Mr. RAZA ALI wanted to know what had happened to the Tolls Bill passed by the House which the Assembly had rejected. The President said that no message on the matter had been received. Reference was then made to the death of Mr. G. M. Bhurgri, and a message of condolence was sent. On the motion of Sir Muhammad Shafi, the Bill amending certain enactments and replacing certain other enactments, as passed by the Legislative Assembly was then passed without discussion.

Mr. Crerar then moved a resolution similar to the one passed in the Assembly in the following terms: "This Council recommends to the Governor-General in Council that India do ratify the International Convention for the suppression of the circulation of obscene publications, dated the 12th day of September 1923, which was drafted by the International Conference which met at Geneva under the auspices of the League of Nations on the 31st August, 1923, that in the legislation to be introduced in the Indian Legislature in accordance with the provisions of the Convention it should be made an aggravation of the offence of the offer, delivery, sale or distribution of obscene matters or things, if such is made to persons of either sex below a certain age."

The motion was adopted.

On March 12th a message was read that the Assembly had negatived the Tolls bill. On this Mr. Raza Ali wanted to know the procedure the Upper House should adopt. Sir Muhammad Shafi explaining the law said that the bill was dead the moment the other House refused to take it into consideration. There was only one way out of it, that is, to bring in a new bill.

Sirdar Jogendra Singh's resolution moved on the 10th that proper encouragement be given to the Sugar Industry in India by providing large fields for Sugar-cane production was next taken into consideration. Govt. opposed the motion on the usual ground of lack of funds, but was sympathetic if a Sugar Committee was asked for, as Govt. was always prepared to spend money on committees rather than on any industry of the country. There was a heated debate over the matter. Mr. Sethna wanted Rs. 30 lakhs every year for 3 years. Mr. Natesan wanted only additional funds for the extension of research on the subject, as this was the nearest approach to what Govt. had in mind. Mr. Natesan's motion was adopted.

The two other resolutions on the agenda were one by Mr. Jogendra

Singh for the deletion of the ratio of two shillings to a rupee from statute book, and the other by Sir Devaprasad Sarbadhikari for transfer to Governors in the Provinces acting with the Ministers of all transferred subjects with the exception of law and order, police, administration of justice and European and Anglo-Indian education.

The authors of both these motions intimated that they did not desire to move them and the Council then adjourned till the next day.

Sea Customs and Tariff Act Amended.

On March 13th Mr. Chadwick, Commerce Secretary, moved for the consideration of the Bill to amend the Sea Customs Act in order to give effect to the recommendation of the Fiscal Commission, that in the interests of Indian industries, Customs duties should be generally leviable on goods belonging to the Government, and the Bill should come into force on 1st April. The Bill was passed without discussion.

Similarly, the Council passed a Bill to amend the Tariff Act enabling the Government to levy Customs duties on articles imported or exported by land from or to any territory outside British India.

On March 18th Sir Devaprasad Sarbadhikari asked a series of questions relating to the new Legislative rules published in the *Gazette* of the 15th. These questions were more or less the same as those put by Mr. A. Rangaswami Iyengar in the Assembly the previous day and to which answers were given by Sir Henry Moncrief-Smith (see p. 209).

The Secretary then announced that the Governor-General had given his assent to the Cotton Cess Amendment Act, the Cantonment Act, the Immigration into India Act, the Central Board of Revenue Act and the Indian Penal Code Amendment Act.

The Hon. Mr. Ley then moved recommending to the Governor-General-in-Council that he should not ratify the draft Convention concerning the use of White Lead painting adopted by the third session of the International Labor Conference held at Geneva in 1921. It was adopted.

On March 19th when the Council reassembled a message was read from the Governor-General that as the Assembly had refused leave to introduce the Finance Bill in the recommended form the previous day, he had under powers given to him under the Reforms Act certified the bill as essential and recommended to the Council of State to pass the Bill. It was to be taken up on the 24th March.

Indians in South Africa.

Mr. G. A. NATESAN then moved that the Government should take effective steps to prevent the repeated attempts of the Union Government of South Africa to impose restrictions and disabilities on the Indian community, similar to those embodied in the Class Areas Bill, as the proposed measure constitutes a violation of the Smuts-Gandhi agreement of 1914, and would damage Indian interests irretrievably, besides endangering the solidarity of the Empire.

Sir B. N. Sarma trotted out the usual platitudes on behalf of Govt. "We in India," he said complacently, "would do nothing but appeal to the generous instincts of the European community. . . . no speeches should be made here exhibiting feelings antagonistic to the securing of justice and fairplay"!

The Rt. Hon. V. S. SRINIVASA SASTRI in supporting the resolution, made a strongly-worded speech. He said that Sir Narasimha Sarma has asked them here not to show bitterness of feeling towards the South African Government and that the Government of India was doing its best with the support of His Majesty's Government. What had His Majesty's Government done except to put in a mild word of remonstrance here and there at the unreasonable way of the South African democracy, as Sir Narasimha Sarma called it, but which actually was the narrowest oligarchy going in the world? The British Government, having itself been a party to the violation of the spirit of the Resolution of 1921 in regard to Kenya, was now appealing to the good sense of the South African oligarchy, and the appeal was therefore bound to fall miserably flat. The British Government had also permitted the Government of the mandated territory of Tanganyika to discriminate against Indians, and yet Sir Narasimha Sarma scowled at their showing bitterness of feeling. Sir Narasimha Sarma, echoing with the new-born enthusiasm derived from Mrs. Sarojini Naidu, had asked Indians to believe that the heart of South Africa was still sound, but Mrs. Naidu had taken care to say that while the moral heart of South Africa seemed to be sound, the political heart of South Africa was corrupt to the core. Sir Narasimha Sarma was still hoping to get round Gen. Smuts. Sir Narasimha did not know Gen. Smuts, for in 1911, 1914, 1917, and again in 1918, Gen. Smuts had promised that nothing would be done to damage the influence of Indians domiciled in South Africa, but these promises had been scattered to the winds. So long as the Government of India believed in the use of old methods of remonstrance and diplomatic representations and dignified protests, they would only meet with bitter disappointment. The influence of Gen. Smuts was spreading to other Colonies, and the Government of India must protect the Indians in those Colonies from Boer views. The problem in South Africa was beset with so many difficulties that the weapons used hitherto, and to which Sir Narasimha Sarma clung with such pathetic simplicity, would not do. Sir Umar Hayat Khan had suggested that some effective means must be found. "I know he cannot use his bullet, which he once recommended in this Council. (Laughter). I have come to the conclusion that there might be some awakening of British consciousness, some awakening of a deeper sense of responsibility in the British Nation. If on some occasion in the future the Governor-General in Council should say to the listening world that it is impossible for them as representatives of His Majesty's Government, if even his Dominions were unable to protect the just rights of the Indian subjects of His Majesty, when a statement of that kind could be made, the Governor-General and his Councillors of the day should resign their offices, because they could not protect their subjects from the insults of another class of His Majesty's subjects. When that step is taken, I think something will be done which will touch the consciousness of the British Nation. Until something in the nature of a political explosion takes place and crisis is reached, the British Nation will remain deaf and blind. I have not asked anybody to resign now. Between the extreme limit of the begging line we have taken and the beginning of the bullet line, there is a large margin of high-minded and responsible statesmanship, which we

have got to traverse, and we hope that God willing, the interests of the British Empire will still be maintained while we are traversing that margin."

After Mr. Sastri Sir Maneckjee rose and expressed his horror of such loose statements and destructive criticisms as Mr. Sastri's. Such expressions were a positive dis-service to the Empire. This dis-service was however repeated by other Indian members of the House, and before the discussion concluded the House adjourned till the next day.

Next day, March 20th, the debate on South Africa was resumed.

Mr. RAZA ALI referred to the speech of Mr. Sastri and said that that speech gave a correct expression to the public feeling in the matter. No sane-minded person, not even a Moderate of Moderates, should take any objection to the view of Mr. Sastri that the Government of India must resign if a stage arrived when they could not protect Indians from insults offered by another class of His Majesty's subjects. Sir Maneckjee Dadabhoj was, therefore, showing signs of nervousness when he deprecated Mr. Sastri's suggestion. Mr. Raza Ali referred to the Colonies Committee and its composition. He asked why, when the Government of India had taken the services of an English official like Sir Benjamin Robertson, they had omitted to take some non-official Indians who had been in close touch with South Africans.

Sir MUHAMMAD SHAFI said that he did not believe that Mr. Sastri's expression of opinion represented even the Madras spirit. At any rate, it did not represent the Punjab spirit. Assuming, for argument's sake, that the Government of India had failed to make an effective impression in order to achieve the desired object, did it follow, he asked, that the Viceroy and the Members of the Executive Council, who are trustees of Indian interests, should throw down their arms in a mood of pacifism and despair? "I, for one, am not going to resign, simply because, in the imagination of some people, the Government failed in their efforts. I regard it as my duty and the duty of the Government of India, even if there is a failure, that we should proceed in our advocacy and make renewed efforts in order to bring relief to our countrymen; and have we failed miserably, as it is stated? The very fact of the appointment of the Colonies Committee, which will have the right to negotiate directly with the Colonial Office and will receive instructions from the Government of India, is a great gain. The Committee will achieve, if not all the success we desire, at least reasonable success, and bring relief to our countrymen. So, pacifism will not do. It is optimism which is the soul of political strength, and I am one of those who believe that, where one's cause is just and righteous, there is no ground whatever to be down-hearted. The cause of truth and righteousness must triumph in the end."

Sir NARASIMHA SARMA in summing up the debate made a long speech in vindication of the Government's position. He emphasised that the Government of India had not followed a mendicant policy and would not pursue a mendicant policy in respect of any Government, much less in respect of that of South Africa. His Majesty's Government were perfectly in accord with the policy enunciated by the Government of India in regard to South Africa. This fact was testified to by the speech of Lord Peel who stated at the Imperial Conference that as the Government of India appreciated the difficulties of the South African Government, the latter

must also retain a vivid consciousness of the difficulties of the Government of India, and General Smuts could not have paid a greater compliment to the Government of India than that it had adopted an intransigent attitude. The Government of India, Sir Narasimha Sarma assured, had not deviated one inch from the policy of protecting His Majesty's Indian subjects. Whatever might be the position at present in South Africa or elsewhere, India must remember that the constitution of the Imperial Commonwealth was of so fluid a character that she must take into account the difficulties of His Majesty's Government in successfully intervening in a matter of this kind. The Union Government could not be absolved from the blame attaching to it by departure from the spirit of the promise made in 1914 and from the policy pursued by His Majesty's Government when Self-Government was conferred upon South Africa. As regards the suggestion of repatriation of Indians, Sir Narasimha Sarma did not want to say anything which would only encourage the Union Government to drive the Indians out. But if any Indian wanted voluntary repatriation it was the duty of the Government of India to make the conditions of repatriation as comfortable as possible. As regards Mr. Sastri's suggestion that the Government of India must resign in the event of an adverse decision on the Class Areas Bill, Sir Narasimha Sarma said: "I am not surprised at it. I am not grieved either. Speaking personally, when the Kenya decision was announced, I was very uncomfortable. Indeed, as a matter of fact, when I was asked to take over charge, I knew I was going in for trouble. But on the whole I feel now that I did the right thing in resisting the temptation and in resisting the call, because I feel that I have been of some use to my country by continuing to remain in office."

'I assure you that the Government of India is trying its best, although it has to realise the difficulties of His Majesty's Government and cheerfully submit to its decisions, and so far His Majesty's Government had not told us that we were in the wrong in the matter of our asking the South African Government to alter their policy.'

Sir Devaprasad Sarvadhikari: What about the suggestion of adding one or two Indians to the Colonies Committee and asking the Committee to tackle the South African question also?

Sir Narasimha Sarma replied that this Colonies Committee was primarily intended to deal with Kenya, and incidentally, with the question of Fiji. Whether the South African question should be brought within their scope of negotiations is a different matter. Concluding, he said that there was absolutely no difference of opinion between the Government of India and the people of India on this question. Lord Reading had done and was doing his best and no further gesture was needed from him as suggested in certain quarters. The example which he set in regard to the Kenya decision and other matters showed that he would put up every fight that it was open to constitutional representatives of His Majesty to make in order to protect the rights of His Majesty's Indian subjects. (Applause).

The resolution of Mr. Natesan was carried without division. The Council then adjourned till Monday, the 24th.

The Finance Bill

On March 24th, the Finance Bill with the Governor-General's recommendation came up for consideration in the Council of State. The galleries were full with visitors, including a few members of the Legislative Assembly.

Mr. Mc WATTERS, Finance Secretary, in moving that the Finance Bill be taken into consideration, gave a brief history of its experience in the lower House, and the consequent certification by the Governor-General. This recommended Bill now provided just sufficient funds to enable the Administration being carried on and to provide also for balancing the budget. Government believed that the salt tax at a rate higher than Re. 1-4 was not actually required to balance the budget, and so they had brought it down to the old level. But the effect of this was that they could not make any reduction in Provincial Contributions during the present year, and that next year they would have to make up something like Rs. 21,600,000 before they could arrive at a stage when they could help the Provincial Governments by providing funds for the nation-building departments. As regards the duty on splints, Mr. Mc Watters pointed out that unless this was passed, a greater part of the revenue from imported matches would disappear in the course of a few months. At the same time it helped the indigenous manufacturers of this material. He then referred to the amendments in the order paper in the names of Sir D. P. Sarvadhikari and Mr. Karandikar. The former wanted to reduce the postal rates to the old level of quarter anna per post card and half an anna per envelope, and also to reduce the rate on book-post sample packets. Mr. Karandikar's amendment was for an alteration in Income-tax rates in respect of Hindu undivided families and registered firms. The effect of the amendments to reduce postal rates would be, said the Finance Secretary, that there would be a loss in revenue of no less than 60 lakhs. As regards the reduction in the rates of book-post and packets, the Finance Secretary informed the House that the Government were themselves examining the question, and hoped that there might be some case for reducing the present rates. It was quite unnecessary, therefore, to amend the Finance Bill at this stage. The rates fixed in the schedule were the maximum rates, and it was within the competence of the Government to make any reduction if it was felt necessary. The Finance Secretary then pointed out the misapprehension under which the other amendments were framed. Concluding, he said: "It is true that this is a recommended bill, and even if the amendments are passed, they do not necessarily follow that they become law. But it does mean that if the amendments are passed, then the House refuses to pass the Bill as recommended. Government attach the greatest importance to the unanimous vote of the House in favour of the Bill. This House has the privilege of sharing the great responsibility of the Government. Your support will mean that you want the constitutional progress of this country to be orderly and that you refuse your concurrence to the dangerous theory that political progress can be facilitated by irresponsible and obstructive tactics".

Sir UMAR HAYAT KHAN was the first member to speak on the Finance Bill. He regretted that the Salt-tax had been reduced when living had considerably cheapened. He condemned the obstructive tactics of the Swarajists, and maintained that the refusal of supplies was an impossibility since the Government must be carried on.

The Right Hon. V. S. Srinivas SASTRI said that he was quite willing on his part to respond whole-heartedly to the Finance Secretary's appeal for unanimous support. He was one of those who thought that with a few amendments, the demand for constitutional advance made in the Legislative Assembly was one which should have been supported by every lover of ordered progress. If such a demand had been made in this House, he would have gladly supported it. What he would have asked would have been complete autonomy in the Provinces, combined with responsibility in the Central Government, except as regards the defence of the country, and Foreign and Political Departments. But in respect of that demand in the Assembly, Government had adopted a *non possumus* attitude. His vote should not, therefore, be interpreted as meaning that he was in favour of constitutional advance by slow and numerous stages. It meant that he was not willing at this moment to hamper the operations of the Government to the extent that the refusal of supplies would hamper them.

Sir Devaprasad SARVADHIKARI referred, at the outset, to the amendments which he had intended to move for reducing the price of postcards, etc. He maintained that the moving of these small amendments would not affect the unanimity with which they were going to adopt the Finance Bill, nor would the working of the Government be jeopardised. The figures given to the Council as regards the central revenues were not complete. He had still a suspicion that the Government had with them something like three crores from Railways, which they could now utilise in not only reducing the postal rates, but also affording relief to the Provinces. He joined in the demand for the abolition of the Cotton Excise Duty, and asked what protection was given to the match industry? The unrest in the country was tremendous. Every Provincial Legislature was bent on rejecting the Budget, being dissatisfied with the position in the country. In the Central Legislature also, the wave was sweeping, and the demand had been put forward for an urgent revision of the Constitution. There was nothing in the Budget to show that there would be some Commission, as was the case last year in connection with the Lee Commission.

Mr. G. A. NATESAN accepted the Finance Bill but under protest. He was sorry that Madras had been denied even tardy justice as regards contributions. It was action like this that forced some members to adopt policies they were hitherto not accustomed to witness. On behalf of Madras, he urged the Finance Member to come next year with justice. Mr. Natesan characterised Lord Reading's Certification as a blunder, and hoped that the Government would profit by this ~~episode~~ and not attempt hereafter to flout public opinion in regard to Constitutional advance. He asked the Government not to scatter their friends and swell the ranks of their enemies.

After some other members had spoken the motion for the consideration of the Bill was passed, Mr. K. V. Rangaswami Iyer's being the only dissentient voice. The bill was then taken clause by clause and after the third clause was passed the Council adjourned to meet again on the next day.

On March 25th, the last stage of the Finance Bill was reached. Mr. Raza Ali wanted a ruling by the President whether, in view of the fact that it was a Bill recommended by the Governor-General, it was open to any member of the House to move an amendment and pass it, if necessary, and what effect it would have, if so done.

The President pointed out that it was open to the House to move and pass amendments although it was perfectly true that if the Governor-General exercised his powers of signing the Bill, the amendments would have no effect. But, at the same time it was open to His Excellency, if he so desired, to withdraw the recommended Bill at any moment and reintroduce a Bill with the amendments made by the Council of State. So the power of moving amendments was not useless. There was nothing whatever to prevent the House from dealing with the recommended Bill in the same way as any other Bill. Indeed, under the new rules it was quite open for the House to move amendments.

The first three clauses of the Bill having been disposed of the day before the remaining clauses and schedules to the Bill were passed without much discussion.

Mr. McWatters then moved that the Bill be passed.

At this stage Mr. Raza Ali occupied the Council for forty minutes. In traversing the grounds, political as well as financial, he characterised the Swarajist action in the Assembly as a great blunder calculated to retard India's progress. This blunder could not have been committed in a calmer moment. The attitude of the Government on the question of the Reforms could not be called as wholly unsatisfactory. Indeed, Lord Olivier's speech was conciliatory, but the feeling of discontent and dissatisfaction still existed; and Mr. Raja Ali hoped that when Sir Alexander Muddiman entered the Home Department, he would help to bring about better relations between the Government and the people.

After a few more speeches the Finance Bill was passed without any amendment.

The Income Tax Bill.

Mr. McWATTERS then moved for the consideration of the Bill as passed by the Assembly to amend the Indian Income Tax Act, 1922, for the purpose of providing for the assessment of the income, profits or gains of an Association or Club which was neither a Company, nor a firm, nor a Hindu undivided family. In the course of his speech Mr. McWatters informed the House that the Government would consider as a separate case on its merits the question whether provident funds of private Companies should be exempted from Income Tax or not, and if so to what extent.

Sir Devaprasad Sarvadhikari thanked the Government for this assurance. The Bill was then considered and passed without amendment.

The Council then adjourned till the 27th May.

The C. P. Legislative Council.

Members.

PRESIDENT.

The Hon'ble Sir Gangadhar Madho
Chitnavis, K C I E

EX-OFFICIO MEMBERS.

Hon'ble Mr B P Standen
Hon'ble Sir Moropant Vishwanath
Joshi

NOMINATED MEMBERS, OFFICIALS.

Mr. Arthur Edward Nelson
David George Mitchell
Charles Eyan William Jones
Cecil Upton Willis

NON-OFFICIALS.

Mr. V B Kekre
Raja Thakur Baghura Singh of Pandaria
Mr. William Pasley
Ganesh Akaji Gavai
Sukhaji Urkuda Katsangale
George Paris Dick, C I E, Bar-at-Law
Ramkrishna Raoji Jayavant M B E
Golam Mohiuddin, Bar-at-Law
Ramkrishna Rao Shrikhande, M A

ELECTED MEMBERS

Mr. Prabhat Chandra Bose
Gyan Chandra Verma
Raghobendra Rao
Chandra Gopal Misra
Dr. N B Khare
B S Moonjee
Mr. Balwant Raghav Deshmukh
Kanchhredhal
Pandit Kashi Prasad Pande
Mr. Gokulchand Singai
Gopal Ramchandra Wakhale
Prabhakar Dhundiraji Jatar
Seth Sheodass Daga
Mr. Ravishankar Shukla

Thakur Chhedhal
Mr. Ghansham Singh Gupta
Beni Madhav Awasthi
Gopal Rao Rambha Joshi
Choudhry Daulat Singh
Mr. Vishwanath Damodar Salpekar
Krishna Rao Mahadeo
Dharmadhikar
Krishna Rao Pandurang Valiya
Laxman Rao Waman Rao Halde
Namdeo Yeswant Rao Dhopte
G V Deshmukh
Deorao Mukund Patil
Raghubhath Ramchandra Pathak
K R Mohariker
Maulvi Saiyid Muhammad Amin
Shams-ul-ulam.

Hon. Syed Hifasat Ali (MINISTER)
Mr. Mohammad Masud Khan
M. K. Siddiqui
Shyam Sunder Bnargava
Hon. S M Chitnavis I S O (MINISTER)
M K Goliwalkar
Rai Sahib D Laxmi Narayan
Rai Bahadur K S Nayudu
Mr. Shripad Balwant Tambe
Ramchandra Anant Karhikar
W G Mohrir
Punjabrao Deshmukh
Ramrao Madhoroa Deshmukh
Tukaram Shchoran Korte
Umedsingh Narayansingh Thakur
Janardan Bhalchandra Sane
Y M Kale
Nathu Ragho Patil
Mahadeo Paikaji Kolhe
Dattatraya Krishna Kane
Khan Bahadur Saiyid Abdur Rahma
Mr Syed Musaffar Hesan
Mansur Ali Khan
Balkrishna Ganesh Khaparde
Shriwanth Kurajmal

The Council Opened

The Central Provinces Legislative Council opened on January 15th amidst lively scenes. Forty one Swarajists mostly based in *Khaddar* were the centre of attraction. The galleries were packed with numerous visitors among whom were Pandit Motilal Nehru, Doctor Tej Bahadur Sapru and others. All members having taken oaths of allegiance, the President, Hon. Sir G. M. Chitnavis, made a short opening speech wherein he requested all members to use all their talents and opportunities to serve their country and hoped that the Council would lay the foundation of the future Indian Parliament. Doctor Moonji, the leader of the Swarajist Party, while thanking the President for congratulations and welcome, made a brief but

very forceful speech which was very much appreciated by the whole House and the spectators who cheered him when he resumed his seat. Doctor Moonji said: "I have noted your remarks about making the present Govt. popular. I assure you on behalf of my party that we have been doing and we shall do our utmost in future to really popularise the Government at the earliest possible date and to make it a success in the sense in which Government of any independent nation of the world can be."

After this H. E. the Governor accompanied by the Judges and other officials came in procession and read his short opening speech in the course of which he said:

In making the appointment of ministers, he was faced with a situation that no member of the majority party was prepared to take office. They thus refused to accept the responsibility of their position. Some members classed as Independents were also not prepared to accept office. The sphere of selection was thus narrowed. Appointments have been made after careful consideration and with a full sense of responsibility for the future Government of the Province.

The financial position has substantially improved and they seemed to have reached a turning point in the series of deficits which had crippled so seriously the activities of the Government during the past three years. The budget estimate of the current year anticipated an excess expenditure of 15 lakhs over revenue and the latest revised estimate showed balanced budget.

Concluding the Governor said: 'A heavy responsibility rests on you, for it is upon your work that the future advancement towards full responsible Government will largely depend, and I sincerely hope that all will work whole-heartedly with the Government towards this common goal. Whatever the future may be, the King Emperor's Government must be carried on and I appeal to all members to place the progress and welfare of the Province before party considerations.'

On Jan. 16th. the Council first met for official business. There were 5 officials bills which were all postponed for consideration or circulation.

The Hon. Mr. Chitnavis, Minister of Education, moved that the Central Provinces Primary Education Amendment Bill be taken into consideration at once. Dr. Moonjee opposing said that a grave constitutional crisis had arisen in this province. H. E. the Governor on his own admission had appointed two Ministers who did not command the confidence of the House. He said that the Governor had no such power and his action was a constitutional error.

The President pointed out that this question would be decided when the No-Confidence motion was discussed but as long as the Ministers were there it was their duty to allow him to make the motion.

Dr. Moonjee then moved in the form of an amendment that the introduction of the Bill be postponed. It was, however, pointed out that the amendment was a direct negative and could not be moved. After some discussion the President asked for time to consider the matter and promised to give his ruling later.

The Hon. Mr. B. P. Standen then moved that the Central Provinces Settlement Bill be referred to a Select Committee. Mr. E. P. Pande (Independent) moved that the consideration of the Bill be postponed till the August session as the Bill was a very contentious measure and contained provisions on which there were serious differences of opinion. The Hon. Mr. Standen said that there was no necessity for circulating the Bill again as it had already been done. He was not prepared to withdraw the motion.

The President pointed out that the only method of postponing a further consideration of the Bill was for the House to vote against the motion. No amendment could be allowed.

After further discussion, the Hon. Mr. Starden agreed in deference to the opinion of the House to circulate the Bill again for opinion and this permission was unanimously accorded by the House.

After lunch the consideration of the Primary Education Bill was resumed. Mr. Kanitkar of Berar moved that the consideration of the Bill be postponed until the March session. On the President allowing it, Mr. Kanitkar's motion was carried.

Modak Smoking Bill.

The Hon. Mr. Chitnavis, Minister of Exercise, introduced the C. P. Modak Smoking Bill and explained its objects.

Dr. Moonjee objected to its introduction on constitutional grounds.

Mr. Kanitkar again moved that the Bill be re-circulated.

The Minister accepted it and the House accorded permission.

Weights and Measures and Cattle Trespass Bills

The Hon. Syed Hifazat Ali, Minister of Local Self-Government introduced the C. P. Weights and Measures of Capacity Bill.

A Swarajist member moved that the Bill be re-circulated, and the same Minister again introduced the Cattle Trespass Amendment Bill which was also postponed. All the five Government Bills were postponed and the whole business was over before 2 p. m.

This concluded the Government business, for which two days were allotted. The Council then took up non-official business.

Non-official Resolutions

There were in all nine non-official resolutions, two of which stood in the name of Mr. Kinde (Liberal) and were allotted to be taken up next day. There was one resolution in the name of Mr. Syed Hifazat Ali which was given notice of before he became a Minister. The Hon. member desired to withdraw his motion, but the House refused leave. The President promised to give a ruling in the matter next day. The remaining six resolutions which stood in the name of the Swarajists were withdrawn.

Mr. V. B. Kekre, nominated member for Mandla, moved a resolution recommending to Government to confer on the Mandla district the right to elect its member to the Provincial Legislative Council. The Hon. Mr. Starden opposed the resolution on the ground that Mandla district was the most backward in the province. The resolution was put to vote and carried by an overwhelming majority. The Swarajist members did not take part in the debate but solidly voted in favour of the resolution.

Mr. Kinde (Liberal) moved a resolution in connection with road levelling. Syed Hifazatali, Minister of Local Self-Government opposed it. The resolution was carried, the Swarajists supporting it.

Another resolution was moved by the same member to take steps to improve sanitation in rural areas. This was opposed by Government and withdrawn. The Council then adjourned till the 18th when the 'no-confidence' motion was to be discussed.

The 'No-Confidence' Motion

NAGPUR—18TH JANUARY 1924

In the C. P. Legislative Council on January 18th, the President having announced that though the 'Non-confidence' resolution was received late he was willing to waive rules and allow it for discussion, Mr. RAGHABENDRA RAO said:—

Hon'ble Sir,—I rise to move "That a formal address be moved to His Excellency the Governor submitting that the Hon'ble Ministers do not enjoy the confidence of the Council and he be pleased to dismiss them forthwith."

In doing so Mr. Rao wanted first to clear some misunderstanding. The motion was not intended to cast any reflection on His Excellency the Governor personally in respect of the decision he had taken in appointing the Ministers. Nor was it intended as a censure on the reserved wing of the Government. Equally in unmistakable terms, Mr. Rao said, nothing is intended against the Hon. the Ministers personally. After referring to the unprecedented character of the motion in the annals of Legislative Councils of this country, Mr. Rao said.—

'AN UNPRECEDENTED MOTION

Sir, before I come directly to the matter in issue I will remind the hon'ble members of the development that has taken place in the constitutional history of this country during the past few years. The Government of India Act of 1919 is, political opinions on its merits apart, a distinct phase in the relations that govern this country with the British Parliament. By virtue of that Act the main spring of authority in the provincial sphere of government has shifted from the British Parliament to the Indian electorates. In other words, Government through the agents of British Parliament has been substituted by Government through the representatives of the people. This responsibility for administrative and legislative action in their own field, according to the Parliamentary Report, is fixed beyond the possibility of doubt on the Ministers and the majorities in the provincial legislatures that support them.

In the result, the British Parliament having framed a constitution, delegated, if not abdicated, its authority to the electorates and constituted a Governor as it were the custodian of the purity and integrity of that constitution. Therefore it follows that although the Ministers seek their appointments through a statutory act of the Governor under certain limitations, the retention of their offices is solely dependent upon the confidence and approbation of the electorate as reflected in the legislature. The question that is before this House for determination is when under the constitution a Governor having once exercised his statutory authority in appointing Ministers, is it or is it not open for the legislature to remove them if they do not enjoy the confidence of the majority party and other minority parties taken together?

Sir, for the direct object that my motion has in view, I will confine myself to that dictum and will request every Hon'ble member in this House to be influenced by that dominant consideration alone in voting with me.

There are other constitutional and political considerations that may be necessary to focus by each of the different groups of political thought in this House, but those should not be the determining factor in the decision to which I want the House to arrive.

Having stated the position on which I take my stand, I will ask the Hon members of this House to bear with me for a while in taking stock of the situation and apply the realities as they present themselves to us in solving a constitutional issue of no mean difficulty.

His Excellency the Governor in discharging his responsibilities dissolved the Legislative Council on the expiry of its term, and very rightly held the elections. Without worrying the Hon'ble members with the mass of uninteresting details, I would at once state that out of 54 elected seats that were thrown open a large majority of them were captured by the Swarajya Party, and except for a few special constituencies, there are hardly any seats left in the general constituencies to which other than Swarajists have been successfully returned. That being

the position, it is said that His Excellency the Governor sent for the leader of one of the 3 Swarajya Parties constituted on territorial basis and offered him one of the 2 Ministerships, although it is not stated if it was then contemplated to offer the other Ministry also to a person not belonging to the Swarajya Party. The leader of the Swarajya Party very appropriately refused to accept the offer of the job and as a result thereof we have now before us 2 estimable gentlemen who have thought it fit without reference to majority and minority parties to accept the moral and constitutional responsibility of running the Transferred Departments on behalf of the electorate and the Legislature. That is the position in a nutshell. It is, therefore, very pertinent for every one of the Hon'ble members in this House to ask the Hon'ble Ministers to show their credentials and tell us in a convincing manner their justification for acting in the manner they have done. They must state to us the numerical strength behind their Ministries. They must tell us their political complexion. We have a right to demand from them their policy and future course of conduct. My surprise, Hon. Sir, is not that His Excellency has offered the two offices to the two elected members of two different and conflicting political opinions in this House, but that they should have accepted the offices without calculating and consulting the controlling factors that are now asserting their unquestioned right of removing them.

REFORMS & POWER OF ELECTORATE

As I told you before, and I repeat it again, the fundamental basis of Diarchy is the transference of Political and Constitutional power from British Parliament to Indian Electorates and their representatives in the Legislature, and a person who accepts the responsibility of running the administration must be aware of this power, and the undisputed fact that the authority with which he is invested as Minister springs from the electorate. If the electorate and the legislature do not wish to avail themselves of the services volunteered by this patriotic gentlemen, it passes ones political comprehension to appreciate their justification in taking upon themselves the self-imposed but none-the-less onerous responsibility of carrying on the Executive Government in relation to the Transferred Departments. If the legislature refuses to exercise its function of controlling the administration assigned to it, the responsibility in relation to that part of the Government devolves, if it devolves at all, on His Excellency the Governor as the delegate of the King's Executive Government, but under no circumstances on him as the constitutional head of the Provincial Government in relation to the transferred side. It the Hon'ble members follow me so far they will not have much difficulty in appreciating the point that I wish to emphasise before this House.

THE ISSUE ON WHICH ELECTIONS FOUGHT

Again, it has to be remembered that the elections in this as in other provinces have been fought not on the manner and method of working the Government of India Act in its application to the Provincial sphere of Government, but on the broader issue of utilizing the constitutional power that it confers on the electorate for the more comprehensive issue of re-adjusting the political and constitutional ties that bind this country with the British Parliament. In sending the majority of the Hon'ble members to this House the electorate have clearly and definitely mandated them to ignore the ephemeral advantages that Dyarchy may offer in its very limited scope and repudiate their readiness to further any flimsy structure that may be imposed by globe-trotting doctrinaires. The attitude of the British Parliament is clearly embodied in the preamble to the Government of India Act.

THE LAST COUNCIL AND ITS UNREPRESENTATIVE CHARACTER

Hon'ble Sir, ever since the 19th of December 1919, when this Act was passed by the British Parliament, the people of India with one voice have been trying to convince the world that they were not prepared to avail themselves of this Act. Those of the Hon'ble members who remember the history of the Indian National Congress which held its sitting at Amritsar must be aware of the authoritative opinions that were expressed on these Reforms. The Congress said that constitutional advance made was unsatisfactory, disappointing, inadequate and unacceptable. Thus the cry of 300 millions of people has been going from one end of the country to the other for the last four years. During the time of the first election, as Hon'ble members are aware, the country refused to avail itself of the Reforms with the result that the people who sought elections and came into the Legislative

Councils were not the representatives of the electorate in any real sense of the term. Well, after three years, we find the electorate, to whom the responsibility under the law was given, have preferred to choose their representatives to the council for some definite purpose. The avowed object of the electorate is not to further the object that the act has in view but to so utilize it as will confer upon us the undisputable right of determining a stable constitution as will be compatible with the national aspirations of the country. We are, therefore, within our constitutional right in demanding the immediate removal of the Ministers. It is a moral and constitutional obligation that is imposed upon us to ask the Ministers to resign, and we shall spare no methods to compel them to do so. By virtue of our pledge we may not accept the office, but because of the position taken by us, no one, I hope, can maintain that it takes away our constitutional right of exercising our legitimate vote of dismissing any person who, on our behalf and in our name, wants to exercise the right of governing the transferred subjects under a Government. If we do not avail ourselves of this right, it is perfectly open to us to prevent any one also from exercising that right in our behalf. It is with this view, Sir, that I am submitting this motion for consideration of the House. It is the only correct position that we can consistently take, and which, I maintain, is in conformity with the highest traditions of every conceivable parliamentary practice.

KING'S GOVERNMENT & GOVERNMENT IN PEOPLE'S NAME

Now Sir, the justifications that have been put forward for selecting the Ministers are two. It has been said that one of the Ministerships was offered to the majority party, and because they refused, it was offered to some independent members of the House. But, so far as we know, His Excellency the Governor has not thought fit to communicate to us who those independent gentlemen were. That being so we have before us two gentlemen who have taken the responsibility of administering the transferred departments because His Excellency has asked them to oblige his Government (laughter) and carry on the King's Government. I know that the King's Government is to be carried on. King's Government has been carried on in this country for the last 150 years. In the Central Provinces, the King's Government has been carried on ever since Maharattas were unjustly deprived of their power. King's Government had been carried on in this province during the semi-military autocracy of Sir Richard Temple. It was also carried on under the benevolent despotism of Sir Antony Macdonell. In more recent decades, King's Government was carried on under the unquestioned civil autocracy of Sir Reginald Craddock. We cannot prevent any one from this House to carry on the King's Government. But it is perfectly open to us to tell to any one not to carry it in our name. We desire to tell them in unmistakable terms that we do not and possibly cannot accord our sanction to it so far as it rests on our responsibility. His Majesty's Government, I have no doubt, will be carried in the future, as it has been prior to the Dyarchian era, if there are determined servants of the Crown bent upon carrying it on in spite of the co-operation of the people of this province. It is often emphasised and it is likely to be emphasised again that the Governor has appointed the ministers because there were no other people willing to take up that office. But I reiterate and emphasise my point that the King's Government may be carried on, but let it be carried without the sanction of the legislature. We say that the Ministers are not our real representatives in the Government, much less of the electorate. We believe that this form of Govt. is not suitable to us, and we do not want to give any opportunity to any one to carry that form of Government with a mistaken notion that he is carrying on in the name of the legislature. Let not people outside believe that we have lent our support to this form of Government.

It might be pertinently asked of me to suggest the course to those responsible for the good Government of the province. It is not for me to suggest what course or method should be adopted. I know the Government of India Act amply provides for carrying on the King's Government. If ever my advice is sought I shall tell them that there are provisions in the Government of India Act to carry on the Government by other provisions of the Statute, but under no circumstances by virtue of the provisions which are applicable to the Governor's Province and through the Ministers. That is our distinct and clear position. I have for the time being passed over all the other dominating factors and have simply emphasised on the constitutional aspect of the question, and recommended to His Excellency the

Governor to pull down the Ministry or to dismiss them if they do not follow the accepted principles of constitutional conventions. That being the case I press the motion for the consideration of the House.

APPEAL TO MINISTERS & THEIR SUPPORTERS.

Sir, I know there are some schools of thought in this House which may not probably share the opinions which we share. To them I appeal to seriously think the wrong they are committing in supporting the Ministers. Are they not killing the fundamental principles on which representative and responsible government is based? Can they conceive a system of Government, much less a constitutional form of Government, wherein two Ministers are foisted on the legislative Council, and those Ministers are prepared to carry on the Government without the consent and concurrence of the legislature? I know there are some Hon. members in this House who believe in diarchy and who seem to think that they should be able to take any form of Government that is imposed upon this country. I know some of them are still anxious to work out this form of Government. But I ask them, have they accepted or not responsible government as an ideal at last? I hope there is not one Hon'ble member who does not subscribe to this doctrine. If they accept this aspect I ask them to answer if that is the way to attain that goal? Are they not killing the very conception of responsible government either by accepting or supporting these Ministries?

Most of the Hon'ble members can recall constitutional reforms and the manner they were urged by provincial governments. The Governors of the five provinces had suggested a scheme of Government in which they did not want Ministers out of the elected members but out of the members of the House. I ask my Hon. friends, to bring home that principle and consider what is the system of Government that is now being imposed upon them. Is it in any way different? Is it in any way separate? Can it any way identify itself from the system of Government that we had before diarchy was introduced? That being the position, I must ask the Hon'ble members, particularly my friends of the Liberal Party, if it is constitutional for the Ministers to accept office against the will of the legislature? I understand that the senior Minister is a shining light of that worn-out and discredited creed known as Indian Liberalism (Laughter). I ask him, is it consistent and in consonance with the principles of the liberalism of Ranade, Mehta and Gokhale which liberals have been so long exploiting? May I ask him if he has the moral support of the Liberal Party behind him in accepting this office? What is his future programme? How does he justify his action? It would be unfair for me to demand any explanation from His Excellency to justify his choice of Ministers. Under Responsible Government, it is the Ministers that ought to assume responsibility for the actions of the Governor. I hope, instead of being His Excellency's shield, they will not make him their shield and will not retreat under the protecting cover of the Hon'ble the Revenue Member and the Home Member. (laughter). Is it on the support of official subordinates who are sitting behind them that the Hon. the Ministers propose to lay deep the foundations of Responsible Government? (Cheers).

As regards the Junior Minister, I know his position is of a different nature. His appointment has been made by ignoring the majority party.

In conclusion, he commended the resolution to the House.

Mr. G. R. Joshi, Independent, moved an amendment to the effect that the words 'request them to resign' be substituted in place of the words 'dismiss them forthwith'. Mr. Joshi made it clear that he entirely supported the motion.

Mr. Rao accepted the amendment.

THE GOVT. REPLY

The Hon. Mr. B. P. STANDEN opposed the resolution. Mr. Standen dealt with the whole constitutional aspect of the question and showed how the majority party themselves had acted unconstitutionally in bringing forward their resolution. If there had been any deflection from constitutional practice on the part of His Excellency, it had been forced on him by the Swaraj Party. The courage of the Hon'ble ministers and their sense of duty in accepting office in circumstances of peculiar difficulty must evoke the admiration of everybody who wished to see Government carried on in a constitutional manner. The mover of the resolution had based his argument on the statement that the Parliament had delegated to the people of this country the responsibility for the Government of the country. That was not so.

Parliament had said that in time it proposed to delegate the full responsibility to the electorate, but in the meantime it would only delegate a part of the responsibility, namely in the transferred subjects.

Had the leader of the Opposition, when he was invited by His Excellency to take up the Ministry, made a condition that His Excellency should accept his policy with regard to the transferred subjects, he would have been within his constitutional rights. But when he refused office because he would not serve under a diarchy he was unconstitutional. His action was not only unconstitutional but unreasonable, when it was remembered that His Excellency had no power to make the alteration which the Swarajists required as a condition of accepting office.

The speaker then pointed out various means whereby the party could have worked for the attainment of their goal, and pointed out several fundamental principles of responsible government which they had ignored, and said if they persisted in their resolution and if the Ministers resigned, which he hoped they would not do, the only course open to the Government would be to ask the Secretary of State to transfer the transferred subjects to the reserved departments. That would be a retrograde step which all those who wished to see the political advancement of India would immensely regret.

The Hon. Mr. S. M. CHITNAVIS, Minister for Education, explained how he was forced to accept office against his strong inclinations and the circumstances leading to it. The policy of the Swaraj party, he said, was to bring about a deadlock in the Government. This again forced him to consider his position. It was only a keen desire to avoid a set-back in constitutional progress. He shared the view in common with his party that one common object, which all patriotic Indians had at heart, namely, the attainment of responsible government, could not be achieved by destructive methods. The right policy in his opinion was to try to improve the present constitution and not to wreck it. The mover had made it clear that if his resolution was passed, his party was prepared to face the possibility of a reversion to the type of Government which would afford the people not the smallest chance of influencing the policy of Government from within. Had they not had a spell of unarticulated bureaucratic Government long enough in the past to give them a genuine distaste of it even now? Proceeding Mr. Chitnavis said, having accepted office with open eyes and in full anticipation of not only want of support but actual solid opposition, he also considered that duty required that he should continue there till some one from the majority party was prepared to step into his place.

The Hon. Sir M. V. JOSHI said that the resolution raised issues involving serious consequences. An appeal had been made to constitutional practice. That appeal came with all-grace from a party which ignored the very first principles of the constitution. The party which brought a motion of no-confidence must accept office. If not, what right had they to expect constitutional practice to be followed by Government? He had great faith in the Labour Govt. in England, and asked: was it prudent when the Labour Party was coming into power, to ignore the advice of men like Col. Wedgwood? He also confessed anomalies in the Governor's action.

At this stage Mr. A. F. NELSON, Chief Sec. to the Govt. used some indecent language towards the Swarajists for which he was called to order, made to withdraw his words, and reprimanded by the President.

DR. MOONJEE'S SPEECH

Dr. B. S. MOONJEE, the leader of the Swarajists, after bantering referring to the sense of decorum of Englishmen like Mr Nelson—an Oxonian—came to the constitutional aspect of the matter, and said:

What I have understood of the constitution, I place before my hon'ble friends on the Government side. What does the Government of India Act, which is what forms our present constitution, say? What does the Royal Proclamation, which is the basis of the constitution, say? If you care to see what the Royal Proclamation says, it is this....."while retaining the confidence of the legislatures, to co-operate with my officers." It is the Royal wish as expressed in the Royal Proclamation, that the Ministers shall retain the confidence of the House. The first essential therefore in this constitution as expressed by the Royal wish in the Royal proclamation is that only such Ministers should be appointed who have the confidence of the House. Next to that comes the Joint Select Committee's Report. I shall quote only one paragraph. What was the desire of the Parliament? What was the inspiration which has

given rise to this Govt. of India Act? Clause 4 reads thus:—"The Committee are of opinion that the Ministers selected by the Governor to advise him on the transferred subjects should be elected members of the Legislative Council, enjoying its confidence and capable of leading it." Now, can anybody here say that the Ministers enjoy the confidence of the House? Are the Ministers capable of leading it?

Are the Ministers, as desired somewhere else, that is, in the instrument of Instructions, as I am going to read out presently, capable of placing the wishes of the people at the disposal of the Govt.? Clause 4 of the Instructions: "Nevertheless you shall encourage the habit of joint deliberation before yourself or your Councillors and your Ministers, in order that the experience of your official advisers may be at the disposal of your Ministers." That is one part of the business, and the second part of the business is: "And that the knowledge of your Ministers as to the wishes of the people may be at the disposal of your Councillors."

Now this second point is further elaborated in paragraph 6 of the same Instructions: "You shall have due regard to his (Minister's) relations with the Legislative Council and to the wishes of the people of the province as expressed by their representatives therein."

I ask anybody here to reply if the Ministers' position conforms to this. Has the basis, on which the Government of India Act has been constituted, been complied with in the present instance? I am perfectly certain it has not been complied with, as has been admitted very candidly in his speech by the Hon. the Home Member Sir M. V. Joshi. I am very thankful to him for his admission. I am now in a position to say, particularly after I have heard the speech of my Hon. friend Sir M. V. Joshi, that the action of His Excellency the Governor is not only unconstitutional but is also illegal, that is, against the spirit of the law, the Government of India Act. This is an assertion I am going to repeat again and I am just now going to prove it. I am much obliged to my Hon. friend for his speech.

GOVERNORS UNCONSTITUTIONAL PROCEDURE

My friend has candidly admitted that we, members of the Swaraj Party, "are within the four corners of the constitution". And at the same time he has admitted on behalf of the Govt.—he will correct me if I am not quoting him aright—that the Govt. has done a thing which is seemingly unconstitutional. I was wondering why the Legal Remembrancer, paid so heavily for the purpose, has not placed the legal and the constitutional meaning of the Government of India Act before the House, but instead of going to the root of the question and talking it has thought fit to carry us into the wilderness of history in order to try to show that the responsibility for the present situation was upon the Swaraj Party, when the responsibility, in the sense in which he means it, does not lie on the Swaraj Party. I was wondering why he has not gone to the root of the question, and here is the explanation which very candidly has come out of the mouth of my Hon. friend Sir M. V. Joshi, the Home Member. I am glad he belongs to the same race, the same civilisation, to which I belong—Indian civilisation. He has candidly admitted that it was a case of emergency which was placed before the Government—emergency caused by us, Swarajists no doubt. We admit it; we are prepared to take all the responsibility for causing that emergency. I am glad that the Hon'ble the Home member has admitted that emergency. Other Government members also will admit that it was a case of emergency. Under an emergency, what are the powers of His Excellency the Governor? And those powers are given here—Sub-Sec. 3 of Sec. 52 of the Government of India Act. But when I looked into the Government Gazette—what did I find in connection with the announcement of H. E. the Governor appointing the Ministers? The Government Gazette only says that it is in exercise of the power conferred by Sec. 52 Sub-Sec. 1 of the Government of India Act, that H. E. the Governor is pleased to appoint so and so to be a Minister of the Local Government. I was expecting to find therein that the Governor was acting in a case of emergency, but there is no such thing. Now the Hon'ble the Home member says it was a case of emergency. While H. E. the Governor says that he was acting under normal circumstances, that is under Sub-Sec. 1 of Sec. 52 of the Government of India Act. Then which hypothesis is correct—the Governor's or the Home Member's? Am I to explain taking both the hypotheses as correct? I should better take the Hon. Sir M. V. Joshi's hypothesis first. A case of emergency that is contemplated under the Act, is only a temporary one caused by a vacancy. The vacancy was caused because the life of the old Council came to an end, and the life of the new Council has just begun. His Excellency the Governor knows it perfectly well as has been already admitted by his address, and he has his knowledge

confirmed from the experience of the last three days' working of this Council, that the Majority in this House does not support the Ministers, and also that the majority party i. e. Swarajists' Party is pledged not to accept office. Therefore this emergency, this vacancy, is not an emergent vacancy, is not a temporary vacancy, but is a vacancy which is a permanent vacancy lasting for the life-time of this Council. Is that the thing contemplated to be remedied under Sub-Sec. 3 of Sec. 53 of the Government of India Act according to the views of my Hon. friend Sir M. V. Joshi? I do not think my Hon. friend will maintain this position in his calmer moments. Then is it the hypothesis of His Excellency the Governor that is to be our guide in the matter? His Excellency has been acting, as he has told us in the Government Gazette, under Sub-Sec. 1 of Sec. 52 of the Government of India Act while appointing the Ministers. Then he was acting under normal circumstances, not emergent temporary circumstances. And the normal circumstances, as I have said a minute before, are those that are indicated by the Royal wish in the Royal Proclamation and specified in the Instructions that have been given in the Instrument of Instructions to H. E. the Governor and further elaborated by the Joint Select Committee's Report; and the normal circumstances, as contemplated by the demand by the Reformed constitution are that only such Ministers have to be appointed as can command the support of a Majority in the Council. Taking both these hypotheses, I am positive, unless the other side is going to give a right and legal solution of the difficulties that have arisen, I think I have a right to assert—having listened to the arguments so far advanced from the Government side—that the Governor has not only not acted within the powers conferred upon him by this Act, but also unconstitutionally.

Hon. Sir, now an attempt has been made to throw the whole responsibility for this constitutional crisis upon my party. There was no need to make the attempt. It was an admitted fact. It was a predetermined attempt on our part to bring about such a crisis. It is in this Council I am proud to say the first opportunity has come which we were anxiously waiting for, to bring about a crisis, to bring about a situation where constitutionally the Government cannot proceed further unless it exercises its executive powers which are based upon the military strength it possess. We are told that our motive is to exert pressure on the Government by the power of majority which we possess. There is a desire in high circles to see as to how we exercise that pressure. There is a saying in Sanskrit which says that what is learnt of the Guru, the teacher, is practiced upon the teacher himself by the pupil. My English friends know very well how they extracted their constitution from the unwilling hands of His Majesty the King John. Their method of extracting it was different, was a method based upon force. My method and the Swaraj Party's method of extracting further concessions, of expanding my constitution, is non-violent, is more humane, is based upon the laws of love and the principles of Ahimsa. His Excellency the Governor has blessed those who are constitutionalists.

CONSTITUTIONALISTS AND UNCONSTITUTIONALISTS

Now, gentlemen, you see who are constitutionalists and who are unconstitutionals in this land—you, or we, the members of the Swaraj Party, on the admission of the Home Member. We are within the four corners of the constitution and you seemingly unconstitutional. When the report of this speech of mine goes to His Excellency the Governor he will perceive that he was correct in his prophecy of welcoming the constitutionalists, that it is really we who are true constitutionalists at heart, in speech and in action, that we know how constitutions are to be made, how rights are to be secured and concessions are to be extracted. My Hon'ble friend, Sir, M. V. Joshi and I are both Indians, let him not be terrified; let him not be obsessed with false fears of how the Englishmen at home will take our actions in the Legislative Council. Will they not be displeased and disappointed and say that we are bad fellows and even rascals?—such ideas need not be taken into consideration and need not frighten you out of your wit. You and I are Indians; I recognise no difference between you and me. If I scratch you I find me in you, and if you scratch me you shall find yourself in me.

Mr. K. P. PANDE moved for closure of the debate which was carried.

MR. BAGHAVENDRA RAO'S CONCLUDING SPEECH

Mr. E. R. BAO.—I think, Sir, in the debate we have gone through to-day we have unnecessarily laid emphasis upon the merits of diarchy and that has been used as an argument in support of and against the consideration of the motion.

I think that was slightly beside the point. The point is that the electorate are using this Council for a definite and decisive purpose and we, as their representatives, are bound within the terms of our mandate.

As regards the Government members who have spoken, I will try to answer every one of them. The Hon. the Revenue Member has distinctly told us that, in the event of no Minister coming forward, the Local Government will move the Secretary of State for a change in the Devolution Rules so that when emergencies arose in the Government of the Central Provinces there would be no distinction of Transferred and Reserved subjects and that all existing Transferred subjects would be transferred to the existing Executive Councilors of Government. If that contingency ever arose, no one will be more happy, no one will be more anxious to congratulate the Hon. the Finance Member than we of the Swaraj Party. That is exactly what we are aiming at and that is what we are pledged to do.

Then, Sir, the Hon. Sir Moropant Joshi has emphasised one point and asked us a definite question. He says "why of all the provinces the Central Provinces has been successful?" One explanation I have got, and which is psychological and which lies in the Central Provinces being the heart of India; it knows how to beat for the feelings of the rest of the country. Our friends in other provinces have made a tactical error in ignoring the importance of the provincial legislatures as field of action and laying undue emphasis in trying to capture the machinery of the Indian Legislative Assembly with the result that in most of the advanced provinces the majority of the seats have been captured by members of the Swaraj Party. If we go to the United Provinces, we will find that the Swarajya Party there has entered the Legislative Assembly to the total exclusion of all other political parties. Similarly in Bombay, in Bengal and even in the benighted presidency of Madras the Swarajists are in an absolute majority. This is not a unique feature of the backward Central Provinces only but is the case in every advanced province. It was an unfortunate strategic lapse for which no one need be thanked. My Hon. friend to my left must share the credit for the preponderating majority I share with him. We know, Sir, in attempting to wage war against the bureaucracy the Central Provinces is our battle-field. The first battle for responsible Government will be in the Central Provinces and the whole country is watching with feverish anxiety for results which may surprise many. And I wish to say we shall not spare any possible effort to achieve what we intend to do.

Then the third point which the Hon'ble the Home Member would emphasise is 'What would Colonel Wedgwood think of us when he becomes the Secretary of State?' We are used to that sort of ex-officio loyalty to the coming Secretaries of State all along. The Liberals have been never tired of telling 'if you are unreasonable and overbearing, the party in power in England will not help.' That day is gone. This game of Indian Liberals has been going on for many years and the British Government knows well how to deal with them. We of the Nationalist Party base our claim for the attainment of Swaraj not on the patronage of any political party in England, but on our inherent right and capacity to exact it from those who have arrogated all power to themselves.

AWAKENED INDIA AND ELIMINATION OF EVILS

Indian Nationalism has awakened to the truth of eliminating certain evils as a preliminary to the attainment of Swaraj. That evil is the debasing domination of an alien and selfish bureaucracy. Our first battle will be begun. The temper that the members of the British element has shown us to-day is a sufficient index of what the future is going to be and we shall manipulate our forces as occasion requires. I remember very significant expressions used in the last debate of the Legislative Assembly by Sir Malcolm Hailey, the most intellectual spokesman of the Indian Civil Service, 'Pacific Gods and Constitutional Huns' and I have also seen to-day the way in which the European members of this Council have tried to utilize the provisions of the Government of India Act and have tried to explain away the principles of the Government of India Act. We require no further demonstration. If there is one class of men to whom those epithets could be suitably applied it is to the representatives of the European Services in this House. If ever the history of responsible Government in India is going to be written in this country, sufficient space would have to be allotted to these worthies for explaining away a statute of the British Parliament and negating the fundamental principles conceived by it.

If the motion before us to-day is carried by this House, there are two responsibilities which accrue from it. The responsibility, if this motion is carried,

is upon the two Ministers. If they resign, it would be well. If they do not, we shall have to record in the Council how a Statute of the British Parliament known as the Government of India Act was strangled and mutilated in the hall of the Central Provinces Legislative Council by the Hon'ble Minister for Excise and the Hon'ble Minister for Pilgrimage of this province. They will have to answer this before the bar of Indian history. I ask them to think over and realise what they are doing.

THE PROBLEM BEFORE THE GOVERNOR

Speaking of the responsibility of Governors as an academic subject, I want to emphasise on those who enjoy the powers of a Governor that those powers are not illusory. The power given to the electorate and to the legislature, under the Government of India Act with reference to the transferred subjects, are meant to be real and to be effective. If there is a Governor who cannot respond to the demand of the Legislative Council, if there is a Governor who cannot respect the feeling of the electorate, if there is a Governor that exists in the Empire who cannot be responsive in the directions I have mentioned, he must be removed and recalled. I will cite in support of what I say a quotation from the very person who conceived the idea of diarchy, I will cite from Mr. Curtis' work known as "Dyarchy". He says—"I hope that a Governor who interferes with powers clearly vested in Ministers and Legislative Councils, or fails to support them in the execution of those powers, will be summarily recalled." I warn every member of this House to bear that in mind, I warn my two friends the Hon'ble Ministers to bear that in mind. Are they prepared to compel this Legislative Council to create a formidable agitation that will enable us to move for the recall of His Excellency if he fails in the discharge of his responsibility to the Legislative Council because he has failed in the discharge of his duty to the British Parliament? I hope, Sir, that they are taking a very serious responsibility and I will ask them to think twice before they spurn the decision of this House. Is it worth while after all the troublous times we have just passed to create this agitation? Is it to serve the people of India or of the Central Provinces that they are taking this course? I appeal to the Hon'ble members with all the earnestness I can command, not to abet in the stirring up of an avoidable agitation. There is no other alternative before us. If it is not possible for the Government, if it is not possible for those in authority to accept the motion by persuading the Ministers to resign, or in case they fail to dismiss them, the only alternative for us is to walk out of this Council at this very moment, go from village to village and tell thousands of our people in the Central Provinces that a Governor who fails to discharge his duty does not deserve to be vested with power. That is the programme to which we are pledged and which we mean to do. They alone can save the situation. If the Hon'ble Ministers are anxious to do public service, there are other institutions than Dyarchy and I beg of them to think seriously and to ponder a hundred times before they decide to flout, before they want to trample public opinion as the Anglo-Indian bureaucracy has been doing during the last 150 years. I desire to avoid a situation in which we shall be compelled to repudiate the constitutional authority of the Ministers. Most of the Swarajists are controlling local bodies and, I assure you, Sir, that if the Ministers continue in office, the local bodies, Local Boards, Municipalities and Village Panchayats, will be perfectly justified in repudiating them. I am speaking, Sir, with responsibility as a responsible head of more than one Local Body. Many of my friends here may not recognize the authority of the Ministers for a single moment if they persist in holding office inspite of the adverse vote here. We shall not carry out their orders. That is the position. And in doing so, we shall be perfectly constitutional, we shall be perfectly legal and within the four corners of the Government of India Act. You cannot trifle away with the feelings of 140 thousand of your countrymen in favour of a few bureaucrats in the portals of the C. P. Secretariat.

THE ALTERNATIVE BEFORE THE GOVERNOR.

He then said: "What is the alternative to His Excellency the Governor? I will suggest, if I may do so, an acceptable compromise. The prudent and constitutional step would be to dismiss the Ministers and to carry on the Government under the other provisions of the Government of India Act. That will perfectly satisfy us so far as this motion is concerned". Mr. Rao then appealed to the British Members of the Council, who have persistently been opposed to Diarchy, to help him to end it.

THE VOTING

The no-confidence motion was then put to vote at about 6-45 P. M. and declared carried. A poll was demanded with the result that 44 voted for the motion and 24 against it. The motion reads as follows:—

"That a formal address be moved to H. E. the Governor from this House submitting that the Hon'ble the Ministers do not enjoy the confidence of the Council and he be pleased to request them to resign.

THE MESSAGE TO THE GOVERNOR.

After the 'no confidence' resolution was passed Doctor Moonjee, leader of the Swaraj Party, handed over to the Hon. President a message from the Council to the Governor to be presented through him as President. The Government members objected and after arguments on both sides the President ruled that for want of previous notice discussion in support of the message was not in order. The message runs thus:—

'Your Excellency, this Council respectfully places before your Excellency for your Excellency's immediate and most earnest consideration the peculiar constitutional situation that has developed as a result of discussion on the motion of no confidence in the Ministers that has just been adopted by this House. It is as follows:—'

'That it is unconstitutional to appoint ministers who do not command the support of the majority in this House and do not therefore represent and are not competent to place at the disposal of the Government the wishes of the people as expressed by their representatives in the Legislative Council and that such action is quite contrary to the spirit of the Government of India Act under which these reformed legislative councils have been constituted, and also to that of the instrument of instructions of H. M. the King Emperor to H. E. the Governor of these provinces, and also to that of the Royal Proclamation of December 24th, 1919, and overrides the recommendations of the Joint Committee.

'That your Excellency is already aware that the majority party in the Council is pledged not to accept office till the present system of Government is mended suitably to the wishes of the people on the principle of self-determination; that consequently the working of your Excellency's Government of the Province on constitutional lines has now become an impossibility and thus a situation of grave constitutional crisis has arisen.

'Under the circumstances this Council respectfully requests Your Excellency to bring this grave constitutional crisis to the notice of the Government of India and the Secretary of State in Council at an early date requesting them to take immediate steps to establish full responsible government (Swaraj) in India in accordance with the national demand to be shortly presented to H. E. the Viceroy.

THE COUNCIL THEN ADJOURNED SINE DIE.

The Budget Session—March 1924

The C. P. Legislative Council commenced its Budget session on 4th March, 1924 with a fully packed House

The Hon. Mr. B. P. Standen, Finance Member, presented the Budget for the year 1924-1925. It showed a revenue of about 532 lakhs and an expenditure of 529½ lakhs—an increase of 3½ lakhs over the revised estimate for last year. Details are omitted as the Budget was not sanctioned.

Wholesale Rejection of Govt. Bills

The Hon. Mr. S. M. Chitnavis, Minister for Education, re-introduced two Government Bills, one that of the Central Provinces Education Amendment and the other of the Central Provinces Madak Smoking Bill.

But both were summarily rejected by the Swarajists' overwhelming majority, 23 being for and 37 against the motion.

In opposing these Government measures, Mr. Raghavendra Rao succinctly brought home to the House the glaring inconsistency of Ministers still persisting in holding offices and said that in doing so he was dominated purely by constitutional considerations. As the result of passing of the No-confidence motion people all over the country thought that the Ministers would themselves immediately resign or the Governor will dismiss them forthwith. But so far nothing has yet come to pass, and therefore Swarajists were bound to oppose every measure brought by Ministers.

Hon. Mr. S. M. Chitnavis made a personal explanation in which he stated that immediately after the passing of the "No-Confidence" motion he had intimated to H. E. the Governor his unwillingness to continue in office, but he was asked to continue for some time to come and hence he was still there.

The other Minister, the Hon. Sayed Hifazatali, re-introduced the Central Provinces Weights and Measures of Capacity bill but this too met with a similar fate. The Hon'ble Mr. Standen then moved the Central Provinces Tenancy (Amendment) Bill, but Swarajists opposed it and the Government again was defeated.

On MARCH 5th, the Council met for non-official resolutions. The first resolution moved by Mr. Gavai, proposing increase of pay of Kamdar Mahars in Berar, was lost Swarajists remaining indifferent.

Mr. Korde moved that the Government should supply boring machines to the public in Berar in view of water scarcity. Government opposed the resolution which was carried by 40 votes against 15, the Swarajists supporting it.

Mr. D. K. Kane moved that before making further new appointments of Bench Magistrates or Honorary Magistrates the opinion of local bodies should be obtained by Government and no person who is not approved by the local bodies should be appointed by the Government. Speeches were made strongly criticising the method of selection of these Magistrates. Dr. Moonje appealed to Mr. Kane to withdraw the resolution as the objective of the Swaraj party was clear and they did not wish to waste time over these details. Mr. Kane then withdrew his resolution.

Mr. K. P. Pande moved on behalf of Mr. P. C. Bose that the proposal of the Retrenchment Committee bringing all Conservators of forests offices to Nagpur be not given effect to. It was passed against Govt. by a big majority.

Mr. M. K. Golwalkar moved a resolution recommending to Government that immediate steps should be taken to reserve one Judgeship in the Judicial Commissioners' Court for members of the C. P. Judicial Service and that the next vacancy should be filled by one of them. He quoted from the speeches of the Home Member in 1921 and strongly pressed that the Government should accept the resolution and not explain away their previous promise.

The Hon. Sir M. V. Joshi said that the Government had no intention of resiling from its former position viz, that an officer of the Provincial Judicial Service was eligible to get post but not necessarily get it at once. The Government promise did not extend beyond removing the ban on that Service but as to the question of giving effect to it immediately it was impossible because there were six seniors in the Indian Civil Service whose claims could not be ignored!

Government opposed the resolution which was however carried by 37 against 15 votes.

On MARCH 6th supplementary grants were taken up and all demands were rejected by overwhelming Swarajist majority.

After a few questions were answered the Hon. Sir M. V. Joshi, Home Member, formally moved that Rs. 43,000 be voted for stamps. Mr. Raghuveendra Rao, on behalf of the Swarajists, while opposing this motion said that he was only exercising his constitutional right of the Legislature.

The Ministers failed to resign even after the passing of the no-confidence motion and the request addressed to the C. P. Government to place on table the correspondence that passed between the Government of C. P. and the Governor-General-in-Council on the situation created by constitutional crisis was not complied with, and the Government has thus treated the Legislature with the greatest possible discourtesy. Thus the Legislature was perfectly within its rights to reject the demand made on behalf of Government. The motion was put and rejected.

The Hon. B. P. Standen, Finance Member, then moved the motion for Supplementary demand of Rs. 2,34,000 for superannuation allowances and pensions which was again rejected by an overwhelming majority.

These colossal defeats seemed to have created much nervousness among Government members and the general discussion over the Budget which followed was keenly watched both on this and the next day.

On MARCH 8th voting took place on Government grants which were summarily rejected one by one by solid Swarajist majority. While formally moving the Government demand of Rs. 24,62,400 under Land Revenue Reserved, the Hon'ble Mr. B. P. Standen said that as the Swarajists were determined to throw out the whole budget on political issues he was not going to make a long statement. On being put to vote the motion was rejected by 39 to 22.

Under Excise transferred, the Hon. Mr. Chitnavis moved for the grant of Rs. 7,47,000. The motion was similarly lost. Demands for grants under Stamps, Forest, Registration, Irrigation and General administration Reserved were moved and rejected without discussion or division.

Reduction of Minister's Salaries

After the Government grants were rejected, Mr. K. P. Vaidya pressed his amendments of reducing the Ministers' salary to Rs. 2 per year when the whole House burst into laughter. After the mover of the amendment had read out his speech, Doctor Moonjee, said he could not reject the whole salary of the Ministers as under the rules he had to vote only a minimum sum.

The Hon'ble B. P. Standen opposed this amendment and said that the Government would accept any motion for the reduction of pay of the Ministers. If the salary was reduced to a figure which made it so small that the Ministers could not serve and to ridicule the Ministers and also if the Government found they could not retain the Ministers in office, it would be necessary for His Excellency to take over the transferred subjects under temporary administration rules pending reference to the Secretary of State for India for the reservation of those subjects (hear, hear from Swarajist benches).

More Demands Rejected

They proceeded voting on grants for half an hour and had the rules permitted, the Hon'ble President and the Government movers would have been spared much trouble to stand and repeat over again the government demands with the most formal technicalities. The entire budget was thrown out without discussion or division in forty minutes. Thus out of a total provincial expenditure of Rs. 5,29,36,000, the Swarajists voted only Rs. 2/-

Abolition of Divisional Commissionerships

After this, non-official resolutions were taken and Mr. K. P. Pande's resolution recommending 'abolition of Divisional Commissioners' posts during the present financial year' was carried by an overwhelming majority to the utter dismay of the Government and the nominated members.

Preferential Treatment to Depressed Class Students

The resolution moved by Mr. G. A. Gavai representing the depressed classes recommending the depressed class students to be admitted preferentially without any consideration of marks they get in the examinations, was carried by 44 votes to 10, the Swarajists solidly voting with the mover.

THE ADJOURNMENT MOTION.

The adjournment motion on the affairs of Narsinghpur was then taken up. Mr. Nelson gave the government version, while Messrs R. S. Shukla and Daulat Singh narrated the true facts. After about 2 hours' discussion Messrs Rao and Moonje attempted to put the matter to vote which would have been tantamount to a vote of censure, but the President ruled it out of order. The Council then adjourned till the 10th.

BOYCOTT OF BRITISH GOODS.

On MARCH 10th the Council met for the last time. After interpellations Dr. N. B. Khare, (Swarajist) moved his resolution to the effect "that no articles manufactured in any part of the British Empire outside India should be used in any department by the local Government or by its contractors unless they are not obtainable in any other part of the world." He said that so long as power rests with alien masters no encouragement to indigenous industries conflicting with those of British capitalism can be expected (laughter). The British came to India as traders and the consolidated British power was ruthlessly used by the British Parliament to kill Indian industry. After citing historical evidence to prove his contention, the speaker remarked that if India had been independent she would have retaliated and imposed prohibitive duties on the British goods. The part of the resolution which recommended purchase of articles from other countries except British was based on political consideration. The adoption of this resolution, he said, would be the best way of reaching the British electorate and drawing their attention to the misdeeds of their Agents in India. The Britisher is supposed to keep his conscience in his pocket and hoped that it may be roused from slumber by picking holes in it and thus may be induced to listen to the voice of reason and justice (laughter). The speaker appealed in conclusion to the Government members to vote for the resolution if they really felt the insults hurled upon India by England and her Colonies.

The Hon'ble Mr. Standen demanded a division which showed 40 for and 22 against.

THE SWARAJISIS' MESSAGE TO SECRETARY OF STATE,

Dr. Moonjee, the leader of the Swarajist Party, then presented a long message to the Secretary of state to be communicated through the Hon'ble President and H. E. the Governor which the Hon'ble President, Sir G. M. Chitnavis, after stating at great length his reasons ruled out of order though the said message was allowed to be read in the House.

After this the President declared the Council prorogued.

LETTER TO THE SECRETARY OF STATE

The following is the text of the letter referred to above:—

Sir,

I have to inform you that I shall propose in this session of the Central Provinces Legislative Council under standing order 73 (2) that the accompanying communication as an expression of opinion of this Council in response to the appeal of the Secretary of State for India for friendly co-operation with the Government for finding out "a proper line towards Home Rule in India" be forwarded through the President to H. E. the Governor and I hope and trust you will be good enough to give full opportunities to all for full discussion of this draft communication.

Nagpur City C. P.

5th March, 1924.

Yours faithfully,

B. S. MOONJE.

COMMUNICATION.

This Legislative Council of the Central Provinces respectfully requests H. E. the Governor to convey to the Right Honourable Lord Olivier, His Majesty's Secretary of State for India, the opinion of this Council expressed as follows on the situation created by the great Labour Party coming into office in England and the statement regarding India made by the Secretary of State for India on the 26th February, 1924:—

1. The accession to power of the Great Labour Party of England had raised high hopes in India that the time had at last come for the practical vindication of the claims of loudly proclaimed mission of England in India, for it connoted to India the enthronement of the great principles of equality, justice and self-determination, the three essential elements of Democracy, in the policy of the British Ministry and it was believed that it will have a determining effect when the British Cabinet will be called upon to settle the future relations between England and India as it has been called upon to do.

2. It needs no special mention here that it is for effecting a practical consummation of these high principles in the world's daily life that the Great Labour Party itself has been brought into being and that its coming to power now, after a long continued struggle, had led India to hope that it can rely on its active and virile support in her efforts at attaining her birth-right of Swarajya, i.e. full Responsible Government and Dominion Status by a process of "Bloodless Revolution" similar to one by means of which the Labour Party itself, as has been so aptly described by one of his colleagues in the ministry, has succeeded in coming to power. But the statement of the Secretary of State for India, embodying as it does not only his own but also the considered opinion of His Majesty's Government, is so very unfortunate, particularly under the present circumstances in India, that it cannot but be regarded as highly unsatisfactory and disappointing in that it propounds the following conclusions:—

(a) That the position taken in the preamble of the Government of India Act of 1919 that progress in the policy of progressive realisation of responsible government can be achieved by successive stages, and that the time and manner of each such advance can be determined only by Parliament, has been fully supported and even such a progressive realisation of responsible government is now regarded, it appears, merely as an ultimate ideal and not as an item of practical politics realisable in the near future.

(b) That the Secretary of State could not see his way to go further than what Sir Malcolm Hailey, the Home Member of the Government of India, calls the Departmental enquiry for finding out defects, if any, in the working of the present Government of India Act and remedying them; but that if it be found that on such enquiries no advance is possible under the rule-making power already provided by the Parliament under the statute, then the "question of advance must be left as an entirely open and separate issue on which the Government is in no way committed."

(c) That the establishment of full responsible government in India, now on the recommendations of a Round Table Conference as proposed by the Swarajya Party and accepted by the Legislative Assembly, would be more than perilous and would be big with disaster to the people of India and His Majesty's Government is not prepared to accept the responsibility involved.

(d) That though His Majesty's Government has pinned its faith to the programme of Constitutional Democracy, conditions indispensable for stable working of that system as are existing in Europe and America are not at present established in India and cannot be established at a few months' notice by the deliberations of a Round Table Conference or the premature appointment of a Commission under the Government of India Act.

3. These conclusions run counter to the general principles and particularly that of self-determination advocated by the Labour Party which cannot be better elucidated than by quoting here the Resolution adopted by the Labour Party in one of its conferences, which is as follows:—

"This Conference demands the full and frank application of the principle of self-determination in the organisation of the Government of India that is now in progress in such a way as to justify all the legitimate aspirations of the Indian people. It emphatically protests against the militarist and repressive measures adopted by the British Government and expresses its sympathy with the peoples now held in subjection. It denies the right of any Government to govern a people against the will of the majority. Whilst expressing the hope that all the peoples in the British Empire will prefer to remain as parts of the Empire as soon as their aspirations have been dealt with in a thoroughly conciliatory manner, by the granting of adequate measures of autonomy, it declares the final decision must rest with those people themselves."

4. It is sad to contemplate that the statement of the Secretary of State for India has reassured the reactionaries and die-hards in England by falsifying and removing apprehensions that were raised in them as a natural consequence of the noble reputation established by the Labour Party, and the Council has noted with painful surprise that during the debate on the statement in the House of Lords, Lord Meston should have been encouraged to remark, drawing as if it were a sigh of relief, that "after Lord Oliver's statement, his apprehensions that he had leanings towards the policy of abdication were at any rate materially allayed."

5. We hereby beg leave to take this the earliest opportunity of bringing to your notice that in the course of our working in this Council a situation of grave constitutional crisis has developed, offering in its solution a long cherished opportunity to the Labour Party of England, if it had so desired, of giving practical effect to those noble principles and of reviving and restoring the faith of Indians in the good wishes of England towards India, which alone can automatically propel India "to come nearer to England rather than to stand apart from her, to get at her reason and her good-will."

6. This Council echoes with emphasis the opinion, so pithily expressed in the message sent to India by the Prime Minister on the eve of the accession to power of the Labour Party, that this "approach and the good-will should be mutual" and gladly responds to the appeal by declaring that Non-co-operators as most of us are, we are fully prepared to co-operate with the British Government if it be equally prepared to maintain the dignity and self-respect of the Indian nation of historic civilisation by conceding to her the right of self-determination in her attempts to formulate her own constitution for full responsible government of Dominion Status within the British Empire.

7. It should be no news to you that ever since its inception the preamble to the Government of India Act of 1919 and particularly that "the time and manner of each advance can be determined only by the Parliament" has been repudiated by the Indian National Congress, the premier political organisation of the Indian people, irrespective of their caste or creed, and that ever since its promulgation, the one theme that has been exercising the minds of all political parties composing the Indian National Congress has been with practical unanimity that Indians and Indians alone shall be the final arbiters and determiners of India's political destiny and status within the British Empire.

8. The situation of grave constitutional crisis referred to above, as developed in this Council, is briefly as follows :—

(1) That H. E. the Governor has appointed Ministers who do not command the support of the majority in this House and do not therefore represent and are not competent to place at the disposal of the Government the wishes of the people as expressed by their representative in the Legislative Council and that such action is quite contrary to the spirit of the Government of India Act under which these Reformed Councils have been constituted and also to that of the Instrument of Instructions of His Majesty the King-Emperor to H. E. the Governor of these Provinces and also to that of the Royal Proclamation of December 24th, 1919, and over-rides the recommendations of the Joint Parliamentary Committee.

(2) That the majority party in the Council is pledged not to accept office till the present diarchical system of government, which has been thoroughly condemned on all hands, is mended suitably to the wishes of the people on the principle of self-determination, so as to grant Dominion Status and full Responsible Government in the Central and the Provincial Governments.

(3) That consequently the constitutional working of the Government of these Provinces as at present constituted has now become an impossibility thus precipitating the situation of grave constitutional crisis.

This Council, under the circumstances, respectfully suggests that the only just and proper solution of the difficulty, resulting in mutual advantage and establishment of good-will, peace and contentment, lies in granting the right of self-determination to the people of India and the early mending of the present Government of India act to embody the constitution which the people of India themselves shall have framed.

Chronicle of Events.

- 12 Jan. 24--Col. Wedgwood speaking at a conference of the University Labour Federation at Toynbee Hall said that India would prove the test of a Labour Govt.—they would accelerate the conversion of India into a Self-Governing Dominion.
- 15 Jan. 24--Parliament opened by H. M. the King-Emperor—no reference to India in the King's Speech, but one to Anglo-Afghan relations.
- 20 Jan. 24--Mr. Ramsay Macdonald's famous message to India broad-casted.
- 22 Jan. 24--Mr. Ramsay Macdonald becomes Premier; Labour Party comes to office.
- 22 Jan. 24--Lord Olivier made Secretary of State for India; Prof. Richards the Under Secretary.
- 12 Feb. 24--In the Commons Mr. Wardlaw M. line asked question about release of Gandhi. Prof. Richards replied that his release was left at the full discretion of the Govt. of India.
- 13 Feb. 24--In the Lords Lord Parmoor announced that Lord Olivier would make a statement on India on the 19th.
- 18 Feb. 24--Interpellations in Commons on: Indian purchase of German Locomotives—Reduction of Indian Police—Lee Commission Report—Boycott of British goods in Bombay—The Nizam's claim to Berar—The Kenya Committee—Mesopotamian Situation.
- 20 Feb. 24--Independent Labour Party issued statement of their policy towards India, fully supporting Indian claims.
- 20 Feb. 24--Lord Olivier in making a statement on Indian Tariff and Imperial Preference in the Lords, said that no concession or preference could be given without finding an Indian source of revenue.
- 25 Feb. 24--Questions in the Commons on Lord Olivier's Statement in the Lords next day.
- 26 Feb. 24--Lord Olivier's statement in the Lords.
- 26 Feb. 24--In the House of Commons Mr. Thomas referring to Kenya Indians said that the Whites had first the trust for the natives to execute.
- 28 Feb. 24--The resumed debate in the Lords—Lords Meston and Balfour on India.
- 3 Mar. 24--Questions in the Commons on: Round Table Conference—on the Ban on Mr. Horniman—On the Crown Colonies' Committee.
- 5 Mar. 24--Cabinet Committee on India appointed.—Lord Olivier retracted his statement on Salt-Tax.
- 10 Mar. 24--Questions in the Commons on: Lord Olivier's Dictum on Salt Tax—on the question of Round Table Conference—On Bengal Regulation III of 1818—On the Massacre at Jaito.
- 11 Mar. 24--Mr. Lansbury's motion of adjournment in the Commons on the Massacre at Jaito—Joint Parliamentary Standing Committee on Indian affairs moved in the Lords.
- 17 Mar. 24--Salt Tax again in the Commons—On the Bombay Mill strike—On Restoration of Grants—Joint Parliamentary Committee appointed.

India in the British Parliament

After the General Elections in England in December last Parliament was opened in State by H. M. the King on January 15, 1924. In the King's speech there was no reference to India but the mention of Afghanistan forbode evil. Within six days the Labour amendment to the King's speech proposing a "No-confidence" motion was passed and the Conservative Government fell. Mr. Ramsay Macdonald became the Labour Premier. The fall of the Baldwin Ministry ended the activities of Lord Curzon and relieved India from the menace of another Afghan War. The tone for months past of Anglo-Indian and Juncker newspapers, the order of withdrawal of English ladies from Kabul, the utterances of the Simla Govt., the veiled threat in the King's speech—all pointed to an Imperial plot to plunge the country into another war. The rising tide of discontent in India was to be met by the diversions of War, the upshot of which naturally is more advancement and pension, more honours and emoluments to the mighty fashioners of Imperial policy.

The plot however failed. Labour came into power on January 22 and Simla hastily scrapped its war plans and subdued its repressive ardour. Speculation ran rife as to who was to be the new Secretary of State for India; and high hopes were entertained for the gallant Colonel Wedgwood. For the last three years Home Rule for India had formed a main plank in Labour's political platform and the injustice done to India formed one of their main denunciation of the capitalist Government in England. The National Executive of the Labour party issued in November 1922 a manifesto, which said: "Labour advocates the recognition of the real independence of Egypt and and Self-Government of India". So far back as June 1920, the annual Conference of the Labour party passed the following resolution:—"This Conference demands the full and frank application of the principal of Self-determination in the organisation of the Govt. of India in such away as to justify all the legitimate aspirations of the Indian people". Mr. Macdonald himself in his message to the famous Amritsar Congress of 1919 declared that when Labour come into office it will not be bound by the objectionable clauses of the Reforms Act. Mr. Adamson, the Chairman of the Labour party, reflected their settled policy "that the bill is a definite move in the right direction, our principle criticism being that it does not go far enough, and that we are failing to take the people of India themselves to assist in the successful accomplishment of the great tasks we have in hand". The Joint Council of the Labour party and the Trade Union Congress passed a resolution on Feb. 22nd 1923 urging the people and the Government in India to join in a conference of all shades of political thought, to explore the possibility of peace based on a general amnesty.

After all these pledges Labour was expected to "deliver the goods." Disillusionment however soon came. Col. Wedgwood did not go to the India Office, instead Sir Sydney Olivier, a Colonial Governor, was raised to the peerage and made the Indian Sec. of State. And the Premier on the eve of taking office sent the famous message to India couched in language, not surely befitting a Labour leader, modelled on the forms of a Lloyd George or Winston Churchill. Its imperialistic vein gladdened the hearts of the Tory reactionaries in England and relieved much heart-burn. This was delivered to Saint Nihal Singh and runs as follows:—

The Premier's Message.

"I watch sometimes with no little anxiety the progress of affairs in India. During all my political life I have anchored myself firmly upon the conviction that if progress is to be well-rooted it can only be carried on by what is called political or constitutional ways. We have seen in our own generation all sorts of revolutionary movements which seemed to be successful and which have broken contacts with the past; but in the end, after much physical suffering and the creation of evil tempers and a vicious spirit, they have had to return to pick up the contacts that had been broken and to apply the very principles they had rejected.

"I can see no hope in India if it becomes the arena of a struggle between constitutionalism and revolution. No party in Great Britain will be cowed by threats of force or by policies designed to bring Government to a standstill; and if any sections in India are under the delusion that that is not so, events will very sadly disappoint them. I would urge upon all the best friends of India to come nearer to us rather than to stand apart from us, to get at our reason and our goodwill.

"I deplore the evidence of a backward spirit in some sections here, but let no one misread causes and effects. When an appeal is made to revolutionary methods, whether those methods are active force or passive force, a reaction towards the opposite extreme is bound to come, and men and parties of the most sincere goodwill are hustled off the stage, whilst the two forms of reaction—that of the Right and that of the Left—kick and tear and swear against each other until the failure of both has been demonstrated.

"I know that the approach and the good-will should be mutual. My appeal is therefore not only to Indians but to the British constituencies as well."

Mr. George Lansbury.

'This statement' says Mr. Nehal Singh, 'should be read in conjunction with a message received by me from Mr. George Lansbury. He wrote to me a few days ago in answer to my request:—

"The Labour Party will soon be in office though not in power. Our friends in India may rely that whoever is in charge of the India Office will be in full sympathy with all the best hopes and aspirations of Indian Nationalists. They must not however expect miracles because the position of a Labour Government that is in office and not in power will be very difficult.

"Labour men will be able to introduce a new spirit into the relationships which exist between the Indian people and the British people. Those of us who for years have been advocating a free partnership between the two peoples will continue to do our best to bring this about.

"The Labour movement has never stood and never will stand for that blatant kind of Imperialism which considers people of another colour and another race either alien or inferior to themselves. We believe in the principle of self-determination for all nations, and therefore must at the earliest possible moment assist in applying that principle to India, Egypt and all other countries that come within the scope of what is known as the British Empire, but which we shall prefer to call the Commonwealth.

"The chief thing at this moment is that our Indian comrades should exercise a little patience, give us an opportunity of consolidating our position, and then together we shall be able to build such a Federated Commonwealth of free people bound together of their own free will as will finally lead to the federation of the world."

'If these statements' Mr. Nehal Singh says, 'mean anything at all they mean that for the time being Labour, as it has come into office, can do little for India except in the way of infusing a new spirit into the Indian administration. Any move to help India which requires Parliamentary sanction will have to depend entirely upon the good-will of the Liberals and Conservatives, for Labour does not have a clear, decisive majority in either House of Parliament. I doubt that Mr. Macdonald, by nature a cautious man, will embark upon such a course lightly and risk a defeat which I am sure would be certain because the British people who are materially interested in India are so strongly represented in the new Parliament that they will not permit India to become adult.'

He continues: 'India under Labour will, in any event, be better-off than under the Conservatives—and even under the Liberals. But, on the other hand, I see no signs of Labour rushing in to deliver India from the bureaucracy and make her self-sufficing in respect of her domestic affairs.'

'Hope, therefore, must be tempered with sanity. It must, moreover, be clearly recognised that if Mr. Macdonald is to do his best for India he can do so only if India fulfils the precedent condition which he has laid down, namely, has abandoned what he calls 'methods of active or passive force.'

Col. Wedgwood.

In December last Mr. Nehal Singh interviewed Col. J. Wedgwood who, as everybody supposed then, was going to be the Labour Secretary of State for India. About this interview Mr. Nehal Singh writes as follows:—

'I asked the Colonel what he thought of the position created in the Legislative Assembly and the Legislative Councils by the unexpected gains of the 'Swaraj Party'

"They were not unexpected by me", he replied. "The same position might have been reached long ago if the Swarajists had realised their strength. It was a great tactical blunder to abstain from Council membership, and I am glad they have realised it themselves".

"What do you think of the developments in Bengal and Ministerial prospects generally?"

"Well," said the Colonel, "I was extremely glad to see that Lord Lytton had invited Mr. C. R. Das to take office, and I am equally glad to learn that he has declined the offer. I don't quite know what is to happen next, but I suppose one of the other parties will try to carry on for the time being, scraping together such support as they can from various quarters". But, the Col. confessed, that he was hopeless of finding any lasting solution under the present system.

"The result of the elections", he went on, "must force the question of the revision of diarchy into the immediate forefront of Indian politics. We are bound to recognise that the result of the elections has been to put

into the Assembly and into the provincial Legislatures the real leaders of Indian thought, and it is for them to make good three wasted years. The best thing the Swaraj Party can do is to begin to prepare for the next elections, by which time they may become well-nigh irresistible."

Colonel Wedgwood recognises the right of the Indian Opposition to resist all the measures of the Government by every constitutional means, but he draws the line at any obstruction deliberately designed to wreck the Councils. Such a policy, he thinks, is bound to fail because it only means stopping supplies, which is impracticable. "Obstructive non-operation is all right when a party is in a minority, especially a Nationalist Party, but when it comes into power (like the Swaraj Party) such a policy becomes unworkable".

"Do you think that the Government of India Act could and should be revised before 1929, and may we look to a Labour Government to make a move in that direction?" I asked. Colonel Wedgwood would give no pledge as to what might be expected from any Government not yet in office, but he expressed his personal conviction that the Act would have to be revised before the expiration of the ten years period, and he thought the inquiry provided by the Act should commence without delay. He was afraid that the Viceroy and the Governors will be forced to rely more and more upon their powers of certification if the Legislatures refuse to function. "But would that be possible under a Labour Government here", I asked? "It is inevitable under any Government," he replied, "until the Home Rule issue is finally settled."

The Premier's Queen's Hall Speech.

At the meeting held last year at the Queen's Hall in England on June 27th, to support the Indian demand of equality of status with the Dominions, Mr. Ramsay Macdonald presided and spoke as follows:—

'The movement responsible for this meeting is the Indian Constitutional Movement and it aims at what, I think, most of us who have liberal minds must accept as the essential condition of Imperial unity, namely, the recognition of Dominion Status for the great national elements of the Empire itself.

'What Britisher can have any doubt? When we went to India first of all and became responsible for its administration our representatives made it perfectly clear that we were not there as dictators nor as masters. We did not conquer India by the sword. We declared, "We will educate India; we will protect it in the ways of peace; we will take it by the hand; we will instruct it so that when the time comes—and we did not use that expression as a method of indefinite procrastination but as a very definite expression—then we will say to the Indians: Your country is yours, your Government is yours. And we shall seek your justification not in your continued subjection to us but in your own capacity for Self-Rule and Self-Government."

'In more recent times during the war we recruited armies and we enlisted moral fervour under the banner of nationality. We made our promises. We said, 'Come and help us in our hour of need, and your reward is to be the self-respect that comes from self-government.'

'I believe that some of our people have rather gone back upon that.

I believe some of them are not quite sure now but think we went too far. I believe that in the hearts of a good many of them there is a feeling that the promise was a bad promise. Very well. If it was bad, you can go back upon it, but do remember this that if we do go back upon our promise, we can only do it at the expense of our own good name.

As regards Kenya that is a more complicated problem. The Indian had pledges regarding that too. And he valued those pledges, because he claims steadily and persistently that, being a British citizen in name, he should enjoy all the rights and equalities of British citizenship. Therefore, as the British immigrant becomes possessed of political authority over the natives he finds in possession of the land, the Indian regards that peculiar right or privilege—whichever name you give it—as being a peculiar attribute of British citizenship, and in this particular colony, where he has been for generation, he declines to regard himself as a subordinate creature and ask the same privileges and those given to other British citizens in that Colony. In this region, there are now three races, there is the White occupation, there is the Indian occupation, there is the African occupation. Whatever view may be taken of that, I think you will all agree that that creates a very complicated problem in Imperial statesmanship. Figures in relation to political authority have something more to do with the problem, and when the White immigrants ask that irrespective of numbers they should be put into supreme authority over the Indian settlers and the African natives, then that is a proposition which no intelligent Britisher will ever subscribe to. I am not at all sure but that the only solution is the continuance of a form of Crown Colony Government until the situation is a little more straightened out and under which even-handed fairplay and justice and protection will be given to all.

The third point we are to discuss is the Salt Tax. The Salt Tax is a very old problem and a very irritating one to the Indian Government. It has a past and its past is one of continued controversy. It is not so much financial. It is political.

It is exactly the same sort of thing as we fight here that the costs of Government should be borne by those who are most able to bear them and ought not to be put in unjust proportions upon the backs of people whose income was only just enough to keep them in a decent standard of living.

Its political origin at the present moment is to be found in the Rowlatt Act far more than in any financial trouble in which India finds itself. That stupid piece of political blundering has been the cause of all the troubles. So far as every true Britisher is concerned, he will subscribe to the doctrine that the risks of freedom give a greater security to the Nation. I am not at all satisfied myself that the extra Salt Tax has been a financial necessity. The only reason why it could have been imposed in justice was that the extension of Indian income had stopped, that Indian Trade, Indian profits, Indian property had ceased to yield the required income for the Government of the country, and of that I, for one, am not at all convinced."

So much for the Labour Premier's professions. The following pages which record the proceedings of Parliament on Indian affairs show to what extent these professions have since been put into practice.

House of Commons—Interpellations on India.

FEBRUARY 18TH, 1924

Purchase of German Locomotives

On the 18th February last a series of questions were asked regarding the acceptance of a Hanover firms' tender for five locomotives for State railways in India. Col. Howard Bury urged that in view of the great unemployment in the iron and steel trades of Britain, the Under-Secretary for India should take steps, by amending the East India Loans Act or otherwise, to ensure that contracts for Indian State railways are placed with British firms. Mr. Hannon and Sir Grattan Doyle put similar questions.

Prof. RICHARDS replying emphasised that the High Commissioner now purchased stores for the Government of India. He was directly responsible to the Government of India and in accordance with the resolutions of the Indian Legislative Assembly, accepted by the Government of India, these purchases, in the interest of the Indian taxpayer, were made in the best market. The High Commissioner, under instructions, followed the ordinary business principle of accepting the lowest satisfactory tender. With regard to quality, reliability and other considerations, he pointed out that British manufactures, under the conditions laid down, would be able to secure the great bulk of the orders placed.

Replying to Mr. Pringle, Prof. Richards said that he was aware that Earl Winterton in the last session when the East India Loans Act was passed, successfully resisted, on behalf of the late Government, an amendment such as was suggested in the question. He added that Lord Olivier did not consider that it would be equitable to limit the discretion of the Government of India in this matter by the amendment of the East India Loans Act or otherwise.

Replying to Mr. Renier, Prof. Richards said that during two years only a very small proportion of orders for the material required by the Indian State railways were placed on the Continent. No purchase of Indian railway material by the Government of India was being made from the proceeds of the loans guaranteed by His Majesty's Government.

He pointed out that last year, about 97 per cent. of such orders came to Britain.

Reduction of Indian Police

Replying to Col. Yate, who alleged that reductions in the Indian Police had resulted in a great increase in crime, Prof. Richards declared that there was a general decrease in crime, despite an increase in crimes of violence in certain provinces, while the strength of the force had been generally maintained or increased.

He referred to the reductions in Bengal and the Punjab and declared that clearly the Governments concerned were devoting to this branch of administration their full attention and as large funds as their resources permitted.

Lee Commission Report

Replying to Mr. Hope Simpson who asked when the first report of the Indian Public Services Commission was likely to be published.

Prof. Richards said that he was not in a position at present to add anything to Earl Winterton's answer in the Commons of January 21. The Commission was still taking evidence.

Earl Winterton suggested that the report of the Commission should be debated in the Commons as soon as it was published. (Opposition cheers). Prof. Richards promised to convey the suggestion to the Leader of the House.

Boycott of British Goods in Bombay

Sir Mitchell Thomson drew attention to the Bombay Corporation's tender forms opposing the use of British Empire manufactures except when they were not available elsewhere.

Prof. Richards said that he had heard from the Government of India that the resolution had been passed but he had not yet heard of any action taken thereon.

Nizam's claim to Berar

Replying to Mr. Wardlaw Milne and Col. Howard Bury with regard to the letter of H. E. H. the Nizam of Hyderabad to the Viceroy, claiming the Province of Berar, Prof. Richards said that he understood that the Government of India was considering the letter. The representations contained in the letter could not be considered by Lord Olivier unless and until the letter was received in a constitutional manner through the Government of India. An assurance had already been given that no steps would be taken in any case without giving the people of Berar a full opportunity of expressing their wishes. Asked whether he had any information as to why the matter was only raised now and why there was such a long delay, Prof. Richards asked for notice.

The Kenya Committee.

Replying to Mr. Scurr, Prof. Richards, Under-Secretary for India, stated that the purpose of the Kenya Committee, which the Government of India was appointing in accordance with the decision of the Imperial Conference, would not be limited to the proposed Immigration Law. It would be open to it to make representations not only on that subject, but also on the operation of the Franchise Law and suggest modifications thereof if it was deemed advisable.

Mesopotamian Situation

Commander Kenworthy asked whether the Government had considered the situation in Mesopotamia and whether they contemplated any change or modification of the policy of the last Government and what was the estimated expenditure in Mesopotamia for the present year.

Mr. Macdonald replied that the Government were carefully considering the matter in view of the obligations imposed by the Mandate on the one hand, and the undesirability of their remaining in Iraq any longer than necessary to set the Arab Government on its own feet on the other.

The estimated expenditure in Iraq from the British exchequer for the year ending March 31 was £6,900,000.

He understood that a substantial reduction was anticipated for 1924-25.

THE INDEPENDENT LABOUR PARTY'S ASSURANCE

On Feb. 20th. the National Council of the Independent Labor Party issued a statement fully re-associating itself with the demand of Indians for political and economic liberty, assuring Indian workers of its sympathy and support in their struggle against "inhuman" conditions, welcoming the release of Mr. Gandhi, and calling for the unconditional release of other Indians imprisoned for political offences. The statement reiterated the view that the Kenya decisions should be reconsidered, urged the immediate appointment of a Commission to revise the Government of India Act, and in view of the adoption of Pandit Motilal Nehru's resolution by the Assembly, asked the British Government to consider the advisability of inviting the representatives of Parties in India to a Conference with regard to the acceleration of full Self-Government.

THE STATEMENT OF LABOUR POLICY.

The statement of the Labour Government on Indian affairs was promised to be made in the Lords by the Secretary of State on the 19th. Owing to some indisposition of Lord Olivier this was postponed till the 26th. On February 26th. Mr. Saker asked whether Mr. Richards would consider the desirability of appointing a commission to examine the working of the Montford Reforms, with a view to seeing what greater powers and extensions of franchise were immediately possible. Mr. Richards replied that the question was receiving consideration.

Sir Henry Craik asked whether the House should understand that the Government would reverse the policy of the Act of 1919 by speeding up the time for revision of the constitution.

Earl Winterton asked if an opportunity would be given to the House to discuss the question of appointment of a Royal Commission, in the event of Government deciding thereon, before the announcement was made. Mr. Richards replied that he would convey the suggestion to Lord Olivier.

PREMIER SAYS IT IS NOT A STATEMENT.

On the same day, Feb. 25th, replying to Mr. Wardlaw Millne and Mr. Hope Simpson, who asked whether the statement on India would be made in the Commons concurrently with Lord Olivier's statement in the Lords, Mr. Macdonald said that Lord Olivier was not making a general statement. He was only replying to a question but if there was a general desire for discussion on Indian affairs in the Commons, arrangements could be made for consideration of the India Office Vote in the Committee of Supply, if representations were made through the usual channels. He added that the Govt. were constantly devoting attention to the situation in India.

Mr. Hope Simpson asked if the Premier would inform the House before the India Office issued any orders to India. Mr. Macdonald said that it would be impossible for him to give that pledge because the Government were daily communicating with the Government of India.

Mr. Hope Simpson asked whether Mr. Macdonald agreed that if the question of re-examination of the Act 1919 arose, this was a matter which should not be settled before its being discussed in the House. Mr. Macdonald replied: "Certainly, no such large departure of policy can be contemplated without first informing the Commons."

Lord Olivier's Statement

Labour Government's Indian Policy

HOUSE OF LORDS—26TH FEBRUARY 1924

The following is a verbatim report of Lord Olivier's statement on India in the House of Lords on February 26th 1924. He said :

Affairs in India are giving His Majesty's Govt. a very great anxiety.

I wish to deal first with the history of this matter.

On August 20, 1917 a declaration of policy was made in the Commons by the then Secretary of State for India as follows :—

"The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of increasing association of Indians in every branch of administration and the gradual development of self-governing institutions with a view to progressive realisation of Responsible Govt. in India as an integral portion of the British Empire."

This was incorporated in the Preamble of the Government of India Act of 1919. This declaration was coupled with the following provision :—

"Progress in this policy can only be achieved by successive stages. The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of India's peoples, must be the judges of the time and the measure of each advance and they must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred, and by the extent to which they found that confidence can be reposed in their sense of responsibility".

The elections were held in 1920. The Indian Home Rule Party and the Swarajists abstained from taking part in those elections under the influence of Gandhi. In order to show what was the feeling of the Party to which I belong, at that time, and what is their feeling now, I will ask leave to quote words used by my Right Hon'ble friend, the present Chancellor of the Duchy of Lancaster in the House of Commons.

"To my mind there has been no more lamentable blunder made by the Indian people than their refusal under the leadership of Mr. Gandhi to go to the Councils."

The experiment was, therefore, not started under the complete conditions which were contemplated. Some exception has been taken to the working of this criticism by Indian Home Rulers as ill-chosen. I will deal with this criticism later, with a view to better understanding of how I think that criticism should be interpreted, merely observing now that it seems to me there is some excuse for some of the objections which have been taken to it.

DEMANDS OF THE SWARAJ PARTY

In December 1923, fresh elections were held for the Provincial Legislative Councils and the Indian Legislative Assembly. The Swarajist Party decided on this occasion to take part in the elections and run their candidates. On October 11th, the Party issued over the signature of Pt. Motilal Nehru an election manifesto in which the basis of their programme was set forth as follows :—

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

"It is daily becoming abundantly clear that the British, while professing equality of treatment, are in practice subjecting the whole Indian nation to humiliation and insult in all parts of the world where the British influence is supreme. The Party notes with pride and satisfaction that the people of India are resolved to submit no longer to the national humiliation imposed upon them by the autocratic will of their British rulers, and in full consonance with the Congress it expresses its emphatic opinion that Indians have no option but to continue to carry on the policy of progressive non-violent non-co-operation with the present system of Government until it is radically changed in accordance with the will of the people as expressed through their chosen representatives."

The practical programme of the Party was then thus laid down:—

"The demand to be made by the members of the party on entering the Legislative Assembly will, in effect, be that the right of India to control the existing machinery and system of Government shall forthwith be conceded and given effect to by the British Government and the British Parliament. The immediate objective of the Party is the speedy attainment of full Dominion Status, that is, securing of the right to frame a constitution, adopting such machinery and system as are most suited to the conditions of the country and to the genius of the people. They will, when they are elected, present on behalf of the country its legitimate demands as formulated by the Party as soon as the elections are over, and ask for their acceptance and fulfilment within reasonable time by the Government."

"If the demands are not granted to the satisfaction of the Party, an occasion will then arise for the elected members belonging to the Party to adopt a policy of uniform, continuous and consistent obstruction within the Councils with a view to make Government through Councils impossible. But before adopting such a policy, the representatives of the Party in the Councils will, if necessary, strengthen themselves by obtaining the express mandate of the electorates in this behalf. In no case will any member of the Party accept office on that programme."

On that programme the elections were held, and in certain Presidencies this Swarajist Party obtained strong representation, notably in Bombay, Bengal, United Provinces and the Central Provinces, and so strong was the representation that, with the assistance of less out-spoken radical parties, they were able to command a majority in the Councils. I am informed by a telegram which I received to-day that in Bombay obstructive tactics are being pursued in accordance with that programme. Votes of 'no confidence' are moved and carried, and the Swarajist Party refuse to take office. Moderate and non-controversial Bills, like Protection of Children Bill, in Bombay are thrown out by the Swarajist Party.

I feel sure that Your Lordships will agree with me that the belief expressed in that Election Manifesto which was signed by Pt. Motilal Nehru, who

was one of the most prominent speakers of the Swarajist Party in the proceedings last week in the Legislative Assembly, is a mistaken belief,—ill-informed and ill-inferred belief and unjustifiable belief. When I saw that extraordinary pronouncement, one of the first things I had to ask myself was, what are the reasons? What is the ostensible justification for expression, by a presumably responsible and intelligent politician, of such a view with regard to the purpose and intentions of the British Government and people concerning India? I took pains to inform myself by communications with the Viceroy, by discussions with my public advisers and by letters which I received from persons and reformers in India. I asked as many as I could of the Indian Reform Party in this country in order to ascertain what were the ostensible and arguable grounds for such an uncompromising pronouncement. I found that the grounds and reasons were many, that the grounds and reasons were many and unreasonable, which were advanced for the feeling of mistrust. Let me give Your Lordships first some general reasons supplied me by a very high authority. He says, the alleged favouritism of the predominant British Services and appointment of the Lee Commission, contrary to the wishes of the Legislature, failure of Reforms to finance nation-building departments such as education, slow decrease of military expenditure, alleged favouritism of British manufacture in Store-purchase policy, measures taken to punish and repress disorder even when the latter has a political aspect, are interpreted in an extremely wide and liberal spirit.

LORD FINLAY'S MOTION*

I find again and again certain recurring references to things which seem to rankle very generally in the minds of the Indian Home Rule Party. The first is a matter to which I regret I have to refer in Your Lordships' House, but I am giving you what are the grounds of mistrust, reasonable and unreasonable. One general cause of distrust in the minds of the Indian Home Rule Party is the resolution passed by Your Lordships' House on the motion of the noble and learned Viscount Lord Finlay on the action taken by the Government of India in regard to General Dyer. I read the debates and also looked through the division list and I know what many of Your Lordships think on that matter. I want to take this opportunity on behalf of myself and the Party to which I belong to say that I believe that the criticism of Government of India's action passed by Your Lordships' House does not represent the opinion of a great majority of my fellow countrymen. It may seem presumptuous for me to speak on the subject, but in my official life I have been connected with parts of the world where riots frequently occur and I have been concerned in two, in one of which one of my dearest friends lost his life, and in the other I got a large ridge on the back of my skull by contact with what is known as rock stone. In both of those cases life had to be taken. I speak as all administrators speak with full appreciation of the rules which should govern the protection of life in such matters, and the first impression I received of the Amritsar action was that if it had been taken by an officer of my own, it would have led to his immediate suspension from duty.

Marquess CURZON of KEDLESTON: The Coalition Government was in office at the time of the Amritsar occurrence.

* For the full debate in the Lords on Lord Finlay's censure of the Govt. of India for their disapproval of Genl. Dyer, the reader is referred to the *INDIAN ANNUAL REGISTER* 1921, P. 558 et. seq.

Lord OLIVIER. I beg your pardon. The conservative Party was in office when the Swarajist manifesto was written and the Conservative Party have an obligation laid upon them owing to resolution passed by Your Lordships that many of Your Lordships were sympathisers.

Marquess Curzon: The Conservative Party was not in power at the time. It took place in 1919. The Coalition Government was then in office.

Lord Olivier: I entirely agree with the noble Marquess. I was discussing what were the reasons for the extraordinary pronouncement in the Swarajist manifesto of October last and one of the reasons was that as the Conservative Government was then in Office the Indian people would have imputed to them sympathy with resolutions passed by this House. I hope I make myself clear. I am speaking of the causes of distrust expressed in the manifesto of last October but, according to the papers I have been reading lately, soreness crops up again in connection with the deplorable incident at Jaito in which Sikhs were killed last week. It is obviously one of the unfortunate things which act unjustly and as I believe have prejudiced many Indians against the attitude of English people.

'THE STEEL FRAME' SPEECH*

In the second place, there is the injudicious language used by Mr. Lloyd George in a speech in Parliament which is known throughout India as the 'Steel Frame' speech, in which he compared quite justly, so far as the present time is concerned, the Indian Civil Service to a steel-frame upon the stability of which the whole structure of the Indian Government rests. I do not think any exception can be taken to that phrase under the present conditions.

But he went on to say, being carried away by his enthusiastic admiration for the Indian Civil Service, "whatever we may do in the way of strengthening the Government of India, one institution we will not interfere with, we will not deprive of its functions and privileges, and that is the British Civil service in India." This was directly contrary to the statement of August 20th 1917 which said that we should progressively Indianise the service and that the position of the British Civil Service in India would be modified obviously if you are contemplating the establishment of self-Government in India. It is in the long run impossible to say that you will maintain intact, as Mr. Lloyd George promised that he would maintain intact, the Indian Civil Service. It was a prediction which appeared to be a departure in policy from that which His Majesty's Govt. had already laid down.

It was seized upon and is constantly quoted in India as the "steel frame" speech. This is one of the considerations which is constantly pointed out when I ask the Indians why they consider that British Government has changed its policy. They say, "Lloyd George told us so". I do not know whether that is adequate reason for believing that there has been a change in policy, because we have it on very good authority that the speeches to which I have referred are sometimes adapted to the immediate purpose in hand, and the immediate purpose in hand on this occasion was the encouragement and enheartening of that splendid Civil Service which he was eulogising.

Unfortunately the other Party to the contract was listening, and although it is possible to make these encouraging statements to two different parties when they are in two different rooms and to suppose, when they come together, you can get rid of the idea which you implanted in two different

* For this speech of Mr. Lloyd George see L. A. R. 1922, Vol. 11, p. 205 xxv.

minds, it cannot be so when a speech is made in Parliament because it is immediately telegraphed all over India and when it is in contradiction with the statement which was already made in Parliament. Mr. Lloyd George had been injudicious though I do not suppose for a moment that he intended to be or could possibly have meant that it was the intention of the Government to stop Indianisation of the Indian Civil Service, and to establish for all time in India the British administrative organisation of the Indian Civil Service. The declaration of August 20th 1917 definitely promised a transition in that respect. That is one of the causes of the unfortunate mistrust, and I think Your Lordships will agree with me, on the whole, an irrational and not well-inferred cause.

SALT TAX CERTIFICATION.

In the third place there was the Certification of the Salt Tax last year. The Government of India decided that it was necessary that they should balance their Budget and that they could not balance their Budget without doubling the salt duty.

When the Assembly threw out the resolution doubling the salt tax, the Government of India had to certify, as is provided in the case of certain Crown Colonies as well as India, that this was essential in public interest and that the resolution must become law. That produced an unfortunate effect in India as that kind of action always does. In my own experience wherever it has been had recourse to in Colonies, it has been held to be a direct slap in the face and stultification of what the elected members in India and elsewhere consider to be the first principle of democratic Government, that you shall not have taxation without representation and that representatives of the people should decide in matters of taxation. The unfortunate part of the matter was that there was double prejudice. I remember that many years ago I was brought up to regard the French Revolution as having been brought about by the imposition of the odious gabelle or Salt Tax. I think most of us have it ingrained in our bones to regard the salt tax as peculiarly iniquitous and a horrible form of taxation. That is certainly very widely held in India because every woman who goes to buy a farthing's worth of salt in the market and next week was to buy another half-farthing's worth, finds that taxation has been increased.

You have millions of people affected by a tax which although the amount is infinitesimally small is felt throughout the country and has produced a real popular feeling against the action of the Viceroy in over-riding, as he is held to have done, the first principles of the New Constitution.

THE KENYA QUESTION.

The fourth and the most important consideration is what is known as the Kenya business. I hope my noble friend on my right will not think that I am going to say anything which need cause him any apprehension or uneasiness. He may be regarding me as a patient in the dentist's chair regards the dentist. But I assure him I certainly shall not hurt him, but I entertain certain feelings in regard to Kenya which I feel bound to express in this house. I was associated last summer with a number of persons, Members of Parliament in the other House, and others who had been much interested for many years in the fate of African natives, and it was, if I may say so, enormous satisfaction to us when the noble Duke of Devonshire, after considering the whole Kenya question, definitely laid down for the Government of Kenya

principle that had been adopted in the covenant of the League of nations for the Govt. of mandated territories, thus extending that principle to the British Empire. This is a great and lasting achievement on the part of the noble Duke for which all who are interested in native affairs are profoundly thankful.

He said that we should administer the Kenya Colony not primarily in the interests of the White settlers and not primarily in the interests of Indians, but primarily in the interests of, and as trustees for, the natives of the Kenya Colony. Certain questions were raised with regard to the privileges of White persons and Indians. The demands, neither of White settlers nor of Indians with regard to the franchise, were acceded to, and that which is practically a Crown Colony system of Government was established, whereby the Crown and its nominees were put in supreme control. Three decisions were taken which Indians have felt to be very grievously injurious and insulting to themselves.

The first was a comparatively minor matter of the reservation of land in the Highlands, and the prohibition of its sale to Indians. I do not think this can be considered to be in any way a really substantial grievance.

The second was the statement that Immigration Regulations must be laid down in order to protect the natives of Kenya against the economic competition of the natives of India. No immigration legislation has at present been passed or adopted at the time when this immigration legislation was promised. There had been considerable increase of Indian immigrants, which really only represented an increase on the influx that had taken place during the War, and the Colonial Government had some reason for alarm. Local legislation was passed in respect of the Immigration Ordinance which was sent Home to the Colonial Office.

The Colonial Office considered that the provisions of this draft Ordinance were quite unnecessarily drastic, and said that the draft Ordinance would not do. They referred it back for a fresh Ordinance, and there the matter stands at the present time. Meanwhile, under the agreement made at the Imperial Conference, a Committee of Indians has been appointed which is to deal with the interests of the Indians in the Dominions, and this Committee will have the opportunity of considering and making representations on any immigration laws which may be passed with regard to the economic effects of Indian immigration into Kenya. I have given attention to the matter and I went into the controversy of last spring with regard to Africa. I have been all my life primarily concerned with the interests of Africans and the Negro races, and I have no prejudice whatever in favor of admitting Indians in injurious competition with the African natives, rather the reverse.

I must say, however, from my own investigations into the subject, that I have never seen any evil results manifested in the Kenya Colony or elsewhere by the immigration of Indian settlers. My experience has been that their interests do not conflict, but that almost universally Indian settlers are of value to the communities which they enter. Consequently, my own feeling is and always has been, that I should like, on behalf of the Government of India, to be sure that a very sound and strong case has been made out before agreeing to the restrictions upon Indian immigration into Africa, and that, if there is any economic argument in support of such restriction, I should like it to be fully considered. I am sure that that course will be taken by the Secretary of State for the Colonies and by the Under-Secretary. I am sure that they are going to approach this

question of the necessity for restriction upon immigration with perfectly fair and straightforward minds and without any prejudice or any desire to exclude Indians, but with absolute determination to test the matter on its proved economic merits. If it should be proved that Indian immigration is deleterious to the natives of Kenya, then I cannot imagine that Indians would repudiate what they now support, namely, the doctrine that these territories are first to be administered in the interests of their native inhabitants. I have absolute confidence in the Secretary of State for the Colonies and in the Under-Secretary for the Colonies that they are going to be as careful in doing justice in this matter as I, who speak on behalf of the interests of India, could possibly desire them to be.

Then, there is the matter of franchise, which has caused the greatest consternation and irritation in India, because we have established in Kenya differential franchise as between Indians and White men, neither of them being the original denizens of the country. That, of course, is a grievance against which Indians in the Dominion of South Africa have been struggling for years. It is the grievance which brought Mr. Gandhi into being as an influential factor in Indian affairs. It is a new departure in our Crown Colonies. The Crown Colony of British Guiana, which desires to have Indian immigration, has published a statement that there is no differentiation against Indians in that Colony. Before the White Paper was issued, we had the report known as the Wood-Winterton report, and in that report, they did not recommend discrimination. They recommended the principle which we have always adopted in our West Indian and West African Colonies, namely, equal franchise for all persons of equal qualification, and they were quite prepared to say that, "if you have a large number in your Colonies, you should have such a franchise as will exclude those who are not fitted to exercise it."

That was the principle to which I myself agreed, and with which I was sympathetic, but the Duke of Devonshire was not able, in arranging the compromise settlement, to see his way to adopt that. He adopted the principle which would always, I am afraid, be a cause of soreness to Indians and to myself, because I associated myself entirely with what my predecessor Lord Peel said, namely that this kind of discrimination between franchises is one of the things which are most dangerous to the unity of the British Empire. This principle I have held all my life. If you want to disrupt and break up the British Empire, the way to do it is to make this discrimination between one race and another on the ground of color and not on the ground of qualification.

However, my Lords, I want to make an appeal to Indians interested in the matter, and to those who feel with them, to have a little patience. Crown Colony Government is not an ideal Constitution. In a Crown Colony Government, it appears to me, it is not at all necessary that you should expect to have exactly the same principles of franchise as you would have under a clearly constituted democratic Government. Its representations are not arranged for the purposes of control, because elected members cannot control the Government. The Secretary of State controls the Government. These representations are conceived in order that various sections of the population may be adequately represented. I myself have served in the Colony, where I went out owing to the

recommendations of an eminent financier, and where all the elected members of the Council had resigned their appointments. I had to conduct the whole session without any elected members. Then there was a fresh election and elected members came back.

In Kenya the attitude has been taken that Indian members of the Council will not vote for the new Constitution Bill, and will not come into the new Council, when constituted, as representative members. I am convinced that that is politically, and from the point of view of common sense, an unwise policy. You must look at the fact that a Crown Colony Constitution is not a satisfactory thing. The purpose of it is to give representation to various interests and any interest which does not take advantage of such representation as is given to it is doing harm to its constituents. The way to advance is to go back into the Council, to work in the Council. I feel strongly that discrimination is injurious, but still, having regard to the purposes of such a transitional Constitution as that of Kenya Colony, I do deplore the attitude that is being encouraged by Indian Swarajists. That is how the position rests. The Indian Committee which has been appointed will, on this point as on others, have every opportunity of making such representation as it may think right to His Majesty's Government, and the Secretary of State for the Colonies will fully consider those representations.

I have now indicated the principal difficulties which I find to be rankling in the minds of Indians. I return to the proceedings in the Indian Legislative Assembly. The opening of the proceedings in the Legislative Assembly took the form of a resolution moved by Mr. Rangachariar, claiming the immediate grant of full Responsible Government to India. In respect of that resolution, moved by Mr. Rangachariar, the suggestion of the principal signatory of the document from which I have quoted was in the form of the following amendment:—

“(a) This Assembly recommends to the Governor-General-in-Council to take steps to have the Government of India Act revised with a view to establishing full responsible Government in India.”

Your Lordships are aware that the Government of India Act provides that not later than 1929, a Royal Commission shall be sent out in order to consider what further modifications can be made in the Indian Government. This resolution claims an immediate overhaul in the system of Government. It continues, and for the said propose:

“(b) To summon at an early date a representative Round Table Conference to recommend, with due regard for the protection of rights and interests of important minorities, a scheme of Constitution for India; and

“(c) After dissolving the Central Legislature, to place the said scheme before the newly elected Indian Legislature for its approval and to submit the same to the British Parliament to be embodied in a Statute.”

That, of course, was an entire departure from the principles laid down in the Government of India Act and from the recommendations of the Joint Select Committee of the Houses of Lords and Commons upon that Act. The Home Member, in the Indian Legislative Assembly, in concurrence with His Majesty's Government, took this line. For the present, we stand by the provisions of the Government of India Act. It must be

admitted that no proper opportunity has been given for the working of the Legislatures for three years.

Let us first examine what are the inconveniences, what are the faults in the working of that Act which can be remedied without any fresh legislation, what are the complaints of its work as an instrument for the efficient carrying on of Government, not as an ideal Constitution but for the purposes for which it was constituted, a transitional instrument for carrying on public services. Let us first examine these. We will then go on.

DEFECTS IN THE REFORMS ACT

Sir Malcolm Hailey promised to investigate what modifications can be made in the provisions of the present Act by rules which may be made under the Act, which rules will require the consent of Parliament, either by resolution or on being laid before Parliament. If that course were taken it would remove, or should remove so far as possible, any working defects which might give excuse for Non-co-operation with the present scheme of the Government of India Act. We could not see our way to go further than that.

It appeared to us that to accept or to indicate that we might be prepared to accept, on the recommendations of a Round Table Conference, a new scheme for now establishing full Responsible Government in India, three years only after the institution of the scheme of Reform which was adopted because we were convinced that the establishment of full Responsible Government would be worse than perilous, would be disastrous to the peoples of India, and when the purposes which that transitional scheme was designed to fulfil have not been availed of, it would be a responsibility which His Majesty's Government are not prepared to accept. There, then, at present, is how the matter rests. We have had a full debate in the Assembly, and the Home Member for India has stated very fully the views of His Majesty's Government. I should like to read to you Sir Malcolm Hailey's observations. Speaking on February 13, he said:

"We have again considered the position very carefully, and I am anxious to emphasise that in what I say, I speak with the full authority of His Majesty's Government.

"We still hold to the position I took up then on behalf of the Government. Before His Majesty's Government are able to consider the question of amending the constitution, as distinct from such amendment of the Act as may be required to rectify any administrative imperfections, there must be full investigation of any defects or difficulties which may have arisen in the working of the transitional Constitution now in force.

"In 1919 the Parliament after the fullest consideration laid down a scheme, transitional in its nature, but nevertheless carefully devised, with a view to effecting steps necessary for progressive realisation of the ideals embodied in the preamble of the Act. It is not to be supposed that the British people would be lightly inclined to consider a change in that Constitution, and it is bound to concentrate attention, for the present, on such imperfections in working as may have been disclosed. If our inquiries into the defects of the working of the Act show feasibility and the possibility of any advance within the Act, that is to say, by the use of the rule-making power already provided by Parliament under the Statute, we are willing to make recommendations to this effect. But if our inquiries show that no advance is possible

without amending the Constitution, then the question of advance must be left as an entirely open and a separate issue on which the Government is in no way committed."

That is the statement Sir Malcolm Hailey very carefully framed, and I thought it well to read it to Your Lordships' House so that you might know exactly what has been the position of the Government of India and His Majesty's Government in this matter.

Now, I want to expound very shortly, if I can, what is the position of His Majesty's present Government towards this question. His Majesty's present Government, as Sir Malcolm Hailey stated in his observations, are in sympathy with the purpose of the Home Rule Party in India. They are in sympathy with the purposes of the Montagu-Chelmsford Reforms, that is to say, progress towards Home Rule, but their view is that unless the Parliamentary system is welded together by predominant common interests from its foundation in the electorate upwards, no theoretical Constitution that may be arrived at by a concordat among leaders of divergent interests for the mere purpose of establishing an ostensibly democratic form can prevent it from flying asunder. This has so far been found to be the case in Ireland, largely because the dividing power of difference in religion is stronger than the uniting force of common political interests. This is very much more the case in India, as I need not labor to point out to your Lordships' House.

HINDU MUSLIM UNITY

The concordats for common political action which the Hindu leaders have recently made with Muhammadan leaders have displeased their followers on both sides, and have merely exacerbated mutual intolerance and antagonism, exhibited by increase in cow-killing and increased playing of bands outside Muslim mosques between the whole sections of community, for whom these divergent religions are a much stronger moving and guiding force than any common political interest. When these religious rivalries are aroused we have seen again and again, and quite recently in Malabar, for instance, how uncontrollable and murderously they act.

The interests of a small enfranchised class of Hindus in maintaining their position and distinction over outcaste masses are infinitely stronger than the common political interest of the two classes.

The interests of Muslim leaders, as again we have recently seen, tend to be coterminous rather with Islam than with either India or the British Commonwealth. Mr. Gandhi has faced this fact, the predominance of religious over secular interest in his countrymen, as fundamental, and builds his policy on it.

MR. GANDHI

I am glad, and the Party that I represent are glad that Mr. Gandhi has been released from prison, because it is repugnant to human feeling that a man of his character should be treated as a criminal. But the terrible practical reactions of his philosophically innocent teachings merely illustrate the excesses into which the Indian popular temperament is prone to be driven by any such ferment. We have had our precedent in revolutions of evangelicalism in England and Europe.

Mr. Gandhi denounces and condemns the whole idea of Western

democracy on which Swaraj leaders, or, at any rate, the Hindu section of them, are working and on which we have been trying to work for India in the Morley-Minto and the Montagu-Chelmsford Reforms. Not less completely do Roy of Berlin and his Communist missionaries from the Bolshevik school at Tashkent condemn and denounce the bourgeois republicanism of the Swaraj movement, demanding dictatorship for the proletariat, and emancipation of outcaste and lower caste masses.

The Marquess CURZON :—I am sorry to interrupt the noble Lord, but is he reading from any document or is he giving us the considered opinions of His Majesty's Government at this stage of his speech?

Lord OLIVIER.—Yes. All that I have read from this paper is the opinion of His Majesty's Government.

To continue my observations on this point: among these three, we have pinned our faith to the programme of constitutional democracy, but we claim to know by centuries of experience in Europe and America the laws and conditions indispensable for a stable working of that system, which is not native to India, and it is perfectly plain to us that those conditions are not at present established in India, and cannot be established at a few months' notice by the deliberation of a Round Table Conference or the premature appointment of a Commission under the Government of India Act. I would like, for a moment, to make excursions into analogical historical survey.

I belong to the Party, and I have belonged to that Party for forty years, which has achieved a certain amount of political success. The Duke of Northumberland, who spoke the other day in this House, deplored the fact that the precepts of the venerable Mr. Hyndman had not been followed by that Party. The precepts of the venerable Mr. Hyndman, who was the first missionary of Socialism in this country, were practically that the Socialist movement should go on until the day was ripe, and that then there should be a revolution and the Dictatorship of the Proletariat. The Party to which I belong defeated Mr. Hyndman's Party. The Second International has been able to exercise, I think, a considerable influence upon the Party programmes of Socialism in the rest of Europe. I remember that about thirty years ago I was at the International Congress at Zurich, at which many of those terrible revolutionaries were present. There was the British Deputation of about fifty, of whom some thirty were British Trade Unionists, four were Members of Parliament, and there were Mr. Pickard of the Durham Miners, Mr. Davies of the Birmingham Brass Founders, Councillor Hobson of Sheffield, Mr. Bernard Shaw, with my humble self as Secretary of the British Section. There was also a gentleman whom Viscount Cecil no doubt knows, Mr. F. J. Whelan, who is a member of that International gang of revolutionaries which is now occupied in endeavouring to subordinate arms to arbitration, and another gang which is trying to do the same in regard to industry. The Party to which I belong did not start off as did the earlier Socialists. The first thing it had to have was an intelligent and understanding constituency which would know what they were driving at, and would rally unitedly their representatives. In Parliament here, as in all our political development, we did not begin at the top, but at the bottom. We saw that there could be no Parliamentary stability whatever, and no progress in any kind of change or

revolution, unless the Parliamentary Constitution and representation were based upon a real, vital, organic constituency of common interests and understanding, which as I have said, is singularly absent in India.

We say that it is impossible for the Indian people, for Indian politicians, at once to leap into the saddle and administer without disastrous religious and other dissensions an almost ideal Constitution which might be framed, when we contemplate the interval which shall occur before the revision of the Constitution. We do not look at it in this way. We do not say—I mention this as I notice that some offence has been taken at this—we will make you a nice little half-way Constitution, we will put in nice Governors and intelligent officials to show you how to work British Parliamentary institutions. We say, you have to arrive at the other side of the river. You have to arrive at responsible government. We provide you, according to the best of our abilities, with what we think, and what you think, so far as we can make out, is a sea-worthy boat. The only way you can get to the other side of that river is by getting into the boat and rowing. It is no use whatever to stand on the bank, to refuse to get into the boat, and to say that we are not going to go anywhere without responsible political government. This is a case of *Soluitur Ambulando*. You must get into the boat if you want to make political institutions stable. You must become a Member of Parliament and have a constituency. You must learn to work with persons who differ from you, without at once calling for a holy war from your followers, an experiment, however, which has largely been followed in Ireland, where they resorted to methods which seem likely to be popular in India. There is of course that danger, and it is the view of the Labor Party that you must build up not only your political Party, but your political constituency. That can only be done by Parliamentary experience ranging over a certain number of years.

SIKH RELIGIOUS REVIVAL

Before I pass from this terrible danger of religious fanaticism, to which I referred as being dominant in India, I want to mention one very painful occurrence which has been brought to my notice in the last few days, and upon which, I think, the House would like to have some information, namely the late recrudescence of killing and conflicts in the Panjab, among the Sikhs. I will deal with this matter as briefly as I can, but it is one about which your Lordships will want to know, as far as can be ascertained, the facts. The Sikhs are a religious denomination. They are not racially denominational, and though they properly belong to a tribe, they are a very ancient stock, one of the most ancient European stocks, according to Professor Arthur Keith, and one of the finest both in brain conformation and in bone conformation, of any of the races that ever appeared on the earth. I know an Englishman who came into contact with the Sikhs and who has the greatest admiration and affection for them. They are a people of a fine, ancient, noble race and they are one of those ancient and noble races which have, if I may say so, a constitutional apprehension of the spiritual life. They are profoundly religious.

Some little time ago, the Sikhs had a religious revival. They found themselves in this position, that the shrines that had been established for the reading of their scriptures and for the worship of gods had in later times fallen into the hands of corrupt priests, Mahants, who had taken possession of properties and annexed shrines and were abusing their

authority for the purposes of gain and dissipation. The Sikh religious community clamored for reform. They formed themselves into a puritan reform movement. It is unfortunate that the Sikhs were not placed, when their Reformation came, as we were. If this thing had taken place in this country, it would have been solved without difficulty. The reigning Prince would have placed himself at the head of the reform movement. He would have declared himself a defender of the Faith, and himself would have confiscated the disputed properties, and would have bestowed them upon his principal religious supporters. The time has passed when that simple mode of procedure can be adopted, and such a method did not occur to the authorities of the Panjab. The Puritan Sikhs took the law into their own hands, and following a very august example, they themselves said that it was written in their scriptures: "your house shall be called the house of prayer, these men have made it a den of thieves," and they went into the temple and cleared them out. They broke down the tables of the money-changers, and the seats of those who sold doves, and turned out the prostitutes, and other sources of gain that the Mahants were using in these places.

That was a very simple, puritan, direct action. That kind of action necessarily led to violence. In the first place, the Mahants themselves suffered violence, and in the second place, when the Mahants saw what was coming upon them, they organised a band of followers with long staves, kerosine tins, torches, and fire-arms, and lay in wait for the people that were coming to turn them out. When those people had come into the Temple they shot down and massacred a large number of them and they poured kerosine upon them and burnt them,—a very horrible thing. I have seen a telegram to the Prime Minister, and I have seen a long, printed document sent to Members of Parliament, reporting this atrocity and laying it upon the shoulders of the Government as having supported the Mahant, ignoring altogether the fact that the Mahant was immediately criminally prosecuted and transported. That was carefully left out of record and out of the statement sent here to the Prime Minister, apparently by a responsible person. However, Government took action, and very reasonable action. The Government said: "Let us establish a Sikh Board of Control, which shall be made the repository of all the interests of the Sikh religion and of the property of the Sikhs, so that these Temples may be administered in the interests of the Sikh religion." That law was passed, but it remained a dead letter.

THE NABHA QUESTION

Why did it remain a dead letter? Because the Sikh movement had been laid hold of by the political movement at Amritsar, which is the centre, as your Lordships are aware, of revolutionary propaganda and disturbance. To cut a long story short, this last tragedy was directly engineered in order to create a fracas between the Government and the Sikhs, so that it could be said that the British desired to repeat the tragedy of Amritsar, and shoot down honest, religious Sikhs. Advantage was taken of the fact that the Maharaja of Nabha had been deposed—no, not exactly deposed, the Maharaja of Nabha was a profligate and a vicious ruler, who entirely ignored the interests of his country for several years. We did not then interfere. He had committed outrages upon the subjects of the neighbouring Maharaja, and the latter brought action against him. The matter was judicially dealt

with. The whole record of the Maharaja of Nabha was gone into, and it was intimated to him that he should pay compensation to his neighbour, and should commit his office in favour of his son, his son being placed under Regency. The people of Nabha were perfectly content at this. They knew that they had got a good riddance.

But the central revolutionary committee at Amritsar laid hold of this, and I have seen newspapers deliberately representing that this was an act of oppression on the part of the British Government, who wished to depose and destroy a patriotic Sikh Chief, and that the British Government were intending to desecrate the shrines of the Sikh religion in Nabha. They therefore organised a movement from a hundred miles or so away. They sent instructions to religious Jathas, simple-minded puritans, that the shrines of their religion were being outraged, and that they must go in pilgrimage and claim their right of praying and reading the scriptures in these shrines at Jaito. The pilgrims themselves knew not why they came. They said that "these are the orders of the Committee. It is part of our Sikh law that we must obey the laws of our spiritual superiors." Five hundred pilgrims, who were non-resisters, and about 1,000 peasants and others, went in pilgrimage to Jaito in order to read their Scripture. They were informed that they would not be allowed in the shrine to enter but only fifty at a time for the purpose of making their devotions. They refused to accept this term, to enter fifty at a time. The pilgrims themselves passed on towards the shrine, and the band of 1,000 opened fire on the Police and the Troops drawn up in front of the approach. The result was this deplorable incident, in which, again, State Troops and the Police had had to fire on a crowd of innocent and religiously minded people, stirred up by a small revolutionary Committee, with whom they had no actual connection whatever.

If that kind of thing can be done for political purposes, if the religious instinct of the people can be traded upon for political and revolutionary purposes in that way, is it to be supposed that ambitious politicians under a perfectly liberal Constitution are not going to appeal to religious fears and feelings in pursuit of their policies? That appears to me to be the incident of what is repeatedly done in India—namely, that the religious feelings are traded upon in order to serve political purposes. In what I have said, I have been forced to omit all references to large sections of the aspect of the present Indian problems which are of immense importance. One of them at least I must not be suspected of having overlooked.

It is inevitable when a Home Rule movement springs up in a country, whose administration has been foreign, that hostility and injustice should be shown towards the agents of the hitherto ruling power. It is advanced uncompromisingly that the British have no right in India. The right of British statesmen, public servants, merchants and industrialists to be in India to-day lies in the fact that they made the India of to-day, and that no Home Rule or national movement could have been possible had it not been for their work. The Indian Home Rule Party have adopted, and we have joined with them in adopting, the methods of the British administration.

Our statesmen and our public servants are loyally co-operating in

the purpose of the Montagu-Chelmsford Reforms. I have referred to what I thought was a regrettable lack of limitation in what Mr. Lloyd George said in his "steel-frame" speech with regard to the Indian Services. He appeared to forecast the maintenance in perpetuity of the British Service in India. It is, I think, impossible to associate this idea with the ultimate idea of Indian nationalism and Responsible Government, but in the transition stage from the present to the future, the loyalty and devotion to the Indian interests of the British element in the Public Service is as indispensable to the efficient working of any form of the Constitution in the public interests as is that Parliamentary co-operation on the part of the un-official classes which I appealed to the Swaraj Party to give. All my life I have been a public servant and Administrator rather than a politician, but I have written much, and exercised perhaps some influence as a politician in the direction of constitutional development which has placed me in your Lordships' House. So far as I have any qualifications for my present office, it is because of this double education, and from myself at any rate the achievements and the continuing indispensability of the Indian Public Services will always command admirable testimony. If that Service is to be regarded as in course of supersession, none the less it is at least essential to the successful conduct of any transition that its high qualities should be recognised and appreciated and realised to the full by all those who are engaged in the problem of effecting that transition.

I have done my best, and I am afraid I have wearied your Lordships in doing so, to put before you the views of His Majesty's Government on the Indian situation, their policy, and also the feelings of the Party I represent outside Parliament. In regard to the aims of the Indian Swarajists, His Majesty's Government are convinced that the proper line towards Home Rule in India lies in friendly co-operation. His Majesty's Government have been impressed by two characteristics in the atmosphere of Indian politics. First is the intense, and as they are convinced, the grievously mistaken mistrust and determination of the uncompromising intransigence indicated in the election manifesto of the Swaraj party last autumn, and also the dissatisfaction expressed by more moderate advocates of Self-Government. Secondly and more recently, the appreciable modification of that hostile and intransigent attitude indicated not only in the recent proceedings in the Legislative Assembly, but in many communications and expressions of opinion which have reached His Majesty's Government both through official and un-official channels from persons representing weighty and influential opinions, who are anxious that by some manner of Conference a way forward may be found out of the present difficulties. His Majesty's Government having themselves the same ultimate aim as the Indian Swaraj Party, namely, the substitution of responsible Indian Dominion Government for the present admittedly transitional political Constitution, are earnestly desirous of availing themselves, in whatever way may be found, the best possible method of this manifest disposition towards effectual consultation on the various modes of making this approach. It has been un-officially suggested and the Legislative Assembly has proposed a Round Table Conference.

THE NATIONAL CONFERENCE

The Indian National Conference is proposing to send a deputation

over, and the representatives of Indian interests in this country have suggested a mission to India. His Majesty's Government, while they are open to consider any practical proposals, are not yet satisfied as to what may be the best means for establishing that closer contact and better understanding that are so manifestly desirable. Some means of arriving at that closer contact must, they are convinced, be sought, and they hope, after due consultation with the Government of India, to be able with the least avoidable delay to decide upon the means they will desire to adopt.

PLEA FOR CO-OPERATION

In the meantime, His Majesty's Government is unequivocally friendly towards the Indian Constitutional Reform Party, and appeals to that Party for patience and circumspection, and for co-operation in using the Councils for their essential purposes of efficient administration, according to the views of members on any particular question, and not as a field for administrative sabotage, and political ascription. His Majesty's Government, during the short period since it took office, has been continually pressed for attention to urgent matters, and it has been impossible for it to explore all the factors of the difficulty in the present Indian political atmosphere. It is only a week since the critical debate in the Legislative Assembly took place. The investigation of the situation which the Government of India has already promised to make cannot fail to assist that Government to furnish His Majesty's Government with further considered advice upon the problems involved, and as to the best possible lines of approach to any further developments.

The Lords Debate—Continued

LORD CURZON, following Lord Olivier, referring to the unfortunate events in the Punjab in connection with the Sikhs, said that the Sikhs had been not only violent warriors but also were the most loyal subjects of the Crown, and there must have been deplorable misunderstanding somewhere to have brought about this situation. He did not apportion the blame to anybody, and expressed the opinion that the Government of India were perfectly right in enforcing the abdication of the Maharaja of Nabha, but there must have been something wrong in a state of affairs which allowed a religious movement to develop into a political agitation, associated with dacoity and accompanied by violence and crime. The Government of India must really take this in hand. He was glad that a strong and fearless man had been appointed as the Governor of the Punjab, under whose administration, he trusted, that an end might be put to the trouble, and the Sikhs would return to their old loyalty and co-operation with the Government. Lord Curzon criticised the unconditional release of Mr. Gandhi and expressed the opinion that it was the work of the Bombay Govt. In view of Mr. Gandhi's expression of his intention of prosecuting his previous creed, we might, he said, be faced with a recrudescence of the old agitation, and we had tied our hands, for we could not again imprison him. He asked how the release of other political prisoners on medical grounds could be refused. Continuing, Lord Curzon said that he understood that Lord Olivier, on behalf of the Government, had promised that there should be a series of investigations and consultations with the representatives of Indian opinion, and if such investigations disclosed the advisability of an advance within the Government of India Act, the Government would make Regulations, and submit them to the Legislative Assembly, the Secretary of State, and Parliament. He hoped that His Majesty's Government would not sympathise with the proposal for a Round Table Conference. It would be impossible to imagine a more disastrous method of approaching the situation. The experience in Britain of a Round Table Conference did not encourage the hope of any success. They did not want any more Royal Commissions. The Government ought to approach the men who were working the Reform Scheme in India, namely the Governors and the Viceroy, and ask them how the Reforms were progressing. He concluded by emphasising that the Government were bound, by the whole history of this question, to consult Parliament with regard to any changes.

The debate was adjourned till the next day.

ON FEBRUARY 28TH, LORD MESTON, resuming the debate on India, said that after Lord Olivier's statement, the speaker's apprehensions that he had leanings towards the policy of abdication were, at any rate, materially allayed. If Lord Olivier yielded to the claims for Provincial autonomy, twelve months would not have passed before an outcry, equally loud, persistent, and unconvincing, would be made for Imperial autonomy. It would be impossible to contemplate measures which carried those concessions with them. He congratulated the Government on their decision not to participate in a Round Table Conference. Such Conference would drive the remaining Moderates to range themselves beside the Extremists and weaken the power of the Executive. The time had not come to throw over the Constitution. The result of the adoption of certain amendments being canvassed here and in India would certain-

ly be to scrap the Constitution. They must adhere to a policy of gradually fitting India for Self-Government, or drop the whole idea and hand over the Government to men who had no programme at all.

EARL BALFOUR thought that the impression had gradually grown up in some quarters that we were acting simply as a drag upon the natural movement towards representative institutions in India which, but for this, would run a safe, happy and useful course, and those in India hampering our policy were only hastening the glorious time when free institutions, modelled on the Dominions, would prevail in India. He was convinced that this impression was one of the most profound illusions. These modern statesmen of India had taken up our catch-words and professed admiration for our institutions, but without apparently realising the spirit by which alone such institutions could be properly worked. He said that he was not pessimistic with regard to the ultimate result, but it would be perfect folly to suppose that the result could immediately be attained. Every thing going on in India now had increased his sense of depression regarding the political elements there. They showed infinite ingenuity in Parliamentary manœuvre and admirable qualities of speech, but that was not the main thing required. Their ingenuity, so far as he could see, was wholly destructive. There never was a country where the difficulties of constitutional Government were naturally greater than in India. Indian agitators would be committing a great crime against their fellow countrymen if they set themselves to the work of merely shattering what they found, without giving the least suggestion of what should take its place. Proceeding, Earl Balfour said that if we left India to itself, it was absolutely as certain as anything could be that she would relapse into absolute Government. The destruction of British Rule meant the assertion of all that was least good in the natural growth of Indian society. He could see no alternative to the Act of 1919. The idea that by a stroke of pen freedom could be brought to the three hundred millions for whom we were responsible, was one of the most fantastic dreams that had ever occurred to the wildest political speculator. The task was one of supreme difficulty, but we could not shirk it. The burden is there, and must be borne. It would require the utmost resolution, courage, and patriotism if we were to carry it on successfully.

The debate then ended with the rising of the House.

The Salt Tax Debate

The telegraphic summary of the speech of Lord Olivier which was communicated to India by Reuter on the 26th Feb. alarmed Anglo-India and the Govt. specially on the reference made to the iniquitous salt tax. An agitation was set on foot to explain away what Lord Olivier had said on this point. Leading newspapers in London continued for days to express surprise that wrong interpretations should have been put upon Lord Olivier's reference about the Salt Tax. The *Morning Post*, commenting on the subject, drew attention to the fact that its Delhi correspondent, in common with other Indian correspondents of London newspapers, had pointed to the hostile reception accorded in India to the passages of Lord Olivier's recent speech in the House of Lords in which he referred to the Salt Tax. The paper proceeds: "It is evident that a garbled version of this part of the speech

must have been cabled to India; for, none of the statements made by Lord Olivier with regard to the Salt Tax and officially reported could well be described as dangerous nonsense, nor did he give it as his opinion that the Indian Salt Tax was a peculiarly iniquitous and horrible form of taxation. It appears from the official report that Lord Olivier referred to the certification of the Salt-Tax as a matter which had been mentioned to him repeatedly as contributing to the present atmosphere of mistrust and prejudice. He pointed out that the action of the Government of India, in certifying the Salt Tax, was financially necessary, and he made no unfavorable criticism whatever upon that course, nor upon the reasonableness of the Salt Tax as a form of taxation. The unfortunate part of the matter was, Lord Olivier said, that there was double prejudice involved in the matter. He then made a jocular reference to the once orthodox doctrine with regard to Gabelle and the origin of the French Revolution, and supposed that most of us have it ingrained in our bones to regard the Salt Tax as a peculiarly iniquitous and horrible form of taxation. After this, he explained how what he had described as a prejudice arose, and why it was so general in India as to produce strong popular feeling quite independently of whether the tax was really onerous or not. It is easy to see how, in a shortened version, the words quoted above could be made to bear an entirely different meaning from that intended, and we therefore hasten to point out that Indian papers, and in consequence, Indian correspondents of English papers, have been entirely misled."

Pressure was put upon the new Labour Secretary for India to correct his strong indictment of the Government of India on the Salt-Tax, and on March 5th, Lord Olivier in a press interview was prevailed upon to express great surprise at the interpretation placed in India on that part of his recent speech. In the speech he pointed out that the Government of India's action in certifying the Salt Tax was financially necessary. He made no unfavourable criticism whatsoever upon the Govt. of India's action, nor on the reasonableness of the Salt Tax as a form of taxation. All that he contended was that such a course of action as the Government of India felt to be necessary inevitably encountered prejudice. Lord Olivier himself was not prejudiced against the Salt Tax, provided it was not onerous. The question of whether it was onerous was for the judgment of the Government of India, and in the present issue, the sole question was whether reduction of provincial contributions was worth maintaining on a slightly higher rate of the Salt Tax than there need be without such reduction.

As the *Daily Telegraph* observed: "Lord Olivier expressed himself as greatly surprised at the interpretation which had been placed in India upon that part of his speech in which he referred to the Salt Tax. He had merely set out to enumerate certain factors, which, in his opinion, had contributed to the increased distrust in the genuineness of intentions of the Reforms. Lord Olivier went on to refer to the certification of the Salt Tax, which had been mentioned to him as causing mistrust and prejudice. He pointed out in his speech that the Government of India's action, in certifying the Salt Tax, was financially necessary, and he made no unfavorable criticism whatsoever upon the Government of India's action, nor upon the reasonableness of the Salt Tax as a form of taxation. All that he was at pains to argue was that such a course of action as the Government of India felt to be necessary inevitably encountered what he

described as a double prejudice, that prejudice arising quite independently of whether the tax was really appreciably onerous or not. Lord Olivier himself has no prejudice at all against the Salt Tax as a form of taxation, provided, of course, that it is actually not onerous. Whether, in the case of India, the tax is onerous or not, the question is for the judgment of the Government of India, and in the present issue, Lord Olivier argues that the sole question to be decided is whether the reduction in Provincial Contributions is or is not worth maintaining on a slightly higher rate of the Salt Tax than there need be without such reduction. On that question Lord Olivier shares the view of the Government of India that the proposal which they have made is worth while. It is in fact a matter for the Government of India and the Legislative Assembly to decide between them."

IN THE HOUSE OF COMMONS - INTERPELLATIONS

The question was again raised in the House of Commons on March 10th by Sir Charles Yates, the die-hard anti-Indian Tory, who asked what communications had passed between the Government of India and Lord Olivier with reference to the allusion to the Salt Tax in the latter's speech. Prof. Richards, Under-Secretary for India, replying on behalf of the India Office declined, to depart from the long established practice under which communications to and from the Government of India were treated as confidential.

On March 17th Sir Henry Craik asked whether Prof. Richards proposed any evidence indicating that serious hardships had been caused by the operation of the Indian Salt Tax, or that it had led to an agitation on the part of any large section of the population.

Prof. Richards replied that he supposed all taxation involved some degree of hardship, but Sir H. Craik knew that in the case of the Indian Salt Tax, it was difficult to distinguish between economic and political considerations.

Sir H. Craik repeated the question for a definite reply.

Mr. Lansbury pointed out that the Legislative Assembly had rejected this tax. A Conservative Member declared that the agitation was only among politicians.

Mr. Lansbury: No.

The Speaker intervened at this stage saying that the matter could not be debated at question time.

On the Round Table Conference

On March 3rd, in the House of Commons, replying to Sir Frederick Hall, the Representative of the India Office said that the Secretary of State had not yet received any recommendations from the Government of India in favor of taking action on Pandit Matilal Nehru's motion (for a Round Table Conference) adopted by the Legislative Assembly.

On March 10th, in the House of Commons, replying to Mr. Lansbury with regard to a Round Table Conference on a further instalment of Self-Government for India, Prof. Richards said that the attitude of the Government of India had already been indicated by the speeches of Sir M. Hailey. The Government of India were initiating an enquiry on the lines indicated in those speeches. The Government were contri-

ning to seek other avenues whereby the present situation might be eased. As regards the extension of the franchise, it was not understood that this was advocated by any of the speakers who had urged the grant of increased powers in the Indian Legislature, and in view of the recommendations of the Joint Parliamentary Committee of 1919, Lord Olivier was not prepared to take any immediate steps in that direction.

Mr. Wardlaw Milne said that Prof. Richards' remark about seeking other avenues was very indefinite and asked what he meant.

Sir Henry Craik asked: "Do the Government intend to adhere to the provisions of the Act of 1919 for deferring the revision of the Constitution for a decade?"

Prof. Richards replied: "That is exactly the position".

The last portion of the answer given by Prof. Richards has been later explained as misleading owing to Prof. Richards not hearing the question clearly.

To clear the point Sir Henry Craik asked again a question on March 24th, with regard to the Government's adherence to the provision of the Government of India Act of 1919, postponing for a decade any alteration of the constitution thereby established.

Prof. Richards, replying, reiterated that the Government adhered to the provisions of the Act, but he was doubtful whether the provisions would sustain the interpretation which Sir H. Craik seemed to place on them.

Sir H. Craik recalled that the Joint Committee, upon whose report the House of Commons had accepted the Act of 1910, had expressed the opinion that the Statutory Committee should not be appointed until the expiration of a decade, and meanwhile, no substantial change in the Constitution should be made.

Prof. Richards replied that the Parliament could not bind its successors. If any fundamental change was made, it would be made by Parliaments.

Sir W. Joynson-Hicks asked if Prof. Richards meant that the Government were considering the alteration of what the last Parliament had done.

Prof. Richards' reply was inaudible but appeared to indicate dissent.

REVISION OF THE CONSTITUTION

Again, on April 8th, replying to Sir Henry Craik, Prof. Richards said that in accordance with the procedure in the past, which was accepted by the Govt., no modification affecting the Constitution of the Govt. of India established under the Act of 1919, would be proposed by any Government without due notice being given in the House of Commons.

Mr. Hope Simpson pointed out that during the discussion on the Government of India Act in Committee, Mr. Montagu said that this Section would not tie the hands of Parliament in any way, and a Commission might be issued at any time.

Sir Henry Craik suggested that there was nothing that would tie the hands of Parliament, but only that Parliament would be informed before action was taken.

Prof. Richards indicated assent.

House of Commons—Other Interpellations

BAN ON MR. HORNIMAN

On March 3rd, replying to Commander Kenworthy, Prof. Richards said that the Governments of India and Bombay, considering Mr. Horniman's history whilst in India, and his published writings since his deportation, had repeatedly decided against allowing his return. The Government of India had only a few days ago resisted a motion in the Assembly permitting his return, and it would be difficult for Lord Olivier to insist, in the present position of Indian affairs, that the Government of India should withdraw their objection.

Commander Kenworthy asked if it was considered right that a man should be deprived of his livelihood without the chance of any sort of public enquiry.

A Conservative member asked if it was to be understood that Lord Olivier considered that the order should be rescinded. The Minister did not reply.

CROWN COLONIES COMMITTEE.

Replying to Mr. Wardlaw Milne, Prof. Richards expected very shortly to announce the names of the members of the Crown Colonies Committee referred to in the Viceroy's speech of January 31. The meeting to be held in London, he hoped, would begin at the end of March. Subsequently the following names were announced for the Committee: H. H. The Aga Khan, Sir Benjamin Robertson, Mr. Hope Simpson, M. P., Mr. T. Rangachariar, and Mr. K. C. Roy. This question was again raised on the 17th when Prof. Richards replying to Major Ormsby-Gore said that this Committee was to meet in London in the middle of April. The terms of reference would be to make representations to Mr. Thomas on all questions of Indians domiciled in Kenya, arising from the discussion embodied in the White Paper, and certain pending questions with regard to Indians in Fiji. Mr. Hope Simpson would be the Chairman.

Major Ormsby-Gore asked how the terms of reference had been narrowed down to Kenya and Fiji, when the whole object of the Committee was to examine how Indians were treated throughout the Colonies.

Mr. Berkley asked if the Committee would consider the resumption of Indian immigration to the Colonies for purposes of labor. The Minister did not reply.

PAY OF INDIAN POLITICAL DEPARTMENT.

Replying to Col. Howard Bury, Prof. Richards said that the matter of equal pay of the Indian Political Department officials for equal service, whether taken from the Indian Army or the Civil Service, was now being considered in India. He understood that the Royal Commission on Superior Civil Services in India proposed to include it in the scope of its enquiry. Lord Olivier was communicating with the Government of India on the subject.

REGULATION III OF 1818.

On March 10th a warm interlude followed the question by Mr. Baker requesting the Government to see that the recommendations of the

Sapru Repressive Laws Committee were carried out regarding the limitation of the Bengal Regulation 3 of 1818 to the original purposes, and not put into operation against British subjects, except on inflammable frontiers. Prof. Richards replied pointing out that the Committee's recommendations were qualified by the recognition of grave emergencies which might arise, necessitating a "weapon" of this nature. He declared that the recrudescence of political murder plots in Bengal had necessitated the recent use of the regulation and the Secretary of State was not disposed to press the Government of India, in the existing conditions, to take up immediately the question of alternative legislation. After a number of supplementary questions had been put, Mr. Lansbury announced his intention to raise the matter on an adjournment at the first opportunity.

THE JAITO AFFAIR.

Several questions urged steps to prevent the repetition of the Jaito Jatha troubles. Mr. Lansbury requested the Secretary of State to ask the Viceroy to hold a full inquiry into the whole proceedings of the last Jatha.

Prof. Richards declared that he had no doubt that the Government of India would take the necessary steps to ascertain full facts. Therefore it was unnecessary to adopt Mr. Lansbury's suggestion.

ADJOURNMENT ON JAITO.

On March 11th, on adjournment, Mr. George Lansbury drew attention to the Jaito disturbances, the Bombay strike and the Government's refusal to hold a Round Table Conference. He said that it was an extraordinary thing if the police were hemmed in at Jaito by tremendous crowds that not a single policeman or soldier had been injured. He quoted a message from the Secretary of the Indian Trade Unionist Conference and the member of the Assembly declaring that Lord Olivier had been given false information, and that no fire-arms had been captured.

Prof. Richards, replying, said that the Government had full sympathy with the ultimate idea placed before the House by successive Governments of the past 50 years, that eventually Britain should give the great Dominion of India full and complete Self-Government. With regard to the Bombay strike, he quoted the leader of the strike, Mr. Joseph Baptista, who, in one thing, was like John the Baptist, namely, in that he was crying in the wilderness, as the men had struck against his advice. Prof. Richards communicated the latest information from India on the subject, and as regards Jaito, he eulogised the Sikhs for their fine services to the Empire. It was exceedingly difficult for the Government of India to try to keep peace between two wrangling religious bodies.

He referred to the passage of the Shrines Act of 1922, which had not been put into operation. The sitting of the House, at this point, automatically closed.

JOINT INDIAN COMMITTEE.

The same day the House of Lords adopted without discussion a motion expressing the desirability of appointing a Standing Joint Committee on Indian Affairs of both the Houses to examine and report on any Bill or matter referred to them specially by either House, and consider, with

a view to reporting, if necessary, on any matter relating to Indian affairs, brought to the notice of the Committee by the Secretary of State for India. Lord Olivier, in moving the resolution, said that the Committee would consider any matter referred to them by the Government or the House, particularly any question of the moment. He was not aware that there was any such question that they desired to submit immediately, but if what was foreshadowed in the Indian Legislative Assembly should mature, namely, that the Government of India should consider the possible extension of, or amendment to, the Rules under the Government of India Act, that was the kind of subject they should desire to refer to the Joint Committee.

BOMBAY MILL STRIKE.

On March 17th in reply to Mr. Lansbury with regard to the Bombay Cotton Mill strike, Prof. Richards said that he had no official information with regard to the number of operatives who had left Bombay, and none with regard to any deaths due to starvation. He had telegraphed to the Government of India for further information with regard to the cause of the dispute. He was also enquiring with regard to the measures taken to relieve the distress caused by the strike.

RESTORATION OF GRANTS.

The same day, replying to Col. Howard Bury on the sanction of grants, Prof. Richards said that he was afraid he could not attempt to anticipate any which might have to be taken when all the demands for grants had been dealt with in the Assembly, and Col. Howard Bury would doubtless recognise that the natural place for the announcement of the decision would be the Assembly itself.

Mr. Wardlaw Milne: May we take it that this Government will strongly support the Viceroy in any measure he may take?

The Minister did not reply.

JOINT COMMITTEE ON INDIA.

The House of Commons unanimously agreed to a resolution moved by Mr. Griffiths on the same lines as the resolution passed by the House of Lords on 11th March regarding the appointment of a Joint Committee on Indian Affairs. Subsequently the names of H. of Commons members on the Joint Committee were given out: Messrs Clarke, Meyler, Wardlaw Milne, Ramsay Muir, Scurr, Hope Simpson, Snell, Wallhead, Winterton (Earl) and Sir Charles Yate. And the Lords: De'La Warr, Russell, Middleton, Harris, Lamington, Montagu, MacDonnell, Pentland, Hardinge, Clwyd, and Meston.

BENGAL REJECTION OF GRANTS.

On March 31st, in the House of Commons, Col. Howard Bury drew attention to the Bengal Council's rejection of the vote for Ministers' salaries, and suggested that these services should be restored to the Reserved side so as to enable the Governor to restore the grant.

Prof. Richards replied that he thought that Col. Howard Bury would agree on reflection that the solution he suggested was not feasible under the Constitution. He understood that, if necessary, the Governor would administer the Transferred Subjects, and be responsible for them.

Chronicle of Events

- 23 Nov 23 Kenya Immigration Bill published in the Official Gazette.
- 31 Dec 23 Kenya Legislature opened by Sir Robert Coryndon who assured that there could be no question modifying the principles laid down in the White Paper.
- 4 Jan 24 Kenya Constitution Bill passed. Indian Members resigned.
- 8 Jan 24 Class Areas Bill of 1924 published in the Union Govt. Gazette.
- 8 Jan 24 Natal Provincial Council passed the Hulett Ordinance refusing Municipal Franchise to Indians, subject to Governor-General's consent. This ordinance was identical with one passed previously by the council but vetoed by the Governor-General-in-Council.
- 13 Jan 24 Indian Merchants of Johannesburg started agitation to fight the Class Areas Bill.
- 19 Jan 24 East Africa Indian Congress with Mrs. Naidu as President.
- 20 Jan 24 Report of the British Guiana Deputation published.
- 21 Jan 24 Earl of Athlone, new Governor-General of South Africa, presented with Address by the Cape Indian Union who prayed that he would sympathetically consider their position there.
- Mass meeting of Durban Indians strongly protested against the class area^s bill and raised funds to fight it.
- 29 Jan 24 Colonial Secretary, Mr. Thomas, at the reception of Empire Journalists at the Colonial office said that the policy of the Kenya white paper would be followed by the Labour Govt.
- 4 Feb 24 Meetings against class areas bill held throughout Natal—resolution passed that if the bill became law, the matter would be brought before the League of Nations. Deputation of Natal Indian Congress waited on the Minister of the Interior protesting against the Hulett ordinance.
- 4 Feb 24 Nanan-Lukhoo Memorandum on Guiana Colonisation Scheme published.
- 8 Feb 24 Sir Joseph Nanan expounds his Colonisation Scheme to forty members of the Indian Legislatures at Delhi.
- 14 Feb 24 Mahatma Gandhi issues his Statement Re. the Class Areas Bill.
- 15 Feb 24 Indian Associations of South Africa send a Deputation to the Home Minister, Union Govt. making representation against the Class Areas Bill.
- 21 Feb 24 Speaking at Pretoria Mrs. Naidu said that India's message to Indians was 'within the Empire if possible, without, if necessary.'
- 24 Feb 24 Mr. Sastry's lecture at the Criterion Club, Delhi, on Indians Overseas.
- 29 Feb 24 Imperial Indian Citizenship Associations' appeal to the Viceroy Re. Indians Overseas.
- 17 Mar 24 Mrs. Naidu interviews Mr. Duncan on the Class Areas Bill.
- 18 Mar 24 Mahatma Gandhi issued statements on the Guiana Colonisation Scheme—Standing Committee, Indian Legislative Assembly, Delhi, consider the Guiana Colonisation Scheme. Mr. Pillay was invited but was absent.
- 30 Mar 24 Smuts-Naidu interview Re. the Class Areas Bill.
- 1 April 24 Second Reading of the Class Areas Bill in the Union Parliament.

THE CONDITION OF The Indians Overseas.

The following pages deal with the threatening position of Indians in South Africa and East Africa, and incidentally with the British Guiana Deputation that came to India in January last. This year the main trouble of Indians in Africa have been the Class Areas Bill of the Union Govt. of South Africa and the Immigration Bill of the Kenya Govt. Regarding these matters no better exponent of the Indian case has ever stood out boldly, alike in Govt. conclaves as in the public platform, than the Rt. Hon. Srinivas Sastry. His famous Bangalore speech of December 23rd which sounded the clarion call of an all-India agitation has been given in the I. A. R. 1923 Supp. page. 226 Since then Mr. Sastry has vehemently espoused the Indian case in season and out, alike in the Council of State and in public meetings, and has hit out straight. In presenting the Indian case we can do no better than reproduce a speech of his delivered at a meeting of the Criterion club, Delhi, on Feb. 24th, 1924 immediately after the National Conference. In the course of his speech Mr. Sastry referred to Genl. Smuts and said:—

GENL. SMUTS

The great man who rules over the destinies of South Africa, General Smuts, lent the weight of his authority to the agitation of the White community in Kenya. He backed them to the utmost of his power and I heard at the India Office that he sent many a long cablegram to the British Cabinet advising them, threatening them, and generally warning them that the British Cabinet were not dealing with Kenya only, but with the whole of Africa, meaning the whole of white Africa; and in the course of the discussions it became evident the question would be: will the Indian case prevail or the African case prevail? They presented to the British Cabinet this alternative: "If you are going to redress the so-called grievances of the Indian community, you would be driving us out of the Empire. The Indians tell you for their part that if you were going to decide the issues in our favour, India would have to go out."

The British Cabinet was obliged in some way to settle the question as though it were a case between Africa and India. One time the propaganda of the whites reached such proportions that it looked likely that it would be a case not only of Africa versus India, but of the whole of the Dominions and Crown Colonies versus India. Luckily, the Dominions were too sensible and too aware of the magnitude of the difficulties of the Empire that they refused to throw in their lot with Africa.

You may ask, said Mr. Sastry: 'Why is Africa pitted against India in this matter?' Now it is alleged it is not only a question of economical interests, but it is a question of two cultures and two civilisations struggling to occupy the same ground. That is how they put it: as though India were behind this movement and were struggling to obtain a large and secure foothold on the continent of Africa. In South Africa there is a very peculiar constitution which I think the English people did not fully understand when they annexed South Africa. The ideal which the South Africans have is injurious and diametrically opposed to the ideals of the British Empire. British Empire ideals are well known. Those are justice all round, equity all round and brotherhood between all peoples composing the commonwealth. In South Africa the fundamental law includes the declaration: 'There shall be no equality between white and coloured persons in church or state.' For long decades the South African white, who is the Boer predominantly, has had to struggle with the blacks of Africa, and therefore has from his very upbringing the notion that the black man is unequal to the white, that he is born only to serve the white, and that if he will not serve the white he should be compelled to do so or killed off. When therefore the British Empire annexed South Africa with this ideal which runs clean against their own cherished ideal, British

statesmen undertook a serious responsibility and they must have vowed to themselves that, if they found it necessary to annex South Africa with this degrading doctrine, running equator even to Christianity, they at least were under a moral obligation to see that this degrading ideal never travelled beyond South Africa, that it was confined to this primitive population of Boers.

But what happened in the case of Kenya? White people from South Africa went there, carried their doctrine and reversed the current which Kenya affairs had run for a long time; for an Indian aspect had been given to the progress of affairs in Kenya, which now the Boer was determined to check with a view, first of all, to restricting the immigration of the Indians and afterwards, in course of time, as his power grew, finally to close the doors of East Africa to Indians altogether.

Now, lest you should think that I am overstating the case, I have brought you a memorandum which General Smuts presented to the Imperial Conference. He presented their case and his principal desire was to get repealed that resolution of 1921 of the Imperial Conference which recommended that Indians everywhere in the Empire should be granted equal rights of citizenship with any other class of His Majesty's subjects. General Smuts was so impressed with the Indian case, with the difficulties which the Empire was experiencing in holding together, that he actually said: 'Although it is not possible for me to join, my sympathy is with Mr. Sastri; let this resolution go; I do not mind; provided it does not bind me.'

Gen. Smuts comes forward in 1923 and tells the Conference: 'It was a mistake of yours to have passed that resolution; you ought now to repeal it'; and he puts it on the express ground that equality is an idea foreign to the Empire. Whoever thought of equality between people and people in the Empire? He says so openly; and it is worth while for me to read that to you. Says the Memo:—

'There is no equal British citizenship in the Empire, and it is quite wrong (this is the point) for a British subject to claim equality of rights in any part of the Empire to which he has migrated or where he happens to be living. There is no indignity at all or affront in the denial of such equality. Once this is clearly recognised the stigma above referred to falls away.'

There is no equality—so we will treat Indians as our inferiors, but there is no stigma in it and Indians have no right to feel it at all. That is the kind of argument that Gen. Smuts addressed to the Conference. But he went further. He attacked Mr. Sastri. This is what he said:—

'Mr. Sastri by his mission and his speeches has undoubtedly made matters worse; he has for instance never failed whenever an opportunity presented itself to attack the Indian policy of South Africa and thereby has greatly exasperated public opinion in that dominion, already very sensitive on this issue. In other dominions he has made people alive to the issue—indeed he has largely created it. The claim he has everywhere vigorously pressed for equal franchise and rights for Indians over the whole Empire has not only gone further than the local claims of the Indians themselves—but has tended to raise opposition in quarters where it did not exist before. It is because I foresaw this development that I did not invite Mr. Sastri to include South Africa in his tours.'

This, Mr. Sastri humorously said, was a testimony of his successful work in his last overseas tour. He then continued:—

The other day in the Council of State we passed a reciprocity measure, which Dr. Gour had persuaded the Assembly to pass last session. It was feared by some of our timid friends in the house that if we enacted a reciprocity measure, if we returned blow for blow to the whites in the dominions, they would be greatly incensed and they would do much more harm and we should be seriously injuring our position. I told them: 'I have known Gen. Ian Smuts; Gen. Smuts is certainly not a timid or a vacillating exponent of white opinion. I have met him before and he has told me personally that if you used our reciprocity power he would never take it ill at all: in fact he expressed surprise that we had not done it already in 1921.' Here is what he says:—'India should be free to deal with nationals of the dominions on a basis of reciprocal treatment and neither on her part nor on the part of the dominions concerned should there be any resentment or ill-feeling in the matter.'

Ladies and gentlemen, permit me to tell you one thing: that we were not the first people to throw a stone at our neighbours in the Empire. We had never done it before: we had suffered; we had been humiliated; we had been deeply pained; but we never hit back, hoping by our patience, by our resignation, by our

Christian virtue of submission, to convince the white tyrant that he was continually mis-behaving against the law of God and man. It did not pay us. At last we have taken one penny step of what is called euphemistically reciprocity. I had to explain one thing to my colleagues the other day, the difference between reciprocity and retaliation. It is a curious Empire, it is a curious political organisation, this British Commonwealth. Curiously are we, heterogeneous people, mixed up together in this wonderful unit, that instead of exchanging amenities and expressions of goodwill and preferential duties and so forth, we should be engaged in the task of exchanging blows and taunts of retaliation instead of returning and reciprocating kindness. We did not make this Empire. Those that made it and those that kept it in such a condition ought to be ashamed of it. We need not hang down our heads; we are trying everything, let me tell you, to keep this Empire together; it is the European, the white man in the Dominions and in places like South Africa and East Africa, who will not tolerate another people in his household, except they be serfs and slaves and helots—it is he that is the danger to the Empire. He is the wrecker; we, if anything, are preservers of the Empire.

THIS EMPIRE—A BOER EMPIRE

Now they say, after returning from the Kenya mission, I am a changed man. If there is any Indian who can go through the experiences through which I went in connection with this Kenya mission, if there is any Indian who could have seen the things that I saw, who could have heard the sentiments which I was compelled to hear, who could have experienced the utter lack of responsibility that it was my misfortune to encounter in London during a few weeks of bitter sorrow and suffering, if there is any such Indian, I think, Ladies and Gentlemen, most of us should disown him. I have changed. Any Indian would have changed. General Smuts in another part of his speech blamed me for using a harsh expression and stigmatising this Empire as a Boer Empire. It strikes me as extraordinary that General Smuts should be ashamed of it. He should be rather proud of it. If I said that he was able to spread his doctrines and impose his ideals on the whole of the Commonwealth, why does he not take it as a compliment? Evidently, he felt that he was in an uncomfortable position, because I was drawing prominent attention to the fact that the Kenya decision was calculated and intended to please the Boer. He took that very ill, and he blamed me for it. But so long, Ladies and Gentlemen, as there is a colour bar, so long as there is a first class citizenship and a second class citizenship created in response to the demand of either the Boer or the Britisher who is not ashamed to follow the Boer, I am fully justified in using the expression which I did and discarding the expression, the British Commonwealth.

There are many people who think that I was quite wrong in stating that the Kenya decision was based on a certain amount of fear of the whites in Kenya who threatened to rebel. Now that is quite true. It could be proved at any time. In fact the white Kenyan was rather proud of it. He came and said: 'We are going to fight the British Empire.' Well, they talked about it all over the place, the newspapers were full of articles on that subject, and even a magazine like the NINETEENTH CENTURY AND AFTER; was quite willing to admit an article in which it was openly stated that the white men in Kenya had arranged everything for a rebellion. Well, I am not going to detain you by trying to prove these facts. But there is a point in it. There are a number of innocent people here, Englishmen, Englishwomen, Britishers of all shades, who tell me, 'What? Do you want us seriously to believe that the British Cabinet was afraid of a few thousand whites in Kenya and therefore gave an unjust decision? Oh no, it is impossible. We who put down the Germans at a tremendous cost, do you mean we are going to be afraid of the white Kenyans?' But what is the logical inference of such a claim? If you say and if people believe that the British Cabinet did not give this unjust decision out of fear of a very tiresome rebellion, what, then, led them to give us this palpably unrighteous decision, which disgraces the Empire and which blackens the name of the British nation? Why did they give this decision, then, if not out of fear? Are these innocent people prepared to say that the British Cabinet was inherently vicious, loved injustice more than justice, did not care for the long course of pledges and promises to people and brushed aside wantonly their own ideals which they had held out to other people? Oh, I prefer the other alternative, because I know it is in accordance with the facts of British history, especially of recent British history. Let us believe it, and I would ask you to believe it; if you are lovers of the British name, as I am in spite of my great resentment and vexation, if you are lovers of

the British name, never come and tell me that they were not afraid, but loved injustice for its own sake. Lord Olivier, who criticised the Kenya decision the other day, showed a much firmer grasp of the reality. Lord Peel, when I was there, specially told me: 'Now, Mr. Sastri, do please moderate your language; do not let your mastery of English lead you to a fall; do not generalise. Especially, do not mention the words 'equal citizenship,' 'equality' and things like that. They won't go down. English people don't love these abstract expressions. Now I owe to Lord Peel many kindnesses. I received much assistance from him. But he took too much on himself to advise me that way, and I never forgot that the British people are lovers of justice and equality all over the world. In his lordship's speech at the Imperial Conference I find however the word 'equality' appearing more than three times. Between the time, therefore, that I left London and the time that this Conference met, a great change had come over Lord Peel.

Just as when in the bitter years before 1911, longer than I care to recollect, Mr. Gandhi and his brave South Africans undertook a campaign, in the face of terrible odds, of passive resistance, just as when our Bengal countrymen, sore at the partition, declared a boycott of British goods finding that everything else failed, just as on those two occasions we, Moderates and Extremists, title hunters and revolutionaries, all of us joined together and said: 'We will stand by these countrymen of ours. It is true they have taken a strong step, but what could the poor men do?' So have we now to stand by our Kenya brethren in their sore hour of trial. After trying every attempt at pacification, the Congress there has declared non-payment of the poll-tax which they consider unjust and inequitable. What are we going to do? Are we going to say to Kenya Indians: 'We cannot support you in this extreme measure? I hope we shall rise, even as we rose on the two memorable occasions I have named, I hope we shall rise to the full height of our nationhood and support our Kenya Indians in their hour of bitter, alas, it may be today, losing struggle. Lord Hardinge once said to the British Empire: "What could the poor Indians do in South Africa. They are perfectly justified in inaugurating passive resistance. May we expect Lord Reading or the Hon. Sir Narasimha Sarma to declare some day before the session closes: "What could the Kenya Indians do; we are behind them in their refusal to pay the poll tax?" And now, you may say that some of us in arguing this question are going a little beyond the proper limits when we say "Oh! if we were a Dominion, if only we were a Dominion!" and then our critics, not altogether white critics, I mean some Indians too, they say: "You must be utterly foolish to talk like that. How could it benefit you, if you were a Dominion, in the struggle against a white people? Even if you were completely independent like China and Japan, you could do nothing." I do not say we could despatch our army; I do not say we could fight these people on their own ground; but I do say this, that our case would be advocated on the highest ground; that the Government of India would not be afraid to stand out and say, we are altogether and completely for the Indian case. What do you find on the other side? The Government of Kenya is entirely at the disposal of the whites of Kenya. The whites of Kenya rule the Province. The Government of India here put their finger on their lips and say, "Don't say that, lest you displease the other side." And is it likely that we shall go to the wall or that we shall come triumphant out of the struggle in which the people on the one side have a Government which is constantly afraid of the other side, or a Government which completely identifies itself with its own people and comes forward and puts the case of whites against the black, Africa versus India? Will Government say in its turn "India not Africa"? I ask you, if we have no such Government, don't we stand certainly to lose in this struggle? That is the difficulty. If we had a Dominion Government, the Viceroy would speak as we wish him to speak to the outer world. Instead, the Viceroy speaks to us as he is bidden to speak by Lord Peel with the British Cabinet behind him. Well, that is why we ask for Dominion status. We find that, pitted as we are against a people who have a Government solidly behind them, proud to stand up for their subjects and not afraid of the British Cabinet, we have a Government that go a certain distance—I am not denying it—but then are prevented by the constitution, by the fact that they are agents of the Secretary of State and of the British Cabinet, from going as far as they should. That is the chief difficulty.

I have mentioned only one general consideration. Shall I mention to you two points in respect of which our not being a Dominion is a severe handicap in this

struggle? Do not misunderstand me. I am not quarrelling with individuals, but I am bound to draw your attention to this, unpleasant as it may seem, oh, mightily distasteful as it would be to the British Government here. We are going to send a delegation to fight our case with the Colonial Office. Mind you, you must dismiss all prepossessions from your mind, and tell me whether you would allow that delegation to be headed by an Englishman, by a white man? He may be the noblest, the most philanthropic, the most pious Christian, he may completely identify himself with our case. But do you expect him to forget that there are certain things that he cannot say and what we should say? For example, when driven to the wall, we should say to the British Cabinet and to the Colonial Office. 'How dare you expect after this decision that we should remain in the Empire? Do you expect such a good man,—even as Lord Willingdon—to say that for you! There is almost nothing, I know, that Lord Willingdon would not do to uplift and to raise India's name. If you do not expect him to say that, it is hard to find any Englishman for that position. I go so far as to say that it is an Indian case, that the bitterest feelings are entertained by the Indian people. It is they, then, that should present this case before our adversaries. Why have we not got men here who can do that? Have we not got men whose loyalty, whose empire patriotism are unquestioned? It is a very difficult office for an Englishman. It is an office which we should naturally and properly and rightfully hold. Assume now we are a Dominion for one minute, assume that everybody in the Assembly and in the Council of State was in a position to exercise power—the usual legislative power over the Cabinet—would they dare go and ask an Englishman, merely because he had administered a province, to head such a delegation?

The Kenya Native Interest.

There is another question. You all know that the British Cabinet has decided that Kenya should be administered for the benefit of the African native and not for the benefit of either the white man or the Indian. As you know, we accepted that decision with enthusiasm. We said that is the right and the only proper view to take of the case. Only we begged the British Cabinet to see actually carried out any policy and any measure which would protect the African native. But they have now ruled that our immigration should be controlled. We will pass by the plausible fallacy, the misleading sophism that they employ in describing it. They do not say that the Indians should not come; all that they say is that people who follow this profession and that profession and the other profession (only Indians follow these professions) should not come or that they would be prevented from coming in. So, while on paper it does not look like racial discrimination, it is intended to be and it is going to operate as a racial discrimination.

Now, let us assume that in the interests of the African native it was necessary to control immigration. I will convince any impartial man that far greater danger to the African native comes from the British immigrant than from the Indian immigrant. The unhappy Indian immigrant is weak; they will not protect him; he is only an economic competitor. The African native himself could crowd him out or he may be told to clear out, unless he means to make trouble and shed blood and do a hundred other things which I will not mention. But you read history. You have read about the way in which the white man, when he comes to live amongst black populations, among uncivilised peoples, uses his power, his superior civilisation, his superior command of fighting materials, his superior command of the destructive weapons of human warfare. Lynching is not an Indian word, is it? Well, flogging comes easily to white man. Why, the other day, some Kenya Whites, it seems, was shocked at the idea of anybody preventing him from flogging the African native. "What is the African native for and what am I here for? That is the way he thinks. I ask you in all honesty, from whom does the African native stand to lose more? From the Indian who is only a competitor at the most, who may be told to go any moment, or from the white man who goes and stays and tyrannises and exploits and steals land and limbs and liberties and refuses to yield them up? Is he an easy man to deal with? Let India answer. Only the other day we made a national demand for our liberties, and what answer did we get? When the Englishman is enthroned in power, when he commands the purse, when he controls the political liberties of another people, when he is established in economic ascendancy over another people, he does not let go easily. When he does wrong, none of his compatriots will say so, while he is alive. Sometime after, perhaps, a historian professing to ransack old libraries

and the India Office records might say "Oh, he might have done better", but as a rule the white man, especially in power over coloured populations is hard to displace. If the British Cabinet desired to become trustees of the African native and therefore wanted people of certain kinds not to come into his country, if there were a bonafide disposition to find the people really harmful, really dangerous to the Colony and keep them out, I should say every time: keep out the white man.

Now there is only one more word which I shall say before I conclude. In following controversies of this nature you would be sometimes impressed by the fact that there are a great number of Anglo-Indian newspapers here who have the fairness, to allow that the Indian case is good and sound and who sometimes go further and blame the white people of Kenya for their un-Imperial narrow outlook; and perhaps you will think that it is a very satisfactory state of things. I dare say we must be thankful for small mercies in this world: it is a very good thing and I am willing to acknowledge assistance and sympathy from whatever quarter it comes. But allow me to say that I have noticed another thing also and we must put the two things together. I went through the dominions and as I described the transitional stage in which our Government stands, how there are still large departments of administration to accrue to our people, how we are still suffering from bad law, from ill-understood conditions, they said: "How tiresome of these English folks! They have long held India, they always say they are there only for the good of the Indian people; why don't they give you self-government and quietly go back"? Now, the white people abroad are quite willing to give you sympathy when you fight the British people here, and this British people here are quite willing to give you their sympathy when you fight their white kinsmen abroad.

The white man teaches us how to defend our liberties and our rights. The moment he is offended, he does not pause to consider, "What will this man say and what will my government say"? He hits you straight in the eye, straight; that is what he did when he had a quarrel with poor President Kruger; he did not wait to convince the world. Those that have power are not restrained in their use of it, while that have not the power, try to deceive ourselves that this world is governed entirely by reason and by justice. There is a certain scope for argument, for adjustment.

But there are stern limits to the operation of these enlightening influences. Beyond that limit our operations have to change and assume a new phase. Now, ladies and gentlemen, Let me not allow you to misunderstand me. I will declare exactly what I mean. The time for argument, for cool presentation of a case is there. But there is also a time when you are expected in this world to use such power, as you have, lest it should displease the powers that be, who write themselves down in history as people that do not deserve any power. That is my reading of the situation. I wish this were a different world. I wish the war had really taught us the reasons that we thought we had all learnt. I wish the British Empire really stood for those principles of justice and fair play and human brotherhood of which we dreamt a little while ago. Those principles and ideals are still there, and perhaps the next generation of Indians will live in a time when it is sufficient to show that our cause is just for it to prevail. I am painfully driven to the conclusion that that time is still to come. In the meantime we cannot afford to lose the battle in Kenya or anywhere in the Empire. But if occasionally you hear from me advocacy of some measure that may seem to be of a combative character, be sure it is not actual fighting, for we have not the fighting strength. We are essentially non-violent. But such as we have, such means as we have of ensuring our self-respect, it is not only weakness, but it is treason to our people, it is betrayal of our children not to exercise with due restraint, with due submission to the Almighty who knows how to judge the right from the wrong and can pull down the mighty from their seats, with due submission to Him, but with a clear consciousness that in the prosecution of our own right, the exercise of lawful means, peaceful pressure, and constitutional power is not only rightful but doubtful. In that consciousness we have to fight our battles.

Appeal to the Viceroy.

The following letter was addressed to the Viceroy by the Imperial Indian Citizenship Association, dated Bombay, the 29th February 1924.

Your Excellency,

The Imperial Indian Citizenship Association has refrained from addressing you hitherto during the critical months which we have recently been passing through with regard to Indians in East and South Africa, because, we did not wish to make any request or statement that might be either premature or embarrassing. But the extreme gravity of the situation which has now arisen compels us at last to approach you. For, as you are aware, the Indian residents, both in East and South Africa, in spite of their weakness, have been obliged to contemplate passive resistance against the accumulated wrongs which have been heaped upon them. Our heart goes out to them in their anxiety and suffering, for we know well from what wrongs they have suffered.

SOUTH AFRICAN CITIZENSHIP.

We are aware that South Africa is a Self-Governing Dominion, but we would urge that the constitutional position put forward with regard to Citizenship, in answer to General Smuts at the Imperial Conference, should be fully and carefully examined. It appears to us, as an Imperial Indian Citizenship Association, essential to find out what constitutes that citizenship, and whether the South African Union Parliament has absolute, or only relative rights, of excluding from citizenship domiciled Indians or Africans who are equally subjects of His Majesty King George V along with the British and the Dutch. You yourself and your predecessors, as Viceroys, have publicly declared that Indians must hold a status under the Crown in no way inferior to that of any other of His Majesty's subjects within the Empire. We would submit that the time has now come to test that declaration which you have publicly made, by an appeal to His Majesty's Court of Justice so that we may know exactly where we stand.

At the same time, the clearest possible warning should be given to the South African Union Parliament, that if satisfaction cannot be obtained through the processes of law for the clear wrong done to domiciled Indians, then as a last resort the implication of the Reciprocity Agreement of 1917 (which has been accepted by General Smuts) will be thoroughly examined and explored. It should be definitely stated, that every action which may be constitutionally taken under that binding Agreement will be put into force from the Indian side unless the South African Union Parliament is prepared to recede from its present intolerable position.

We would point out to Your Excellency that General Smuts' blank refusal to accept either a conference or a diplomatic visit from India has been premeditated, deliberate and final. This refusal has now been endorsed by General Hertzog and Colonel Crosswell who represent the only two parties in the South African Parliament in opposition to General Smuts. The refusal of General Smuts has therefore become a material South African White decision. Seeing that all parties in India are agreed on this issue we ask Your Excellency on behalf of the united people of India to voice a national Indian decision in return.

KENYA SITUATION.

With regard to the Kenya situation we would re-affirm, on behalf of our Association, that the pronouncement of the White Paper with regard to the Franchise and the Highlands are altogether unacceptable to us. We would ask you to make clear to the present Labour Government in England the settled conviction of all parties in India in this matter, so that there may be no uncertainty left. We believe that you would be fully justified in reporting that there will be no possibility of a settled place for India within the British Empire until the Kenya decisions on these two issues are altered. On the other hand, as an Association we are thankful that the Kenya White Paper decisively rejects racial segregation at the very time that the South African Union Parliament is seeking to impose it by a "Class Areas Bill."

We would suggest that the time has come for the Government of India to press for the complete fulfilment in East Africa of all that is involved in this rejection of racial segregation. We note with great satisfaction that the segregation proposals with regard to Kampala have now been countermanded. But we have not yet heard whether the old racial segregation customs in Kampala itself, which had most seriously congested the resident Indian population, are still being enforced. These old bad customs prevent Indians—even those living in accordance with all modern sanitary requirements—from residing on the more healthy upper hill-side, although the ground there is so unoccupied that a golf-course for Europeans has been laid out upon it. The whole Indian community is crowded into a small unhealthy area at the bottom of the hill on the edge of a malarial swamp.

We would ask that Indians may be allowed to purchase sites for houses on any part of the Kampala hill-side so long as they comply with all municipal regulations. We would claim this both for health and sanitary reasons, affecting the European residents themselves, as well as other races. For nothing can be more unhealthy and insanitary for the whole township area than the present condition.

We have taken Kampala as an example of what is needed to carry out fully the principle of the rejection of racial segregation. All that has been said about it would apply also to other township areas both in Uganda and Kenya.

Under the same general principle, we would urge that steps should now be taken after due notice has been given to prevent in future racial discrimination against Indians on the State Railway and Steamer services of Kenya and Uganda. Things had become so bad in this respect that at one time the whole of the first-class lavatory accommodation on board the S. S. Clement Hill was reserved exclusively for Europeans; and Indians who had paid their full first-class steamer fare were informed by notice that they must use the second-class. It was also reported to us that Indian cotton merchants were not allowed to use the upper class steamer accommodation of Lake Niaga. If they travelled by water they were obliged to remain in the open flats which were towed by the steamers. One cotton merchant who was obliged in the course of business to visit his different depots on the lake informed us that he was obliged to make the journey by motor with endless difficulty and expense, while any European could travel

inexpensively and in comfort on the State steamer. Thus the Indian trader was penalised commercially on account of his race. Yet the same Indian community pays taxes and customs duties which go towards the upkeep of these State steamers.

Furthermore, we understand that at certain important Railway stations bungalows and waiting rooms have been reserved for European passengers and that Indians who have paid the same fare as the Europeans have been put to very great inconvenience. Yet the Railway is kept up by taxes and customs duties which are paid for by Indians as well as by Europeans.

We would urge at the same time that representation should be made on behalf of the African passengers who suffer the same inconveniences as the Indian passengers while paying heavy taxes. The present disgraceful state of the third-class carriages which are used by Indians and Africans alike should not be allowed to continue.

In Nairobi, where the rickshaws are a common mode of conveyance, an invidious racial distinction has been made. They are divided, under the Municipal Regulations, not into first and second class, but into European and Asiatic divisions. On the Railways also, the second class compartments are labelled 'Asiatic' and 'European.' All such racial segregation should now be clearly abandoned. It needs no fresh legislation but simply instruction from the Colonial Office in accordance with the principle laid down in the White Paper.

The Immigration Bill.

With reference to the new Draft Immigration Bill for Kenya, it is our deliberate opinion that such a Bill is not required in the interest of the African natives, and also that it would be racially against the Indians when put into daily practice. We would point out that the Immigration Officers are certain to be Europeans, and that the Advisory Board of Three will have a majority of two Europeans against one Indian. In the present state of extreme racial tension in Kenya it would be obviously impossible for the people of India to have any confidence in such officials and in such a Board. We believe also that the 'paramount interests of the natives' can be observed without recourse to such a measure of restricted Indian immigration as the present draft Bill inevitably involves.

With regard to Uganda the Government's Own Economic Report of 1920 gives an unmistakable verdict in favour of Indian immigration. If it be argued, on the other hand, that the Economic Commission for what is now called Kenya gave a hostile verdict against Indian immigration in 1919, it must be remembered that the Colonial Office publicly in the House of Commons dissociated itself from the finding of that Commission on the Indian question. No Indian served on that Commission and no Indian was called to give evidence.

Mr. Andrews' Report.

The evidence on this question has been very carefully collected and published in a Report made to this Association by Mr. C. F. Andrews who went out as our representative and spent most of his time in the study of the economic aspects of the subject. He came to the conclusion that the whole problem found a natural and automatic solution owing to the fact that no Indian artisan is able to live and

support a family in East Africa on a scale of wages which is less than three times that which an African artisan requires. For this reason alone wherever an African artisan is available he is certain for economic reasons to be employed.

We would point out further, that since the publication of the White Paper, the odds against the Indian—where he might be likely to compete with the African—have been much more heavily weighted by the rise and progress of the 'European and African Trades Organisation' which, under European management and supported by European funds and European public opinion, avowedly and openly attempts to turn out of employment every Indian whom it can reach and to substitute an African or a European. Things have gone so far that in the absence of a sufficient number of skilled African artisans the Association has sent over and imported them from the Seychelles in order to oust the Indian. The figures shown reveal the fact that in a period of four months about 600 Indians were turned out of employment. In addition to this there has been a very serious boycott of Indian stores, which must in the end injure materially other Indians in Kenya as well. The immigration figures already show a decline in the Indian population compared with earlier years. While the European population in Kenya is increasing at a very rapid rate, the Indian population during the last six years has either remained stationary or else actually declined. In these circumstances an Immigration Restriction Bill, which can only seriously affect the Indians, bear an obviously racial character. Therefore, at such a time of hostile White aggression against Indians in Kenya, any further attempt on the part of the Kenya Government (which is dominated by European interests) to restrict Indians still further appears to us to be not in accord with the principles of the Kenya White Paper which upholds impartial treatment between the races. Our contention is that the African native interests are already sufficiently safeguarded and that the progress of the African native would be seriously imperilled if the number of Indians in East Africa were still further diminished. We would point out to the undoubted fact that the great cotton belt in North Uganda and the Soudan province is being opened up with such success chiefly owing to the intrepid advance of Indian traders into malarial districts where no European could penetrate. The Indian is still doing pioneer work in establishing among African natives, who are emerging from savagery, the conditions of trade and barter.

We are thankful to note that the Government of India are satisfied that they have received from the Colonial Office a definite promise that the Draft Bill will be held up until the Committee sent from India has time to discuss it with the Colonial Office itself. We trust that there will be no mistake or misunderstanding on this point.

British Guiana Deputation

With regard to the British Guiana Deputation we are strongly opposed to any scheme of recruiting Indian labour for the Colonies, so long as the conditions which made the Kenya wrong possible continue to exist. We would, in conclusion, refer to the scandal of the Fiji Poll-tax, which has been adversely commented on by many leading Europeans including the Rev. R. Piper of Lautoka. We would urge its immediate cancelling on the ground that it is an altogether iniquitous tax.

Indians in East Africa

Early History

The way in which insults and humiliations have come more and more to be showered on the heads of the Indian Settlers in Kenya in recent years will be found chronicled in previous issues of the *Indian Annual Register*. On the question of the Highlands and Segregation, the climax was reached in July last when the Imperial Government was compelled to yield to the threat of an armed rebellion by the Kenya Whites and issued the infamous White Paper. And at the last Imperial Conference, when Sir Tej Bahadur Sapru proposed a Committee of Enquiry to go into the question of equality of status in the Colonies, the Duke of Devonshire, the then Colonial Secretary, made it clear that the Kenya Indian question was finally settled in that White Paper and could not be re-opened. At the time that the White Paper was issued there was persistent talk of tightening up the Immigration law, for the White Settlers knew that unless they forced through the Immigration restrictions before the Sapru Committee sat and while their rebellious threat continued to take effect, they could not achieve their aim. The White Paper itself gave the cue to the Governor of Kenya, and he was asked to take into his views, while framing the bill, not only conditions of Kenya but also those of the neighbouring territories of Uganda and Tanganyika. In April last when the Rt. Hon. Mr. Sastri was heading the Kenya Indian Delegation to England, he said at an informal conference with the Imperial Indian Citizenship Association that however much they might compromise in other matters, they could not yield at all on the question of immigration. The right of unrestricted immigration from India to Kenya was vital not only to the Indian settlers who have made the Colony their home, but also to India in asserting her right to equal status in all parts of the Empire. Even the Government of India professed at the time when the White Paper was issued that at least the immigration question was not lost, and that before that question was raised the Govt. would take proper precautions beforehand. But all to no avail.

In the month of October last the Kenya Government passed the Customs Tariff Act whereby the Indian trade was hard hit. The duties on rations and unbleached piece-goods which used to go from India and formed the main business of the Indians were phenomenally increased while duties on articles of luxury were reduced. Even the commodities of daily use by the Natives and Indians were greatly taxed.

On November 23rd, 1923 the Kenya Official Gazette published the Bill to consolidate and regulate immigration and employment in the Colony. At the top of the Bill a note was appended stating that the bill was published subject to the approval of the Secretary of State for the Colonies, but it was long known that formal consent of the Colonial office had already been secured. The Uganda Government followed in the trail and published the Identity Card Bill with almost the same object, namely, to isolate the Indian settlers first, and then conveniently to reduce them to helotry. It was also understood that the Uganda and Tanganyika Governments were going to pass similar measure as soon as the Kenya Immigration bill became law. The full text of the Bill is given below.

The Kenya Immigration Bill

The following is the full text of the Bill entitled 'An Ordinance to Consolidate and Regulate Immigration and Employment in the Colony and Protectorate of Kenya' published in the Kenya Gazette on Nov. 23rd. 1923.

WHEREAS it is desirable to provide for the peace, good order and development of the Colony and for the purposes of reducing and preventing unemployment,

And whereas it is the duty of the Government to safeguard the interests of the African natives of the Colony and to assure their progress and the continued improvement of their material welfare,

And whereas it is desired fully to implement the policy declared in the memorandum presented by His Majesty's Government to Parliament relating to Indians in Kenya and dated the 28th day of July in the year of our Lord 1923,

Be it therefore enacted by the Governor of the Colony of Kenya with the advice and consent of the Legislative Council thereof :—

1. This Ordinance may be cited as 'The Immigrants Regulation and Employment Ordinance, 1923.'

2. In this Ordinance the following terms shall have the respective meanings hereby assigned to them, unless the context otherwise requires :—'Colony' shall mean the Colony and Protectorate of Kenya. 'Immigration and Employment Officer' shall mean a Principal or an Assistant Immigration and Employment Officer appointed for the purposes of this Ordinance;

'Principal Immigration and Employment Officer' shall mean the Officer appointed for the administration and execution of this Ordinance.

3. This Ordinance shall not apply to :

(a) The officers and crews of His Majesty's Navy or of the fleet of any friendly power. (b) Any member of His Majesty's Military forces.

(c) Any person duly accredited to the Colony by or under the authority of the Imperial or any other Government.

(d) Any person, the subject of a Foreign Power having treaty rights within the Dominions of the Sultan of Zanzibar, who is not a prohibited immigrant under section 5 of this Ordinance and who is possessed of a guarantee in the form set out in schedule A of this Ordinance signed by the Local Consular representative of such power.

(e) The wife and any child appearing to an Immigration and Employment Officer to be under the age of sixteen, of a person not being a prohibited immigrant, provided they are not themselves prohibited immigrants under sub-clauses (b), (c), (d), (e), (f), or (g) of sub-section (1) of section 5 of this Ordinance, and provided further that any idiot or insane person or any person who is otherwise physically afflicted may, in case he or a person accompanying him or some other person give security to the satisfaction of the Immigration and Employment Officer for his permanent support in the Colony or for his removal therefrom whenever required by the Governor-in-Council, be permitted to enter the Colony. (f) Any person who shall satisfy an Immigration and Employment Officer that he has been formerly domiciled in the Colony or has been resident therein for a total period of not less than five years and that he does not come within the meaning of sub-clause (b), (c), (d), (e), (f), or (g) of sub-section (1) of section 5 of this Ordinance.

4. Any person desiring to enter the Colony shall, before being allowed to do so, appear before an Immigration and Employment Officer who shall after such examination as he may consider necessary, inform such person and the master of the vessel, if any, which has conveyed him to the Colony whether he is a prohibited immigrant or not. Provided that if such person withholds or conceals from such officer any fact or information which would bring such person within any of the classes of the prohibited immigrants defined in section 5 of this Ordinance, he shall be deemed to have contravened this Ordinance. Provided further that when a person enters the Colony from adjoining territory or from Arabia, the Resident Commissioner or the Officer discharging the duties of a Resident or District Commissioner at the place of entry, shall have all the powers vested in an Immigration and Employment Officer under this Ordinance.

When an immigrant is permitted to enter the Colony he shall be given a certificate by the Immigration and Employment Officer.

5. (1) The immigration into the Colony by land or sea is prohibited of any person, hereinafter called a "prohibited immigrant", being or appearing to be of any of the classes defined in any of the following cases :—

(a) Any person without visible means of support or any person who is likely to become a pauper or a public charge. (b) Any idiot or insane person.

(c) Any person suffering from a lues venerea or a dangerous contagious disease or from trachoma.

(d) Any person who, not having a free pardon, has been convicted in any country other than the Colony of murder or any offence for which a sentence of imprisonment has been passed for any term, and who by reason of the circumstances connected therewith is deemed to be an undesirable immigrant, but this provision shall not apply to offences of a political character not involving moral turpitude.

(e) Any prostitute, and any person living or receiving or who may have lived on or received any part of the proceeds of the prostitution of others.

(f) Any person deemed by an Immigration and Employment Officer to be an undesirable immigrant in consequence of the information or advice received from any Secretary of State or Colonial Minister, or through official or diplomatic channels or any Minister of a Foreign Country, or from any other trusted source.

(g) Any person who has been ordered to leave the Colony.

(2) Any person aggrieved at the decision of an Immigration and Employment Officer to classify him as a prohibited immigrant under sub-section (1) of this section may appeal from such decision to the Governor-in-council provided that the determination of such appeal shall in no way limit or restrict the powers conferred by sections 7, 18 and 19 of this Ordinance.

6. There shall be established a Department of the Government to be known as "The Immigration and Employment Department."

7. Any person convicted by any court, within a period of five years from the date of entering the Colony, of murder or an offence involving moral turpitude for which the court has power to impose imprisonment shall be liable to be dealt with as a prohibited immigrant, and the Governor may, if he thinks fit, make an order requiring such person to leave the Colony within a time fixed by the order, and thereafter to remain out of the Colony.

8. Any intending immigrant who has not been granted permission to enter the Colony may be detained in such place and under such terms and conditions as the Governor-in-Council may by rule prescribe.

9. (1) There shall be established in Nairobi an Immigration and Employment Board which shall instruct the Immigration and Employment Officer with regard to economic requirements of the Colony.

(2) Such Immigration and Employment Board shall be constituted of such persons as the Governor may appoint and shall include:—

(a) The Chief Native Commissioner or other officer of the Native Affairs Department representing the interests of the African natives of the Colony. (b) A European who shall be a member of the Executive Council or of the Legislative Council. (c) A representative of the Indian community.

10. The Immigration and Employment Department shall collect and record all information and reports as to labour requirements of the Colony.

11. Any person in the Colony desiring to bring into the Colony a person to work as clerk, salesman, artisan or other employee from outside the Colony shall first satisfy the Immigration and Employment Officer that he cannot obtain in the Colony an employee suitable for the work and the Immigration and Employment Officer is so satisfied that the requirements as laid down by the Board will be met shall issue a certificate and on the production of such certificate shall exempt the immigrant named therein from the operations of clause (a) of section 5 (1) of this Ordinance.

12. (1) An immigrant who arrives in the Colony without a certificate as provided for in the last preceding section and who is unable to satisfy the Immigration and Employment Officer that he is entitled to enter the Colony under section 8 or that he is not a prohibited immigrant under section 5 of this Ordinance shall not be allowed to enter the Colony unless he can satisfy the Immigration and Employment Officer that he is a desirable immigrant or unless he can prove to the satisfaction of the Immigration and Employment Officer that he is assured of employment or that his services are necessary for the economic requirements of the Colony.

(2) If the immigrant alleges that he is assured of employment the allegation must be corroborated by the prospective employer, who, if he has not already obtained a certificate prescribed by Section 11 must satisfy the Immigration and Employment Officer of the matters prescribed by that Section and take out a certificate as required by Section 11 and the immigrant shall not be allowed to enter the Colony in the absence of such corroboration and certificate.

13. (1) When an intending immigrant not otherwise entitled to enter the Colony informs the I. & E. Officer that it is his intention to carry on any trade, business or occupation (other than the practice of a learned profession in which he is properly qualified) he shall give such information to the officer as he may require and the officer shall satisfy himself that the requirements laid down by the Board will be met and that there is an opening for such trade, business or occupation, and that it is in the interest of the African natives of the Colony that such trade, business or occupation should be undertaken by the intending immigrant and only on the officer being so satisfied shall such immigrant be allowed to enter the Colony. (2) If the officer is satisfied that there is no such opening or that the exercise of such trade business or occupation would be injurious to the interests of the natives of the Colony, such intending immigrant shall be regarded as a prohibited immigrant. Provided that if the intending immigrant under this Section proves to the satisfaction of the officer by the production of the partnership deed or agreement that he is a partner in any existing trade, business or occupation and if the officer is satisfied that the particular partnership, trade, business or occupation is of good repute and if the intending immigrant is not otherwise a prohibited immigrant, such immigrant may be allowed to enter the Colony.

14. If any person who had entered the Colony to serve under a contract providing that the servant shall leave the Colony at its conclusion, fails to leave the Colony after quitting the said service, he may be treated as if he were a prohibited immigrant.

15. (1) Any employer who has engaged servants under such a contract as is mentioned in the preceding Section and who shall refuse or neglect to carry out the provisions of such contract in regard to the passage of such servants shall be deemed to have committed an offence and shall be punishable on conviction with a fine not exceeding £500 or imprisonment of either description for a term not exceeding twelve months or to both such fine and imprisonment. (2) Any person inducing another to enter the Colony under a contract of employment shall be liable to all the expense of deportation of the employee should he be or become a prohibited immigrant, notwithstanding anything to the contrary in the contract between the parties to the said contract. (3) Any person inducing another to enter the Colony under a contract of employment, shall, before the arrival of the employee, furnish a true copy of the contract or of the correspondence forming the contract to the Principal Immigration and Employment Officer.

16. Any person applying for admission into the Colony may at the discretion of the I. & E. Officer be required to comply with the following provisions:—

(a) He shall before entering the Colony give security sufficient to indemnify the Government against the expenses likely to be incurred in sending him and his family back to the port from which he sailed and against the expenses likely to be incurred in detaining him or his family (if any) pending the determination of whether or not he may enter the Colony. Such security shall at the option of the intending immigrant be:— (1) A cash deposit of a sum representing such expenses as aforesaid as may be determined by the I. & E. Officer, or, (ii) A bond which need not be under seal with such sureties as shall satisfy the I. & E. Officer in such sum as may have been determined as aforesaid.

(b) He shall thereupon be permitted to enter the Colony, and shall, if required by the I. & E. Officer within one week thereafter, satisfy such officer, by such proof as such officer may consider necessary in the circumstances of each particular case, that he is not a prohibited immigrant. (c) If he shall not satisfy such officer as aforesaid he shall be deported as soon as possible thereafter and returned to his port of embarkation. The cost of such deportation shall be defrayed out of the amount deposited by him or secured by bond as aforesaid. If a bond has been given the amount of the bond shall be forfeited to the Government and may be recovered by suit in the Court of a Magistrate of the First Class. Any balance of money remaining over after such costs of repatriation and detention have been defrayed, shall be paid to the person who made the cash deposit, or in the case of such costs being paid out of the proceeds of a forfeited bond the balance shall be paid into the court in which the bond was forfeited and the court shall distribute the said balance among the persons from whom the amount of the bond was recovered in proportion to the amount recovered from each of such persons. (d) If he shall so satisfy such officer as aforesaid he shall be permitted to remain in the Colony. (e) If he shall be so permitted to remain in the Colony as aforesaid such officer shall retain the amount deposited by him as aforesaid for a period not exceeding one year from the date of such deposit. (f) Notwithstanding anything contained in sub-section (d) hereof, he may be deported in the manner prescribed in sub-section (c) hereof, if within a period of three years from the date of his entering the Colony he shall be shown to be a prohibited immigrant as aforesaid. Such deportation shall be ordered by a Magistrate empowered to hold a subordinate Court of the First Class. In case of any person entering the Colony under this Section no liability shall attach to the owners of the vessel in which he may have arrived at any port of the Colony.

17. Any Police officer or I. & E. officer (or, if the immigrant attempts to enter the Colony from any adjoining territory or from Arabia, the District or Resident Commissioner within whose jurisdiction the place of entry is) shall subject to the provisions hereinafter contained prevent any prohibited immigrant from entering the Colony by land or sea.

18. Any prohibited immigrant making his way into or being found within the Colony shall be deemed to have contravened this Ordinance. Any person convicted under this Section may be deported and shall in addition be liable to suffer imprisonment of either description for a period not exceeding six months. Provided that such imprisonment shall cease if and when arrangements are made for the deportation of the offender from the Colony. Provided further that if such immigrant does not prove to the satisfaction of the Magistrate that he entered the Colony with the permission of an Officer he shall be deported.

19. (1) No person who comes within the definition of a prohibited immigrant shall be released from the operation of this Ordinance or allowed to be or remain in the Colony merely because he has not been notified not to land or because he may have been allowed to land through oversight or through want of knowledge that he was a prohibited immigrant. (2) Proof adduced within three years to the satisfaction of the Governor-in-Council after any person has entered the Colony that he is one of any of the Classes whose entry is prohibited shall be sufficient evidence that such person was a prohibited immigrant and such person shall be liable then to be dealt with as a prohibited immigrant.

20. If there shall be reasonable cause to suspect that any person has contravened this Ordinance, and if in order to prevent justice from being defeated it is necessary to arrest such person immediately, it shall be lawful for any Immigration and Employment Officer or Police Officer to arrest such person forthwith without having a warrant for that purpose, and he shall be required to bring such person before a Magistrate as soon as may be, or should the vessel from which such person has landed be on the point of departure, then, unless such person shall demand to be taken before a Magistrate, he may be handed over to the custody of the master of the vessel who shall be obliged to receive and keep him on board.

21. The Governor may authorise the Principal I. & E. Officer to make a contract with the master, owners, or agent of any vessel for the conveyance of any prohibited immigrant found in the Colony to a port in or near to such immigrant's country of birth and any such immigrant with his personal effects may be placed by police officer on board such vessel.

22. Any Immigration and Employment Officer shall for the purpose of this Ordinance be empowered to board as often as may be necessary all vessels entering inward at any port of the Colony in the performance of his duties under this Ordinance.

23. (1) The Master of a vessel arriving in any port of the Colony shall upon being thereto requested by an I. & E. Officer at such port furnish to him a list in duplicate signed by himself of all passengers and other persons on board such vessel at the time of his arrival in the Colony not forming a portion of the regular crew of such vessel. (2) The owner or agent of a vessel leaving any port in the Colony shall upon being thereto requested by an Officer at such port furnish to him a list in duplicate signed by himself of all passengers and other persons so leaving in and not forming a portion of the regular crew of such vessel.

24. The Master of a vessel shall if required thereto prior to his departure from port, produce his articles and muster his crew and if it be found that any person named in the article who in the opinion of an I. & E. Officer would be a prohibited immigrant is not then present, such person shall be deemed to have entered the Colony contrary to this Ordinance but the master and agents of such vessel, provided they have made proper provision to prevent desertion, shall not be responsible for any contravention of the provisions of this section.

25. Should the master of a vessel charge any member of his crew or stow-away or extra-hand before a court with a crime or offence committed at some time prior to the arrival of or during the stay of such vessel in port, the Magistrate may at the request of an Immigration and Employment Officer and on representation by such officer that the accused is a prohibited immigrant, in awarding punishment, order that, on expiry of the sentence or on the sooner readiness of such vessel to proceed to sea the prisoner be taken from jail and conducted in custody aboard such vessel for conveyance away from the Colony. Any person contemplated by this section brought before a Magistrate and discharged shall by order of the Magistrate have to be immediately conveyed back to such vessel. An order shall not be made under this section in any case in which the Magistrate deems the crime of offence proper for trial in His Majesty's Supreme Court of Kenya.

26. Whenever it shall be deemed necessary for the effective carrying out of his Ordinance to regulate intercourse from the shore with any vessel in a port having on board any prohibited immigrant, the principal Immigration and Employment officer may take such steps with the approval of the Governor as may appear proper on that behalf.

27. The Master and owner of any vessel from which a prohibited immigrant

may be landed or may land shall be liable jointly and severally to a penalty not exceeding £150 and not less than £50 in respect of each such prohibited immigrant landed or who may land and such vessel may be refused a clearance outwards until any penalty incurred has been paid and until provision has been made by the master to the satisfaction of the Principal Immigration and Employment Officer for the conveyance out of the Colony of each prohibited immigrant who may have been so landed, and such vessel may be made attachable by a decree of His Majesty's Supreme Court of Kenya in satisfaction of penalty imposed under this Section.

The word "Clearance" as used in the Ordinance includes all the documents ordinarily issued by the Commissioner of Customs to a vessel about to leave the port, including the document known as the Bill of Health.

28. Any person being a prohibited immigrant within the meaning of this Ordinance may apply to an Immigration and Employment Officer for a pass to enter the Colony for a temporary visit or for the purpose of embarking at a port in the Colony for some other country. Such passes shall be known as "Visiting" and "Embarkation passes," respectively, and shall be in the form prescribed by the rules made under the Ordinance.

29. The applicant shall attend before an Immigration and Employment Officer and shall answer all such questions as such officer may put for the purpose of deciding whether a pass ought to be granted and shall deposit with such officer:—

(a) For a visiting pass the sum of £15 with an additional sum of £15 where the pass includes the wife and children of the applicant.

(b) For an embarkation pass the sum of £15 for each adult and £10 for each child.

The word "child" as used in this and the succeeding sections, means a person appearing to such Office to be under the age of sixteen years.

30. Except in the case of a person accompanied by his wife and children a separate pass shall be required for each person seeking to enter the Colony for the purpose of a visit or for embarking.

31. No person shall be entitled as of right to obtain a visiting pass or an embarkation pass, and an Immigration and Employment Officer appointed to issue passes shall have the discretion to grant or refuse any such pass, subject, however to any direction which may be given him by the Principal Immigration and Employment Officer or by the Governor.

32. A visiting pass shall be sufficient authority for the person or persons named therein to enter the Colony and to remain there during the period stated in such pass. Such period ordinarily shall not exceed twenty-one days; but any Immigration and Employment Officer appointed under the Ordinance may for sufficient reason appearing, extend the period from time to time by an endorsement on such pass. No extension shall be made for more than fourteen days at a time, and no such pass shall be extended beyond six weeks from the date thereof except with the consent of the Governor.

33. The money deposited for a visiting pass shall be returned to the depositor upon the pass-holder quitting the Colony within the time named in such pass or any extension thereof.

34. An embarkation pass shall be sufficient authority for the person or persons named therein to enter the Colony and to proceed with all reasonable speed to the port specified therein for the purpose of embarking by the first available opportunity for the destination stated in such pass.

35. An embarkation pass shall not be extended save by the Principal Immigration and Employment Officer for sufficient cause to him appearing.

36. The money deposited for an embarkation pass shall be at once applied on the application of the person to whom it was granted and so far as the sum shall suffice for the purpose of obtaining a passage for the person or persons named in such pass to the specified place of destination. Any balance of the money deposited shall be returned to the depositor upon his embarkation or may in the discretion of the Immigration and Employment Officer be extended in any other necessary or proper manner as desired by the depositor.

37. Any person being a prohibited immigrant within the meaning of the Ordinance who shall enter the Colony in pursuance of a visiting pass or an embarkation pass, who shall remain at the Colony beyond the time allowed by such pass, or allow any fraudulent use to be made of it, shall be deemed to have contravened this Ordinance and shall upon conviction suffer forfeiture of the amount deposited by him and may

be sentenced to suffer imprisonment of either description for a period not exceeding six months. Provided that such imprisonment shall cease and when the arrangements are made for the deportation of such person from the Colony.

38. The person appearing to an Immigration and Employment Officer under this Ordinance to be over the age of sixteen years shall be regarded as an adult for the purpose of this Ordinance.

39. Any person who shall by false declaration obtain either for himself or for another person, either or both of whom, being not entitled thereto, any certificate or document intended to secure the entry into the Colony of any person in breach of the Provisions of this Ordinance and any person who may fraudulently use any such certificate or other document shall be guilty of a contravention of this Ordinance.

40. The following shall be contraventions of this Ordinance:—

(a) Assisting any prohibited immigrant to enter the Colony, or knowingly being a party to the introduction of any person of the class (c) of Section 3 hereof. (b) Aiding or abetting a prohibited immigrant or any other person in any contravention of this Ordinance or of any Rules for the time being published hereunder. (c) Resisting or obstructing directly or indirectly any Immigration and Employment Officer in the execution of his duty. (d) Willfully disobeying or disregarding any obligation imposed by or any lawful order made under this Ordinance or the Rules for the time being published hereunder.

41. Every person guilty of a contravention of this Ordinance or of any Rule for the time being published hereunder shall, where no penalty is expressly imposed, be liable to a fine not exceeding £75 or to imprisonment of other description for a period not exceeding six months or he may be sentenced to both such fine and imprisonment. He may be further required to pay all costs of maintenance and charges for repatriation incurred by the Government on account of himself or of any person unlawfully brought into the Colony by him.

42. Any penalty incurred by the master of a vessel shall be paid before such vessel's clearance is granted. Notice in writing by the Immigration and Employment Officer to the Commissioner of Customs of any claim against the master, owners or agents of such vessel for a penalty shall be a sufficient authority to him to refuse such vessel's clearance until such order is withdrawn or set aside by the order of a Court. Such a notice to the Port Captain or Port Officer shall be authority to him to refuse to take such vessel or allow it to go outside the port to any other anchorage. When such notice is given such Immigration and Employment Officer shall with all speed inform the principal Immigration and Employment Officer and take all such steps as may be necessary in order that proceedings in respect of the contravention may be constituted without loss of time.

43. The enforcement of any money penalty may be either by criminal prosecution or by civil action at the instance of an Immigration and Employment Officer. All contraventions of this Ordinance or of the Rules for the time being published hereunder for which no special punishment is awarded or for which no greater punishment than a penalty of £150 or imprisonment of either description is imposed, shall be cognisable in any subordinate Court of the first class which may in respect of any such contravention impose a penalty or punishment up to the limits. Such imprisonment may in any criminal prosecution be awarded either absolutely or in default of the payment of a penalty. Notwithstanding the foregoing provision any subordinate Court of the first class having jurisdiction at any port where a vessel is detained under authority of this Ordinance shall have jurisdiction of any civil suit wherein a penalty not exceeding £750 is claimed from the master or owners or agents of such vessel.

44. An appeal shall lie to the Governor-in-Council from any decision of the Immigration and Employment Officer, or person authorised to act as such.

45. Contravention of Sections 16, 17, 19, 23, 24 and 42 shall be offences cognisable to the police.

46. The Ordinance mentioned in schedule B of this Ordinance are herewith repealed.

47. The Governor may from time to time with the sanction of the Secretary of State make Rules for the better carrying out of the provisions of this Ordinance, and for fixing fees to be paid for any services rendered in respect of the provisions of this Ordinance.

48. Until other provisions is made in that behalf all Rules made under the Immigration Restriction Ordinance, 1908, or any amendments thereof shall be deemed to be and shall have the effect of Regulations made under this Ordinance.

The Indian Agitation

With the publication of the Bill protests began to pour in from every corner of the country. The Indians protested violently, as the bill was clearly directed against them, while many White settlers protested against the restrictions imposed upon employers to engage clerks etc. One White Settlers' paper even went so far as to ask the authorities to close the door of the Colony to Indians outright. The Mombasa Indian Merchants' Chamber sent a strong representation to the Government protesting against the attempt made to restrict and ultimately prohibit the entry of Indian trading interests. The Mombasa Indians at a mass meeting held on December 5th last declared that the safeguarding of the African Natives' interest was only a guise to stamp out the Indian settlers and cabled to the Govt. of India to approach the Colonial Office to stop the introduction of the measure. The Indian papers of Kenya, the "Daily Advertiser" and the "Democrat", wrote strong articles against the bill and exposed the hollowness of the pretensions of the Whites to safeguard Native interests. The general feeling of the Indians ran very high. The Executive Committee of the local Indian Congress asked the Indian members of the Kenya Executive Council and the Legislature to resign forthwith and cabled to India for help. It asked the National Congress, to send over some leaders in India to preside over and hold the East Africa Indian Congress at Mombasa and direct the form of effective protest that should be made under the circumstances.

The East Africa Indian Congress

Accordingly Mrs. Naidu and Mr. Benarsidas Chaturvedi from the National Congress and Mr. S. G. Vaze of the Servants of India went over to Mombasa in January last. The East African Congress was held under the presidency of Mrs. Naidu (the proceedings are given in detail in the following pages), and unbounded enthusiasm prevailed.

After the Presidential Address members of the Subjects Committee were elected. On the 20th Jan. the Congress commenced its sittings at 8-30 a. m. when the non-controversial resolutions were passed and the sittings adjourned till 2-30 p. m. when the most important resolutions were taken up. The first was about the rejection of the policy of the Imperial Cabinet as embodied in the White Paper of the 25th July 1923 giving an inferior status to Indians. This resolution was ably moved by Mr. A. J. Dewji and was seconded by Mr. B. N. Anantani and was passed unanimously; soon afterwards the Immigration Resolution was moved and seconded and unanimously passed wherein profound indignation was expressed against the proposed Bill and determination to resist the said measure to the utmost. The most important resolution which was moved by Mr. B. S. Varma, ex-Member of the Kenya Executive and Legislative Council, and seconded by Mr. Shams-ud-Deen, ex-member of the Kenya Legislative Council, and supported by Mr. D. B. Desai, Kenya's delegate to India, demanded immediate recall of the Governor. Next came the resolution which created the greatest sensation. The resolution was as regards the non-payment of the Non-Native Poll Tax. It was proposed by Mr. A. J. Dewji, seconded by Mr. Y. A. K. Jeevatjee and passed with an overwhelming majority. On the last day of the Congress a ladies' meeting was convened and the Sarojini Congress Fund was started for the purpose of propaganda.

FIFTH SESSION OF THE
The East Africa Indian Congress

MOMBASA—JANUARY 19TH, 1924.

The East African Indian Congress opened at 2 o'clock on Saturday the 19th instant, at Mombasa. Mrs. Naidu arrived at about 2-30 p. m. and took her seat on a raised platform along with the members of the Committee.

Mr. AHMED JAMAL, Chairman of the Reception Committee, opened the Congress by welcoming Mrs. Naidu on behalf of the Committee and the Indian citizens of Mombasa.

An address of welcome was presented to Mrs. Naidu by the Secretary of the E. A. Indian Association on behalf of the Indians resident there, in the course of which it said :—

“The Kenya Indian question is exercising the mind of every thinking man and it is a matter of satisfaction to us that all the political parties in India are unanimous in condemning in the most positive and emphatic manner the Cabinet decision, which is in direct contravention of all pledges held out. That India is one on this point is demonstrated by your presence in our midst, and which is indicative of the feeling of the stubborn resolution of India to vindicate the honour of her sons. Your presence, dear Madam, will act as a filip to our disheartened minds.

“We evince towards you, dear Madam, as a patriot, our deep gratitude in coming out to us, as the President-elect, tender our dutiful respects, and, as a sister, our cordial regards; and we look to you to pilot us through the maze of doubts and difficulties that confront us which your sage advice and ripe experience places you in a position to give and direct.”

The Chairman's Address

Mr. JAMAL then addressed the Congress as follows :—

Shrimati Sarojini Naidu, brother delegates, ladies and gentlemen :—

On behalf of the Reception Committee and the Indian citizens of Mombasa, I have great pleasure in welcoming you at this, the fifth Session of the East Africa Indian National Congress. Since the Congress last met many things have happened, which have greatly disturbed the minds of our countrymen, both here as well as in India.

Acting upon the advice of the Government of India, the Congress decided to send four Indian members on the Kenya Legislative Council and one on the Executive Council pending the final decision of the Kenya Indian question. Experience has proved the futility of such small representation in face of a heavy European majority. When Sir Robert Coryndon assumed charge of the administration of this Colony it was expected that wise counsel will prevail but the final decision of the British Cabinet, the influence of the Kenya White Settlers and the Kenya Government as evidenced by their recent pronouncement through His Excellency the Governor of Kenya in that notorious White Paper has shattered all hopes of an equitable treatment.

These White Settlers seem to lead the Government by the nose. Lord Delamere and Major Grogan and others have been at great pains to belittle Indian pioneering and Indian enterprise in this country but happily history supports our claim to equal, if not to superior, treatment: but, gentlemen, we are only asking for equal and not preferential treatment. Perhaps some of you have read Major F. B. Pearce's book "Zanzibar, the Island Metropolis of Eastern Africa". Major Pearce was British Resident at Zanzibar until recently and his book is an authority on Zanzibar and the East Coast of Africa.

In Chapter 17, says Major Pearce:—

"Hindustan has had a very lengthy association with the east coast of Africa. We know that as early as the first century of the Christian era, Indian ships brought merchandise from the ports of Gujarat to the trade emporia on the shores of the Gulf of Arabia. The cargoes of these ships savoured of Indian wheat, rice, ghee, cocoanut oil, cotton goods and sugar; in fact the same commodities which every British Indian steamer sailing from Bombay carries to Zanzibar and East Africa ports at the present time: and it is hard to believe that in the ancient trading stations on the Azanian Coast, and in the island of Monouthias the middleman was not the Indian merchant who is such a familiar figure in modern Zanzibar.

"Fourteen hundreds years later, we find Vasco de Gama and his Chroniclers making frequent allusions to the Hindu traders they found established at every port along the East Coast of Africa. Curiously enough the Portuguese mistook them for Christians, and they were confirmed in this belief by the attitude of certain Banyas who visited de Gama's flagship, and who, according to the Portuguese, made reference to the statue of the Madonna and the Infant Jesus on the poop. It will be remembered that it was a native of Gujarat named Cana who piloted Vasco de Gama from Malindi across the Indian Ocean to Calicut.

"Writing in 1512 Barbosa tells us that the Moors of Zanzibar, Pemba, and Mafia used to purchase silks and cottons from the merchants of Cambay, resident in Mombasa, and in 1591 Captain Lancaster noticed during his stay in Zanzibar that vessels arrived from Indian ports. Many of these Indians are wealthy and practically the whole of the local trade is in their hands. Nearly all come from Cutch and Cambay and few speak and understand Hindustani.

"The Community with the largest number of members is the Ismailia Khojas whose spiritual leader is that well-known personage the Aga Khan, or, to give him his real style and address, His Highness Sir Sultan Mahomed Sha Aga Khan, G.C.S.I."

This is the latest compilation, as far as we know, written by any European on East Coast of Africa. With all respects to Major Pearce the majority of the European writers of the present day have a particular prejudice in all that relates or pertains to Asia in general and to India in particular. Major Pearce's book was published in September 1919. Sir Henry Stanley, the great African traveller and explorer, writing in the later half of the eighteenth century in his book "Through the Dark Continent" writes, "Zanzibar possesses its millionaires also, and one of the richest merchants in the town is Tarya Topan, a self-made man of Hindustan, singularly honest and just, a devout Moslem yet liberal in his

ideas, a sharp business-man yet charitable. I made Tarya's acquaintance in 1871 and the righteous manner in which he then dealt with me cause me now to proceed to him again for the same purpose as formerly, viz. to sell my cloth, cottons and Kanikis at reasonable prices and accept my bill on Mr. Joseph M. Levy of the Daily Telegraph."

The Indian Community has suffered a serious and irreparable loss by the death of Seth Abdul Rasool Allidina Visram M.B.E. on the 16th day of September 1923. The welfare of his countrymen absorbed much of his energy and wealth, his charities in round figures come to the colossal amount of seventy lakhs of rupees. At all times approachable, a friendly welcome and a kind smile greeted all who sought him. His personal services and purse were ever ready to ameliorate suffering and promote the good of mankind. May God give rest and peace unto his soul.

Notwithstanding our indisputable rights as citizens of the mighty British Empire, we are under every disadvantage regardless of our culture, our wealth, and our intellectual advancement.

I should now proceed to enumerate some of the principal disabilities we are under:

Trials by jury:—This right although recognised by the Right Honourable the Secretary of State for the Colonies, the local government has yet taken no steps to give effect thereto.

Highlands:—The closing of the Highlands to Indians on the thin ground of "administrative convenience" or "suitable for Europeans" on account of climate is indefensible, and constitutes a serious check to the improvement of the colony. It is a curious anomaly that while an Indian shall not own land in the Highlands because of "administrative convenience" nothing may prevent a European from acquiring land in the coastal area. Many European plantations exist in the coastal areas and I have not heard that Europeans suffer on account of the climate nor by the proximity to or contact with Eastern people. One is at a loss then to understand how this "Dog in the Manger" policy can be defended. In the White Paper a niggardly grant of a barren arid waste is offered "by way of experiment" for Indian development. Probably not a single application has ever been made by any European and it is unlikely that any Indian would be stupid enough to spend his energy and capital thereon.

Hospitals:—Government hospitals exist for Europeans and hospitals exist for Natives but no facilities have been provided for the Indians, although Indians contribute in taxes colossal sums annually. The Indian Association in reply to a letter on the subject was informed by the Colonial Secretary very naively that Indians must make their own arrangement to provide hospitals for themselves, as funds did not permit the Government undertaking to furnish a hospital for Indians.

Fire-arms:—It is a very curious apathy that the Government should deny the Indians possessing fire-arms; even a revolver for his self-protection is denied him, although his environments may require the possession of fire-arms to be absolutely necessary. Europeans may own a magazine-full.

Education:—The Government spends something like £24 for a European child and only £1 for an Indian child. There are boarding schools at convenient centres for European children organised and equipped as any first rate school in England, while Indian schools—and these are at Mombasa and Nairobi only—are greatly neglected.

Segregation :—The White Paper ostensibly does away with segregation in township areas only, but as a matter of fact for all intents and purposes it is in full force and effect, for instance, in the Highlands; reservation exclusively for White settlers and insertion of covenants in the various leases all over the country expressly exclude Indians.

Railway Disabilities :—The Railway administration also in practice observes the principles of segregation by labelling the compartments "for Europeans only", "for non-Europeans only" and, "for Asiatics only." In case of a rush when space is taxed to its last capacity an Indian has the option of either to break his journey or to proceed in an uncomfortable crowded carriage, whereas a single European might occupy a whole carriage and no notice is taken of it even. Neither in refreshment rooms nor in the waiting rooms are Indians allowed.

Immigration Bill :—I regret to state that the Kenya Government has thought fit to legislate against Immigration by introducing a new Bill under the pretence of protecting the natives of this country. You have doubtless heard, read and talked about the provisions of the said curious piece of legislation—the Immigration Bill—the crudest perhaps that was ever destined to be placed in the Statute Books of the British Empire. The terms of the Bill leave no doubt that the total elimination of Indians from the Colony is the ultimate goal. The present immigration laws are quite sufficient for the objects for which they are enacted.

White settlers have nowhere been able to prove that an undesirable class of Indians has found a refuge in this Colony. Indeed, it is a positive fact that many European undesirables have been repatriated at Government's expense and I make bold to say that not a single Indian has ever been repatriated. The proposed Immigration Bill would seem to be a forerunner of the final extinction or a death-knell of Indian enterprise, and is sure to operate adversely upon this country. East Africa—from the coast to the lake—on the testimony of high medical authority is unfit for European colonisation.

Similar legislation is, I understand, shortly to be enacted in the Uganda Protectorate and possibly in the Tanganyika Territory. There are several ordinances such as the Game Ordinance, the Ostrich Ordinance and the Mining Ordinance and the Crown Lands Ordinance which do not give Indians a chance to take a share in the development of the country, however keen and anxious they may be to do so.

Legislative and Executive Councils :—Although the population of Indians in Kenya is approximately three times more than that of Europeans in general and the Britishers in particular, and although the Indian community is paying much more to the government in taxation than the European British subjects, the local government acting as the cat-paw in the hands of the conservative White Settlers, passed the Legislative Council Ordinance of 1919 giving adult suffrage to all European British subjects—a handful in comparison to the Kenya populace—and deprived the Indians of their just rights. Last year the Secretary of State for the Colonies in his despatch gave us a ray of hope that the Indians would be given franchise on a Common Roll, but when European White Settlers threatened violence and armed rebellion if the country was not preserved White, and if Common Roll was given to Indians, the pledges did not materialize. Indians were

humiliated and their faith in the British sense of justice shattered to pieces when they heard of the unjust and contemptible Kenya Indian Decision.

To add insult to humiliation and divide our own camp, the Government passed and published very recently the rules of the Legislative Council Ordinance wherein, to deluge and misguide the Indian community, adult suffrage has been given but I must boldly say to those concerned that the Government has been misdirected and the Indian Community of Kenya is determined not to bear the insult offered to them in that notorious White Paper, and I am right in saying that until such time as the said policy is revised in justification of Indian claims, the Indian community will not take any part in the Legislatures of this country. Indians in this country do not want crumbs of bread but they want their just rights. It is not a question of favour or generosity that the Indians are offered that imaginary adult suffrage, but the Government is playing a game in which I am sure they will never succeed. With regard to the Executive Council, the Indian community had accepted one seat thereon on the understanding that proper justice will be done and no differential treatment will be shown to the Communities residing in this country under the Common Flag of His Majesty the King, but as usual the Indians were treated by the bureaucratic Government of Kenya even worse than step-children because blood is always thicker than water.

Trade Licenses:—I must not forget the Mercantile Community of Kenya as well. They have played a no small part in the development and advancement of this country. They have even elevated the Natives of this country and taught them the principles and advantages of trade and further it is this class only which plays an intermediary part in this country. The Government, with a view to harrass and ruin the Indian Mercantile Community, passed in the year 1919 the Trading Licensing Ordinance wherein a heavy trading licensing fee was fixed and several clauses detrimental to the Indian trade were inserted therein.

I must draw your attention to the fact that in the Nairobi Municipality Indians have been refused adequate representation although they pay in taxes more than any other community. Roads and sanitary arrangements in their locality are neglected and no regard is given to their other necessities.

Native Interests:—Nothing can be more arrogant or untrue than that White Settlers should arbitrarily arrogate to themselves the title of Trustees and Protectors of Natives. So far as we all know everything is done for the White Settlers' own benefit by exploiting the unsophisticated and ignorant natives in whose mind the fear of the White man has been instilled by the lash or lethal weapons. One has only to open the Kenya Law Books to find ample testimony to bear out this view.

Ladies and gentlemen, I shall only exercise your patience for a very short time. First of all I must thank you for hearing me so attentively and patiently. The points I have touched here will be probably explained to you more ably by our illustrious President-elect than I could ever hope and dream to do. Let us, brethren and sisters, get to work in right

earnest and not content ourselves with speech-making or materially worded resolutions carried unanimously by a majority. The fact that our President-elect is a lady should be an inspiration to you as to what determination and self-sacrifice can do. Ladies and gentlemen, there is nothing on the face of this earth that is impossible of achievement if undertaken with a spirit of determination and unity.

Ladies and Gentlemen, we are Indians. Diversity of religions should not imperil your duty towards our country; put aside all differences and prejudices and work with a will.

One word before I conclude:—India has started the boycott movement of British Empire Goods in right earnest after the humiliating Kenya Indian Decision and I think it is the duty of the Kenya Indians to join hands with them and get the Kenya Indian Decision reversed at the earliest possible opportunity and that we should make up our minds not to rest until the Kenya Indian Decision is all right.

I again welcome you all to Mombasa and request you to forgive our shortcomings in arrangements and accommodation, and concentrate your energies on one point, viz., to devise means of attaining the equality of status and preserve our self-respect and honour of our dear Mother. Before I sit down I shall conclude by reciting the following quotation from Shakespeare:—

I do love,

My country's good with a respect more tender,
More holy and profound than mine own life.

Mr. TAIB ALI then proposed Mrs. Naidu for the Presidentship of the Congress and in doing so said:—

The name of Mrs. Naidu has been proposed for the presidentship of what promises to be the most momentous session of the East Africa Indian National Congress. Ladies and Gentlemen, the distinguished lady whose name I am proposing for the presidentship is too well-known for me to mention her. Without exaggeration, if I were to describe, even briefly, the great services which she has rendered to the Indian Nation it would take volumes. Ladies and Gentlemen, the very fact that Mrs. Naidu has travelled from India all the way to this country to preside over the deliberations of this assembly, and also the fact that she has left her dear daughter, I am sorry to say, in a very dangerous condition, should convince you that she has closely at heart the cares and destinies of her fellow-countrymen residing abroad. Gentlemen, her presence here with us should also prove to us that our fellow-countrymen in India are following with the closest attention all the political doings which are going on in this country. Gentlemen, I take it as a proof of their sincere desire to help us that they have sent to us Mrs. Naidu, who is one of the most distinguished political workers. Gentlemen, I have no doubt that she will acquire during her short visit to this country very valuable and precise information of what we are suffering from and she will place that information before our fellow-countrymen in India—they have already started the campaign there to assist us: at least I believe they are doing their best to obtain information as to our grievances. There is no doubt that Mrs. Naidu will acquaint all the leaders in India of the terrible plight in which we are being

placed in this country. Gentlemen, the service which I believe she is about to render to us will be small to that which she has rendered to our Motherland. I will, therefore, not waste your time any further, so I have the greatest pleasure in proposing her name and I feel sure that you will adopt that name as President unaniously.

Mr. Hussain Suleman Virjee then addressed the meeting in Gujarati.

Mr. Suleman Virjee then congratulated Mrs. S. Naidu on behalf of the Indian community and presented her with a Gold Medal.

The following telegrams were then read out.—

From the L. Hon. Mr. S. Sastri:—

"Wish success Congress, take united bold unyielding stand but no provocative measures or language, Mahatma progress quite satisfactory."

"Don't send your representatives to the Municipal and Legislative Councils of Kenya."

From A. M. Jivrajee, London:—

"Congratulations to members on opening Congress. Trust complete success. Unity only can bring about success."

From Hussain Alidini Visram, Khandalla:—"Wish you all success."

The Presidential Address.

Mrs. Naidu then entered the pulpit and delivered an extempore address as follows:—

Friends,—Being a very unconventional speaker, you will observe that contrary to all the accepted rules of Congress and Conferences I hold no printed paper in my hands—not even a single note to guide my mind or my intelligence to deal adequately and effectively with those grievances and problems that are peculiar to the East African Indian Colony. I do not know whether I should apologize for not following the conventional procedure of having the printed page, so that you may rustle page after page to the convenience of the reporters who, alas, in every country, in England and all over India have a grievance against me, because they say I speak too fast, and my words are not words of journalism.

I have to thank you with all the strength and fervour of my heart for the honour you have done me in inviting me to preside over this most critical and epoch-making session of the East African Indian National Congress. I am aware that there are many distinguished compatriots of mine who could have done you greater service and who have a vaster experience of political life and with riper wisdom who could have directed your welfare and aspiration to a successful issue.

I am aware that there are many very irresponsible men in your country who regard a mere woman from India as an irresponsible firebrand. To each his own interpretation of what is his responsibility and what is a stake. A stake in the country is not to be measured by a foot-rule, is not to be measured with slaves, it is not the possession of wide acres, it is not the mastership of great trade concerns. The real stake in this country is the honour and self-respect of the Indian nation, which is challenged to-day. There is not in the length and breadth of the inhabited globe a single Indian of whom it can be said he has no stake in that country. Every man, rich or

poor, illiterate or otherwise, goes out to that country as an Ambassador and a custodian of his country's interests.

I am standing to-day for the first time in my life on the soil of Africa, but none the less I dare any man of any nation to challenge my statement that I stand on the traditional Colony of the Indian people. What makes tradition, what makes policy, what gives rights? What brings duty, what imposes responsibility? It is the historic connection of race with another, of one country with another, and the longer the connection the deeper the interest, the more the responsibility and the more indisputable the claim. It does not take a very learned student to realize that naturally and inevitably East Africa is one of the earliest legitimate colonial territories of the Indian Nation, going so far back, as I learn from the Chairman's speech, to the first century of the Christian Era, going back so far as even hundreds of years before that. East Africa is, therefore, the legitimate Colony of the surplus of the great Indian nation: whether they went forth to colonize these unknown lands from an economical point of view or to satisfy their desires for venture, to give vent to the great energy which lies dormant to-day in the Indian nation, but which is now rising up in a living stream to surge forward and flood the World. I stand, therefore, to-day before you as an Indian speaker on Indian soil,—soil that your forefathers have dug,—cities that your forefathers have built in a land which your ancestors gave to the citizens of the country—citizens by the right of heredity, citizens by the right of tradition, citizens by the right of the patriotic love which has been nurtured, fostered, and developed by the sweat of the brow and the blood of the heart, of the pioneers exiled from India, so that Indian interests may grow greater. You are the descendants of those pioneers, you are the children of those great exiles, you are the custodians of the great tradition left by those adventurers who have made in the past the histories of the World.

Do you realize that not only are you the Ambassadors of India across the seas, but you are the rightful inheritors of this great legacy your forefathers left, and yet in the land built by your blood, where the graves of your forefathers lie, where men and women of every caste, Parsees and Christians, have raised their temples and mosques, and with one voice, though different in religion, are willing to worship the same God, here comes a later generation of settlers and for whose convenience and welfare your fathers have worked and they dare to challenge your right to possess the soil of this land, the soil over which the ashes and bones of your fathers are strewn. We must know the interpretation of that most omnipotent, that most iniquitous challenge to your civilization known as the Immigration Bill, whose clauses are not merely an insult to India but are a betrayal of English idea of justice, of the English who claim to be the inheritors of justice and freedom.

It is not for me, coming across the seas so many thousands of miles, so far away from the actual spot of your grievances, to lay down a hard and fast programme. To come to those suffering the grievances which are so old and yet so vital, suffering in every fibre and burning with the insults and with indignation; and not knowing the difficulties and disadvantages of the situation, it would, as I say, be presumption on my part to lay down for your guidance any programme without knowing first hand the local conditions, the meagreness of your conditions, your strength, your capacity, your preparedness for certain courses of action. Those details those programmes, those particular

policies that must be embodied in your actions are for you to consider, and if, with my wide experience of Indian doings, my wide experience of Imperial doings and my knowledge of the Englishmen who are betraying England, and my knowledge of the Indian who is true to India, I can help you to arrive at some decision, you will, with one united service and ever unyielding, throw back challenge after challenge, insult after insult, and ultimately by your moral courage receive your just demands. I shall be rewarded for the little sacrifice I have made by leaving my little child who is dying, because the needs of the children of our Nation are greater than the needs of one child.

In the Chairman's speech to-day we have in bold, plain, biting language the severest indictment of the administration of the Colony, which no rhetoric, no oratory, no epithets and adjectives could have better and more boldly denounced against the Government of the White nation in its attitude towards those who are older children of the soil. It has been a most heart-breaking chapter in that volume of iniquity by England which prides itself on its Imperial Administration. Point after point is quoted—Law Courts, Hospitals, Licenses, Educational facilities, and Segregation—the separation of the White man, the Brown man who had the complexion of their Christ, whom they crucified, and lastly the Immigration Ordinance. When I read this I asked myself: when those 24 Barons at the time of King John made him sign the Magna Charta—that great charter of liberty of the English Nation—did they dream of the days to come when the descendants of those Englishmen would go abroad and stamp on every right of liberty that King John had to pass at the incidence of his Barons. When I think of the great poets, politicians and philosophers of England, when I think of the sacrifices of the youth of England in France and Flanders, and when I think of the blood of man which has been shed for the causes of liberty and justice, I ask myself: does death alone give equality between races: is there no justice, no equality, in life? As to Indians, you are outcasts, you carry the brand of inferiority on your brows; you are the unclean political outcasts of the Empire. Friends, in India, where as you know for the last few years there have been internal dissensions merely on details of political policy, this question of Kenya, this insult to Kenya, this challenge to India, this betrayal of the inviolable right of man, white, brown or black, has brought political forces on to one common platform throughout the length and breadth of India—rich man, poor man, Hindu and Mussalman, Christian and Parsee, etc., have all come together on one common platform to denounce the cowardly statesmen of England. I know the tactics of Whitehall. I have a very wide personal acquaintance not only with Whitehall, but with the men and Ministers of Whitehall. I have friends among them, I have enemies among them. I have dined with them and denounced them on platforms. They have denounced me. Their rule of India is complete. When I hear of that wonderful camouflage document known as "The White Paper" I think: what an irony of language that so black a document should be called a "White Paper"? Whilst it seeks to consider, without any apparent injustice to Indians, its guardianship as beneficiaries of the natives of Africa, it strikes the death-blow not to India, for it will not die, but to the Empire, that is built on iniquity. Believe me, I have read that White Paper very carefully; but find that in every clause it seeks to whittle away the rights of Indians. But for every inch of the Indians' rights that is betrayed, a whole acre of Imperial policy is betrayed. Do not be afraid of that White Paper. Do not be afraid of the rhetoric of the White people in their House of Commons, neither when they speak of the inequality of Indians, nor when they

speak of the old civilization of India. They want us to struggle the new ideals of India. I do not believe their promises. Men and women of Kenya, how are you going to solve your own problem? You are the pioneers, you are the ambassadors, you are the soldiers of the new ideals. How are you, with your new vision, your new outlook on life, your new experience, your new existence in a century that you have helped to develop, how are you going to defend your rights? Do not say to me "We look to India to help us." India cannot help you, India must help herself first. She has herself been broken up for centuries by her own internal differences. She is weak. She has to consolidate her own affairs with her numerous castes and races and fight the enemy within her own gates. She can send you a living message, but ambassadors, soldiers, exiles and pioneers, you must work out your own destiny by dint of your own wisdom, the force of your own determination and unity of the Indian races which will make the Indian Nation indomitable. That is your own affair.

Take the White Paper, your communal franchise—do you want this? No. In this Colony you are not Hindus and Mussalmans wanting the protection of minorities. Our interests are different. You are an Indian Nation—an indivisible unit—you cannot be separated into water-tight compartments. You must all be on terms of equality and that is the only course that a self-respecting nation can follow in one country. You do not want preferential treatment; you do not want protection, you do not care if in a common electoral role you do not get a single representative, but you do not want to be shut out from that rest of equality; you do not want to shirk the battle for equal terms. Better not have a representative at all: better stand out; but do not accept a thing that will brand you once and for ever as inferiors of a race with whom you must live on terms of equality. Segregation? There is no power in this land that can dare to offer us this insult of segregation, if you one and all say, we will not have segregation. Reservation of the Highlands? I have never heard of anything more inept in statesmanship than this arrogant, cowardly and selfish attitude of the White man, who will not fight on equal terms with Indians and Africans against the elements. He cannot stand the climate at the lower altitudes. Look at those glad and bright-eyed children of ours here, they can stand the climate, why should not the European, who is so glib at asserting his morale, his officialdom, his intellect over us—why is he not able to stand with you, dying generation after generation with malaria and disease in your own country; why can he not battle the climate with you? Why should he have preference? He has come, he says, to be the trustee of the Black races—to be their custodians. We have heard of that trusteeship, we have heard about those custodians and their guardianship which they tell you about in this dark African Continent. We are here for the trusteeship of India—India with its civilization, its traditions, with its millions and millions of men and women, who have given their martyrs to the cause of modern civilization. They speak of the African native as if he were not even a human being, and they speak of the inferiority of the Indian for whom they must hold the guardianship, so profitable and lucrative, the land which they take away from India an exile and outcast. But I say, let India fight her own battle. You, in this new country, fight your own battles and win. The most pressing of your grievances, the most outrageous of your grievances are the twin questions of the reservation of the Highlands and the abominable and iniquitous Immigration Bill. The reservation of the Highlands in reality, in actual daily life, does not materially affect the Indian, who does not care perhaps to

live in the colder climate to which he is not accustomed: but it makes no difference. It is the principle of equality for which you are fighting. It may be that you do not wish to possess one little plot of land in the Highlands, but not one needle's point shall be denied to you because of racial discrimination and prejudice. You must buy land in the Highlands, and if you have not the money you must borrow it from your countrymen but, at all cost, buy land and live side by side with the White settlers. That is the only effective means. I believe in resolute determination that finds in immediate action succour that is tangible and indisputable; but I do want a tangible and visible import of your united determination that the principles of discrimination and racial prejudice shall not apply to the children of the soil.

Now in regard to the Immigration Ordinance, I do not know in what fashion, in what actual detail you will choose to combat this immigration question; but believe me, if you must shed the last drop of your blood in the vindication of your rights to free citizenship and to free ingress into this country, you must be prepared to shed that last drop of blood. I do not believe in physical force—many of you may not agree with me—but I do not believe in that invincible quality of moral courage and determination and the sacrifice of patience. I hate this so called patience of the Indian. You will be startled, but I repeat it, that dreadful, resigned, fatalistic patience that acquiesces in every wrong, is the ruin of the Asiatic races. You must be proud: you must have that pride that will not brook even one sentence or expression of the shadow of an insult to your manhood and your race. You must not brook for one single instant the ghost of a suggestion of inferiority, coming no matter from what source, whether it be in your trade, in any rank or profession of life. Friends, stand up like men, do not bend your heads but look with pride and defy the scowl that meets you wherever you go. I was heart-broken on the ship on which I travelled, in my comfortable quarters on the upper deck where I sat with English men and women so civil, so polite to me, because they dare not be otherwise to people like me. But when I went into the bowels of the ship, when I went into those subterranean dungeons—the revelation came upon me: that desperate patience of the Asiatic that makes him an exile. Do you think that any single White man—no matter how poor—would have consented to travel in those dungeons, under the feet of the 1st and 2nd class passengers and those White women delicately born, but too poor to pay the big money required for their passages? There were men and women with little children, Goanese, Chinese, Indians herded like rats in the bowels of that ship—men and women who are pioneers of a new country, whose blood and sweat makes it possible for the White settlers to live in comfort in his land.

I have not come to you to-day with any cut-and-dried policy but it might be that before the end of the Congress I and the local leaders will be able to collaborate in the production of a definite scheme.

The Indians of Africa were the true guardians of African interests and the future of the world lay with Africa. The Indians with one united voice must give answer to the Government. They must say that, although in natural history rivers do not flow backwards, they would make the river of the Government decision flow backwards. (Cheers.) The world to-day was looking for a new doctrine but, as always, it would be India who would send a new light into the universe. Let my hearers kill for ever the hatred that is being bred between man and man in this beautiful country by a magnanimous pardon of those who, instead of being their brothers, would make slaves of them. (Loud & prolonged applause.)

Resolutions.

The following are among the important resolutions passed by the Congress.—

KENYA INDIAN POLICY.

This Congress records its emphatic protest against and deep indignation at the Cabinet decision embodied in the White Paper of the 25th July, 1923, because it definitely assigns an inferior status to Indians in Kenya, and aims at White domination and perpetual subjugation of Indians. This Congress is fully convinced that the threats of rebellion and direct action held out by the local White settlers and indirectly encouraged by the local Government has principally influenced this decision. This Congress believes that the claim of trusteeship of Native interests is a mere pretence to deceive the world and the real object of the authors is the furtherance of the interests of the European settlers to the exclusion of those of the Indians, and therefore unhesitatingly rejects the above policy.

IMMIGRATION BILL.

This Congress records its profound indignation at the proposed Immigration Bill which under the thin disguise of protection of the interests of African natives really aims at the exclusion of the Indian immigrants from this Colony and expresses its determination to resist this iniquitous measure to the utmost.

RECALL OF GOVERNOR.

This Congress is convinced that the attitude adopted by H. E. Sir Robert Coryndon, Governor of Kenya, during the course of negotiations and controversial leading to the Cabinet decision of 25th July 1923, was not only unfair and partial, but was deliberately calculated to promote and further the interests of the European settlers to the detriment of the Indian community of this Colony as he was conniving at and indirectly encouraging the threats of violence and open rebellion by the White settlers. For these reasons, this Congress considers that Sir Robert Coryndon is not a fit and proper person to hold the responsible office of a Governor and therefore demands his immediate call.

THE POLL-TAX.

In view of the unjust and iniquitous Kenya Indian decision of the 25th July 1923, this Congress resolves that as a protest against the main decision, payment of poll-tax by Indians in Kenya excepting Government servants should be suspended as a first step until the modification of the said decision.

FIRE-ARMS.

This Congress re-affirms the resolution passed by it at its fourth sessions protesting against the attitude of the Government in refusing licenses to Indians to possess suitable fire-arms and places on record the fact that the local Government had deliberately disregarded this legitimate demand of the Indian community.

PRISON DIET FOR INDIAN PRISONERS.

The Congress resolves that the Government be again requested to make substantial improvement in the diet, clothing and housing accommodation of Indian prisoners in His Majesty's prisons in the East African Territory, the present treatment as regards food and clothing etc. meted out to Indians being inferior to that extended to natives of South Africa.

DEGREES OF INDIAN UNIVERSITIES.

This Congress is strongly of opinion that the Government of Eastern Africa should recognise holders of Degrees from Indian Universities in respect of the Legal, Medical, Engineering, and other professions and that the holders of the degrees be permitted to practise in the East African territories.

TRIAL BY JURY.

This Congress expresses dissatisfaction at the attitude of the Government of Eastern Africa in regard to the question of trial by Jury of Indians and urges the Government to at once extend that right to Indians.

EDUCATION.

This Congress most indignantly protests against the discriminating and niggardly policy of the local Government of Kenya towards the important question of Education of Indian children in the past, and respectfully requests the Government to

increase the Indian vote with a view to establishing schools in all important Indian centres and providing facilities for Hostel accommodation therein. In view of the fact that no provision whatever exists for the education of Indian children in Uganda and Tanganyika, this Congress recommends to the respective Governments to take immediate steps to remedy this deplorable state of affairs.

TRADE LICENSES.

This Congress urges on the Government of Kenya the immediate repeal of the Trading Licensing Ordinance 1919, the abolition of which has been recommended by the Bowring Committee.

ADMINISTRATIVE ABUSES.

This Congress is informed reliably that the various Administrative officers influenced by anti-Indian proposals abuse their office and influence to stifle Indian trade in outlying districts of Eastern African Territories by giving preferential treatment to Europeans especially in the Colony of Kenya and more particularly in Nyanza Province and Voi district and requests the immediate appointment of a commission composed of Europeans and Indians representing the interests of Kenya, Uganda, Tanganyika, and Zanzibar to enquire into these grievances.

SWADESHI.

This Congress appreciates the great importance of improving the relation between Indians and Africans and promoting and fostering trade and commerce between Africa and India and it therefore authorises the Executive Committee to take necessary steps at an early date to carry out these purposes.

UGANDA.

This Congress urges the Government of the Uganda Protectorate to grant the Indian community representation on the Legislative Councils and other public bodies of the Protectorate proportionate to their numerical strength and vested interests.

The Congress in the interests of the development of the Uganda Protectorate and the welfare of the indigenous population strongly urges the Government to introduce and establish the Policy of Free Trade.

ZANZIBAR.

This Congress strongly protests against the idea of the contemplated East African Federation, in as much as the Zanzibar Protectorate is an almost autonomous Arab Sultanate, Tanganyika, a Mandated Territory, and Uganda, a Protectorate and more especially when the populations of these territories are opposed to such federation.

This Congress supports the opinion of H. M's British Indian subjects in the Zanzibar Protectorate, that the post of the High Commissioner for that Protectorate not having justified itself during the past so many years should be abolished and that the British Resident be made directly responsible to H. M's Secretary of State for the Colonies.

This Congress urges H. M's Government to introduce liberal institutions in the Government of Zanzibar such as the expansion of the present Protectorate Council to a Legislative Council on elective principles and establish a Municipality with adequate Indian representation.

TANGANYIKA.

This Congress is of the opinion that the action of the Tanganyika Government in passing the Ordinances known as the Profits Tax, Trade Licensing, and Pedlar's Licensing Ordinances in face of the unanimous opposition of all the communities of Tanganyika Territory, expressed through the most determined 'Hartal' lasting nearly for two months, is, to say, the least impolitic and unwise and requests the said Government to immediately repeal the said Ordinances as they work great hardship and oppression on the people.

This Congress having reasons to believe that the economic and political interest of Tanganyika are being subordinated to those of Kenya, resolves that the status of the Tanganyika Territory as a whole under the mandate shall be kept unimpaired, and at the same time strongly opposes the suggestion made in certain quarters to the effect that Moshi and Arusha districts be handed over for administration to the Government of Kenya.

In view of the unduly long delay in payment of the pre-war and interim German currency notes held by the Tanganyika Indians and also of the claims

against the ex-enemy German Government and German subjects arising out of war conditions, this Congress most urgently requests the Tanganyika Government to take early steps for expediting their payment.

CONGRESS FUNDS

In view of the extreme seriousness of the present political position of the Indians in East Africa and great urgency of funds to carry on the necessary political struggle, this Congress resolves that a fund should be started at once. The Fund so raised shall be called "The Sarojini Congress Fund" and treated as a permanent Fund. Its investment, management, and disbursements shall be entrusted to a committee composed of:—

1. Mr. Huseinbhai Suleman Virjee and Mr. Nauhariaram for Nairobi.
2. Abdulla Jaffer Dewji and Hashan Jamal for Mombasa.
3. Mahomed Kasam for Kisumu.
4. Mr. Nanji Kaidas Mehta and C. P. Dalal for Uganda.
5. Mr. Yusufali Ismailji Jivaujee and Trikamdas Premji for Zanzibar.
6. Mr. Yusufali A. Karimji Jivauji and Mr. Suleman Dahya for Tanganyika.

Messrs. Yusufali A. Karimjee and Trikamdas Premji shall be the Secretaries and Treasurers of the said fund, and an account be opened at a recognised bank where the uninvested portion of the fund shall be kept. The corpus of the said fund shall not be used except in cases of extreme emergency to be determined by a majority of the Committee.

Shrimati Sarojini Naidu to be requested to kindly assist in the raising and collecting of this fund during her tour in East Africa and India.

MAHATMA GANDHI.

This Congress has learnt with great relief and thankfulness that Mahatma Gandhi is making satisfactory progress after his recent serious illness and fervently prays for his complete recovery and his speedy restoration to liberty to guide the nation's struggle for freedom and self-realisation.

THANKS TO MR. SHASTRI.

This Congress places on record its sense of gratitude and appreciation for the services rendered to the cause of Indians in Kenya by the Rt. Hon'ble Mr. Srinivas Shastri and his delegation and empowers the General Secretary to acknowledge on its behalf its appreciation of the services rendered by other friends in India and England.

THE KENYA DELEGATION.

This Congress places on record its deep sense of appreciation and gratitude to the members of the Kenya and Tanganyika delegations to England and India for their efforts in the Indian cause.

Mrs. Naidu's Concluding Speech

In concluding the session, Mrs. Naidu addressed the Congress in Hindi and said:—

You must not let that Immigration Bill be passed for a single moment. It is a measure introduced purely for the benefit of the White settlers and its motive is to oust the Indians. If the Cabinet consents to the Immigration Bill being passed, it will be the duty of the Indian leaders to charter ship upon ship and send immigrants week after week to flood the country, no matter at what cost; but on sea and on land we shall defy that Immigration Bill.

We must not permit the freedom of the present generation to be sold to the White man's interests. When I came into Mombasa Bay my thoughts went back to our mother-country from whence boat after boat of brave adventurous merchants came to your shores bringing precious gifts—gifts that bear the hall-mark of civilization,—bringing with them wheat and rice and those things that feed the body. They brought—those brave Hindoo Merchants—in their cargoes the gifts of civilization to this Continent, called the dark Continent; but in His wisdom the splendour of your future lies secure. Who brought civilization to Africa? It was your forefathers, your Gujrati-speaking people, from the shores of the Bombay Presidency, from Goa, and all the little ports along the coast, came your fathers, not as immigrants to fill up forms, to be questioned and insulted, to be refused admission, but to be welcomed as benefactors and messengers of the people from whom they came. You are the people who have started the history and have made it possible for us to come here to-day.

As I have told you, I have not come here to place before you, at least to-day, any programme for you to follow, but I beg you in the name of the dual inheritance that is yours, from the old country and this new country, to be true to your trust. You are the true guardians of the Africans' interests. You are those who have helped, solaced and succoured the black man who to-morrow will be the citizen of the world. The future lies with Africans, but your part is not to betray them by betraying your rights. If your rights are betrayed to-day, what guarantee is there, in spite of all the pledges of Parliament, that the native's interests is secure from exploitation at their hands.

You must with one united voice give an answer to the Government and say that though in natural history rivers do not flow backwards, we shall make the rivers of your decision flow backwards. Though we are weak and poor, though you seek to put upon us a brand of inferiority and deprive us of those rights and privileges, those responsibilities and duties, our heritage of unalienable right, do not believe for a single moment that whilst a single Indian is alive in India you will go unpunished and unchecked. Whatever programme you decide to follow, that programme must be carefully considered in all its details during the next two days, and at the end of the Session, with your assistance, it might be possible for me to guide you in forming some policy, not of my own, but merely as a voice of your determination, it might be possible for me to guide you in forming some policy, not of my own, but merely as a voice of your determination, it might be possible for me to be a messenger of your hearts. I come to-day from India. I come to hear the new problems that are biting into your hearts and making your blood run with fever at the injustice of the White man. I can only say: fight the good fight with that spiritual assistance that Mahatma has given us, not with the weapons of the old civilization, those things have been scrapped with Western

civilization and on the battlefields that are the graves of the soldiers in Europe. The world has been waiting for a new messenger, but in the hour of darkness it has been an Indian that has sent that message of light to the world. It was that little man, so fragile that you could crush him almost between the palm of your hand, but so great, so invincible, so enframed with a divinity that makes a God of man—"Mahatma"—he brought to India the message of civilization through self-sacrifice, but understand SELF-SACRIFICE—not the sacrifice of National self-respect.

Kill injustice by your indomitable truth, and kill for ever the hatred that is being bred between man and man in this beautiful country, by your magnanimous pardon of those, who, instead of being your brothers, would make slaves of you.

The Parting Message.

Prior to her leaving the shores of East Africa, Mrs. Sarojini Naidu issued the following message to Indians in East Africa under her own signature as President of the East African Indian National Congress, dated February 13th, 1924.

"My farewell advice to the people of Kenya is to abide loyally and fearlessly by the decision of the Congress and fulfil scrupulously both the letter and the spirit of the resolution in which the Indian community of East Africa expressed its indignation at, and the entire rejection of, the Government's policy.

The Kenya White Paper seeks to impose in an unjust and arbitrary fashion an inferior political status on the Indian community of South Africa.

"While earnestly striving to rectify these faults, we should try to ameliorate those evils in our social condition, which seem to give room for our opponents to mock at our claims and deny us equal franchise, equal status, and equal privileges in the civic life of East Africa.

"It is our duty to carry on with unfaltering vigour and determination the political struggle we have embarked on. We must continue it, whatsoever be the cost to our persons or property, until the Kenya White Paper is destroyed once for all, and Indians in Kenya have, by their own united effort and sacrifice, vindicated their right to share equally in the duties and responsibilities of free citizens, and build up a tradition of progress, brotherhood and service, in Africa, the land of their adoption.

"The first step in our struggle is the suspension of the payment of the poll-tax on Natives as a symbol of resentment against the policy adopted by the Government under pressure from, and in the interests of, the White settlers of Kenya.

"It is only a small initial sacrifice that is at present demanded. Both rich and poor should make it their duty to show a united front and to carry out with united strength the mandate of the Congress.

"No poll tax is to be paid until the White Paper policy is reversed and Indians come into their political rights again. We should cheerfully endure every loss and penalty that might be imposed by the Government in the spirit of truth, quiet dignity and courage in accordance with the teachings of Mahatma Gandhi."

[The above message was sent to the "Mombassa Times", an English Paper, which refused publication of it, after consultation with the Government, on the ground that it was a direct incitement to sedition. The same paper, however, published a distorted version of Mrs. Naidu's speech on social condition giving facts to which she did not refer at all.]

The No-Tax Campaign.

After the session of the Congress the Kenya Indians determined to carry out the resolution of the Congress on the non-payment of the Poll-Tax. All the taxes and the licenses were payable before the end of January and a wide campaign was organised to rally all the Indians against the Poll-tax. The Revenue officers of the Government, on the other hand, were equally determined, and setting aside the usual law, brought into force a practice alleged to have been in force for the past three years making the payment of the Poll-tax a condition precedent to the issuing of trade licenses, passports etc. Indians were prepared to pay for the trade licenses, and this harassment made their task all the more difficult. They however remained firm. They paid all other taxes but refused to pay the poll-tax of 30 shillings per adult male, and for this they were sentenced each to a month's hard labour. The movement spread rapidly to the distant districts of Kenya and a large number of people prepared themselves to court arrest. Some 300 Indians thus went to jail. But the policy of the Government not to issue licenses unless the poll-tax was previously paid could not succeed. Government then changed their tactics and went on issuing licenses with the one hand and delivering summonses for recovery of the tax with the other. The plaintiff and the trying Magistrate were the same person and he went on making attachments on the properties of the defaulters. Some of the wealthiest and the most important merchants were subjected to the attachment proceedings, and the leaders were sent to prison. The merchants began to court arrest joyfully, and then the Government again changed their tactics. They began to summon the leaders of the movement before the court, but the leaders raised constitutional points and stated that the Poll-tax ordinance was totally illegal and the continuance of it against the Indians was ultra-vires. They also brought the treaty which the Sultan of Zangibar had signed with the British and the Foreign Jurisdiction Act 1890 and the various Orders in Council 1902, 1906 and 1921, stating that the Crown or the Legislative Council had no right to tax them unless with the consent of Parliament. They stated that in the year 1912 when the Poll-tax ordinance was passed, the Indians had neither direct nor indirect representation on the Council and therefore they were not bound to pay the tax.

Mrs. Naidu's Campaign.

The agitation for the no-tax campaign went on unabated for 3 months. On February 6th a huge demonstration was held at Mombasa. A big procession went round the city singing national songs exhorting Indians all over the colony to join the movement as a body. A huge mass-meeting was held at night where Mr. D. B. Desai presided and recalled the case of a similar campaign successfully carried out 25 years ago. People attending the meeting all took a solemn vow to resist to the last and not to submit to the daily gathering pile of insults and indignities heaped upon them by the Whites. Mrs. Naidu herself made

a lecturing tour throughout East Africa during February last. Pandit Benarsidas Chaturvedi of the Ahmedabad Sabarmati Ashram, and Mr. S. G. Vaze of the Servant of India were also there. They turned the Indian agitation from a purely communal one to one of universal protest against White oppression, both upon the Indians and the African natives. The frigid isolation which the Indians had so long observed in their dealings with the African natives were henceforth to be broken. For the next 10 days Mrs. Naidu pushed on her campaign vigorously, not on the no-tax movement alone, but also in carrying and explaining the message of non-violence of Mahatma Gandhi, in eradicating social abuses amongst the Indian community, in organising the volunteer movement amongst the Aga Khani Khojas, and generally in stimulating the whole population of Indian settlers to more active national work. She succeeded also to bring round some of the good people of the Whites to recognise the justice of the Indian's grievances and to enlist their sympathy and co-operation. She left Mombasa on the 17th February last; and was followed a month later by Messrs. Chaturvedi and Vaze.

The Attachments and Oppression.

Meanwhile persecutions went on. The chief centre of the trouble was Mombasa, the gate-way and the chief Port of Kenya. The Government was afraid that, if the non-payment movement started by the Indians were not checked, the administration would be absolutely difficult as the movement of the Indians was contagious and the natives might soon learn also to refrain from paying the taxes. Persons who joined the non-payment movement included capitalists, big merchants, shop-keepers and land-holders and when ordered by the Resident Commissioners, they willingly courted jail. In Kenya the old (1882) Code of Civil Procedure of India is applicable in all civil matters. According to sections 48 to 50 it is obligatory on the part of the plaintiff to file a plaint in court and if there is no such plaint filed, it is obligatory on the part of the Court to dismiss the case. According to section 9 of the Non-Native Poll-tax Ordinance 1912 it is stated that whoever makes a default in payment of the Non-native poll-tax, due and payable, the Magistrate or the District Commissioner under whose jurisdiction the man resides shall issue a summons calling the defaulter to attend before him to answer why he should not be ordered to pay the poll-tax.

The Mombasa District Commissioner's Court however adopted a queer procedure. Under the Poll-Tax Ordinance, Sec. 9, the Court threw off the sections of the Code of Civil Procedure as to plaint etc. The summons shows that the "Crown" is the plaintiff. It was really not conceivable by a common layman how the Crown came to know that the defendant was indebted to the plaintiff in the amount of the poll-tax as there was nothing on the record which could show that. Under sec. 2 of the Petition of Rights Ordinance 1910 it was clearly stated that in an action by Crown there shall appear and act the Crown Advocate or some authorised person by law; but in these poll-tax cases no body appeared excepting a clerk of the District Commissioner who held no power of attorney or a letter of authority. This clerk opened a book and said that from the book he did not find that the defendant had paid his poll-tax for 1924! There were about 400 cases filed in Mombasa alone, some 100 in Nairobi and a similar number in the neighbouring districts.

Mr. Desai's Case.

The most important case was that of Mr. D. B. Desai, the Hony. Secretary of the Mombasa Indian Association, and the leader of the movement. He was summoned as a defaulter to appear before the District Commissioner on the 22nd February. In the beginning he raised the legal and technical objections; firstly he raised the objection under section 50 of the C. P. C. Then he said that the District Commissioner had no power to try the case and therefore it should be transferred to another Court, as the District Commissioner himself was the Collector of the poll-tax and that there was a circular that where there are Resident Magistrates or Town Magistrates the cases of poll-tax should be tried there. Mr. Desai also raised an objection as to whether the poll-tax was legal or not. Thereupon the District Commissioner adjourned the case to the 28th on which day, over and above the aforesaid objections, which were not decided by the Court, Mr. Desai stated that there ought to have been the presence of the Crown Advocate, and as neither he was present nor the Plaintiff present, the case should be dismissed with costs under section 102 C. P. C. On being further asked Mr. Desai handed to the Court a memorandum where he had asked the Court to refer the case under section 25 of the Court's Ordinance 1907 to the Supreme Court to decide whether the poll-tax was legal. Mr. Desai after handing in the Memorandum stated that he reserved the right of filing his written statement. The case was then adjourned till the 4th March.

Judgment Goes Against Desai.

On that day the District Commissioner brought in a written judgment wherein he stated that there was another circular which overruled the point raised by the defendant whether the Court should try the case. With regard to section 102 and the petition of Rights Ordinance, he stated, that the procedure under the Non-Native Poll-tax Ordinance was quite different and that under the said Ordinance those points did not arise. With regard to the legality of the tax he stated that in 1914 there had been a case decided wherein it was held that the Crown had the right to levy such taxes. But the judgment of 1924 had not decided the points raised by Mr. Desai. Without deciding these points, which could be legally decided by the High Court alone, the District Commissioner overruled them. Further, without getting any proof as to the plaintiff's claim, the District Commissioner gave judgment for the plaintiff as the defendant refused to answer pertinent questions asked by the court! After judgment, even though the District Commissioner knew that the defaulter had property still, in order to harass them, issued warrants for their person according to section 337 of the Old Code of Civil Procedure of 1882. Under section 339 it is made clear that it shall be obligatory for the Court to receive the deposit from the plaintiff for the subsistence allowance before issuing the warrants and in case warrants are issued without such deposits the warrants shall be illegal.

Notwithstanding this the Court issued the warrants without receiving any deposit, and sent warrants upon the jailors under section 339 in contravention to the contents of the said section with regard to the subsistence allowance. In the jail the Civil Prisoners of the Poll-tax eat their own food and nothing was given by the Government. On the 5th March two of the Indians who had been sent to Jail for

non-payment of the Poll-tax came out of the jail as their Poll-tax was paid by some unknown persons. A mass meeting was held at night on the 5th and the position was explained as regards these two persons. In the meeting it was resolved "that this mass meeting empowers the Managing Committee of the Indian Association, Mombasa, the Mombasa Committee of the Standing Committee of the Congress, and the Mombasa Poll-tax Committee to punish those persons who have paid the Poll-tax." It was agreed that those who paid the Poll-tax after the 20th January but up to the 5th March should be punished by a maximum fine of Sh. 500 or in default social (excepting on occasions of religious purposes, serious illness, and on death-bed) and commercial boycott for a period not exceeding one month, and those who paid after the 5th should be punished by boycott in the manner for a period not exceeding three months. In Nairobi and other up-country places matters were not dragged so hurriedly as in Mombasa.

The movement, however, flagged by the end of March last for want of workers, and also for want of that solid unity which has ever been the bane of the Indian.

The New Labour Policy

The change of Government in England led people to hope much from the Labour Party. On Jan. 29th, however, Mr. Thomas received the Empire Journalists at the Colonial Office and outlined at length the Government's Empire policy. He referred at the outset to the nonsense talked about Labour being anti-Empire.

Replying to a question by Sir Stanley Reed, he said that one of his first difficulties was Kenya to which he had given more consideration than to any other. He said emphatically that their first duty was to African Natives. Neither European nor Indian interests could divert them from their obligation to the natives. The policy enumerated in the White paper was the one most likely to be followed.

Mr. Polak on behalf of the Indian Overseas Association urged the Colonial and India Offices and the Prime Minister of the implications of the formula agreed to at the Imperial Conference and the definite pledge by Colonel Wedgwood in the Colonial Office vote debate on the 25th July last on behalf of the Labour Party to revise the White Paper decisions as between Indians and the White settlers when the party came into office.

In the House of Commons on February 26th, Mr. J. H. Thomas, replying regarding the Colonial Office supplementary estimate relating to Kenya and Uganda, declared that the Government's first obligation to Kenya and policy which they intended to pursue, was a trust to the natives. That carried with it something more than an obligation to talk about franchise or immigration questions, namely, assurance that the natives would be fairly treated, protected and especially educated.

Mr. Ormsby Gore welcomed Mr. Thomas' determination to pursue an African policy. He feared that Mr. Thomas would have a great deal of outside pressure and attempt to force an Indianising policy on him and he was glad that Mr. Thomas had nailed the colours to the mast. One thing that Kenya wanted was less talk and news about Indians.

more about cotton and maize grown by the African peasants, and development of East Africa on West African lines.

The Colonies' Committee.

In the Council of State at Delhi, on February 6th the Kenya question was raised in debate.

Sir B. N. Sarma, Member-in-charge of Immigration said: "I wish to make an announcement regarding this resolution. The Government of India have strongly urged upon the Secretary of State for Colonies the desirability of not proceeding with the Kenya Immigration Bill until the Committee to be appointed made its report to us and the Colonial Office. The Secretary of State for India has now wired to forthwith appoint the Committee, in as much as the decision has been reached that the new drafts of the Bill would be prepared. I, therefore, take it that nothing would be done in the matter of the Immigration Ordinance by the Colonial Office until the Committee meets in London and discusses the question and negotiates with the Colonial Office.

Mr. Sethna: There is nothing new in the statement of the Hon. Sir B. N. Sarma, except the appointment to be made shortly of the Colonies' Committee, but my resolution deals not only with the Immigration Ordinance, but also in regard to the franchise.

Sir B. N. Sarma said that "the telegram received from the Secretary of State puts the matter a little further than what the Viceroy has stated. I understand that nothing would be done in the matter of the Ordinance until the Committee is in a position to negotiate with the Colonial Office."

Mr. Sethna: Sir, will the Committee deal with the question of franchise? Sir B. N. Sarma: It will.

Mr. Sethna: But in answer to a question put by Sir Stanley Reed to Mr. Thomas when a deputation of the Empire Journalists appeared before him, he stated that he looked upon the arrangement in regard to the franchise in Kenya as completely settled. The Viceroy's speech itself was certainly lukewarm on this question. Hence my fear.

Sir B. N. Sarma: The Franchise Bill has already been passed into law, and what modifications are possible is a question which would be taken up by the Committee separately. The Franchise question has not been raised in the resolution before us.

And on the 12th March the Government of India appointed the Colonies' Committee "to make representations to the Secretary of State for the Colonies on all questions affecting Indians domiciled in Kenya arising out of the decisions embodied in the White Paper and on certain pending questions affecting Indians in Fiji. The members are:—

"Mr. J. Hope Simpson C.I.E., M.P., Chairman, H.H. Sir Sultan Muhammad Shah Aga Khan, Sir Benjamin Robertson C.I.E., Dewan Bahadur T. Rangachariar M.L.A., Mr. K. C. Roy, C.I.E., M.L.A.

"Mr. B. B. Ewbank, C.I.E., I.C.S., Deputy Secretary to the Government of India, Department of Education, Health and Lands, will Act as Secretary to the Committee. It will assemble in London as soon as possible. The members sailed from Bombay on the 15th March."

Regarding the so-called native trusteeship, Mr. S. G. Vaze of the *Servants of India* says:—

“Mr. J. H. Thomas, the Colonial Secretary in the Labour Cabinet, speaks often enough about “native trusteeship,” but to him evidently it is but an empty phrase. He has been plied in Parliament with questions regarding the Master and Servants Ordinance, the Registration of Natives Ordinance, etc., which spell for the East African wards of the Whites a form of semi-slavery, but Mr. Thomas apparently regards all such pleas on the score of humanitarianism as inspired by a mawkish sentimentality, to which only imbeciles would pay any heed. If on cardinal labour principles he is so utterly unsound, it is hardly a matter of surprise that, where his information is derived exclusively from official sources, he is altogether engulfed by the bureaucratic spirit. On March 5th Mr. Morel endeavoured to expose in the Commons some of the monstrosities inherent in the system of taxation which obtains in Kenya. By this system the Whites who are best able to pay make the least contribution to the public revenues, while natives who just live on the borderland of starvation are made to bear, over and above the cost of the native services, the largest share in the cost of the development of the country in the White's interest. What percentage of the receipts from native taxation is in fact devoted to European requirements, the Kenya officials have not yet made public, and will perhaps never do so, but occasionally you get an official or two who tell you privately but plainly that a considerable part of the money derived from native sources is really expended on European interests. I have seen many leaflets recommending Kenya for White settlement, in which the most seductive feature of this modern Arcadia is made out to be the absence of an income-tax or a land-tax. The absence of these two taxes is no doubt a very great scandal, but the full measure of the iniquity of this system of taxation will not be apparent until one is further told that the deficiency in revenue is made up by clapping on to the natives a tax which makes a large proportion of them work on European farms for nearly three months in a year. The gross partiality of this arrangement Mr. Morel tried to bring out by asking the following question in the House of Commons:—

“Will the Secretary of State for the Colonies take steps to review the incidence of direct taxation upon the native population of Kenya which in effect involved the able-bodied male population in work upon European farms and plantations for three months out of the year: and will he take steps to secure that the principle be adopted that at least one-fifth of the direct taxes paid by the natives shall be returned to them in technical education, medical service and agricultural instruction?”

“To this Mr. Thomas returned the following answer:—“I cannot accept the suggestion that a native cannot pay his tax by working on his own account. Active steps are being taken to extend native education and increase native agricultural production, but I do not think any fixed percentage can be laid down. The proportion suggested by my Hon. friend was very nearly reached in 1922 and, if veterinary services are included, was exceeded.”

“As to the effect the increased native taxation has on the native labour supply, it is hardly worth while to engage in a controversy with the Colonial Secretary: it is writ large in the official Labour Commissions

Report of 1912-13, to which it is enough to refer him. But on the latter portion of Mr. Thomas' answer, it is necessary to dwell for a few minutes. Before proceeding, however, to examine its accuracy, I must mention two facts. First, that the native pays not only in the form of the Hut and the Poll taxes, which Mr. Morel apparently had in mind when he put the question, but two other ways—through customs duties on imports for native consumption (and it must not be supposed that their incidence is at all light,) and through the tax in the shape of free labour in the Reserves, a part of which, e.g., on motor roads, is really for the benefit of the Europeans. The second fact to be borne in mind is that the test which Mr. Morel applies here is too easy, viz. that one-fifth of the proceeds of direct taxes from the native should be applied to the education and medical services in the Reserves. The real principle of allocation of revenues that ought to be applied is the one embodied in "A plan for Govt. on mandate in Africa" published by the League of Nations Union. As the Kenya Government professes to be conducted on the trusteeship plan, like countries administered under the League of Nations' mandate, there is no reason why Article XVII on Revenue therein should not apply to Kenya: "The Mandatory should, so far as possible, allocate all revenues derived from direct taxation of Africans to the native Government, to be spent by them subject to advice and approval of the Resident Advisers. The whole of the revenue of the Mandatory, from whatever source arising, should be expended for the sole advantage of the inhabitants of the territory." The principle therefore that should govern the Kenya Government's policy is not that one-fifth of direct taxes should be applied to education and medical help, but that all the revenues should be applied solely to native interests and the whole proceeds from direct taxation should be spent by the natives as they desire. But the Kenya Government does not come up even to the low standard mentioned by Mr. Morel. Mr. Thomas affirms that it does, but I propose to show below that it falls far short of it.

The Hut tax and the Poll Tax was estimated to produce in 1923 £500,365; leaving the cost of labour on roads etc., which natives are liable to supply out of the reckoning for the moment, the question is whether on native education and medical relief one fifth of £500,000 or £100,000 is expended. It is most surprising that Mr. Thomas should have answered the question in the affirmative, whereas the fact is that to these two services only a quarter of this amount is devoted for the benefit of the native. In 1922 the Kenya Government spent 270,478 shillings on Arab and native education through its own agency, and it gave 217,920 shillings by way of grants to Missions. Now of the 2014 children in attendance in Arab and native schools, about 400 are Arabs; so we may take it that of the 273,478 shillings disbursed by it through its own agency, 216,380 shillings were spent on the natives, which with the 217,920 shillings grant makes a total of 434,300 shillings, or £21,715. So much the Kenya Government spent on native education (not only technical and agricultural education but literary education as well) in 1922. And how much did it spend on medical facilities for the natives? It is difficult to give exact figures, but in 1921 only £6,666 was spent on medical work in Native Reserves, £2,372 for the subsidizing of Missions and £4,294 spent by the Medical Department

itself. Thus, to these two services of the most vital importance to the natives, it would appear that only £28,381 was spent, which bears a proportion, not of 20 per cent. but 57 per cent to the proceeds of the Hut and Poll Taxes. Mr. Thomas says that if veterinary services are included, the expenditure would exceed 20 per cent. The amount spent on veterinary services in Native Reserves in 1922 (including the salaries of European veterinary officers) was £10,374. Thus the inclusion of these services would bring up the total of expenditure in the native interest to £38,755 and raise the percentage of direct taxation applied to these purposes from 57 to 77. The amount that is actually spent on the three services mentioned is thus a little over one-third of what Mr. Thomas says is being spent. It would be well if the Colonial Secretary would explain his figures in detail. I have no doubt that his arithmetic is very seriously at fault somewhere. These bald figures perhaps convey to the reader a very imperfect idea of the Kenya Government's grave neglect of the native. He will have a better idea of the medical and sanitary condition of the native when I put before him just two facts, that of every 1,000 children born 400 die within the first twelve months of life (whereas the infant mortality rate for England for the year 1921 was 83 per 1,000), and that when army recruitment went on, the Government had an average of about 33 per cent absolute wrecks among natives. One cannot be too censorious of the utter callousness with which the Government of Kenya has treated these three subjects of the utmost advantage to the natives; education, medical help and veterinary work. It is best to adduce the evidence of the Whites themselves. On May 4, 1920 Mr. C. W. R. Lanes said in the Kenya Legislative Council:— "With regard to the first (education), beyond the grant of a few rupees by Government nothing was done to educate the natives in the Reserves. With regard to the second (medical relief), the Nyanza Province consisted of five districts. The whole Province had only one Medical Officer whose time was taken up with the European Community in Kisumu. It naturally fell that the native got very little medical attention, if at all. The five districts mentioned were visited at frequent periods by small-pox, plague, etc., which naturally carried off thousands of natives.Thousands of pounds were spent annually in combating the diseases of animals outside the Native Reserves and as far as he was aware not a penny was spent on combating the disease of human beings inside the Reserves"! Another European member, Mr. A. C. Hoey, added, "The Elgai Reserve was visited occasionally by an officer, and then only for the collection of taxes or to see what labour he could get."

"I would repeat here a suggestion which has been made before. For administrative purposes the Government has separated native from non-native areas: why should not the Government effect a similar separation in the native and non-native budget? Why does it not decide that all the money raised from native reserves should be spent therein. There is nothing impracticable in this suggestion; it has been put forward not by visionaries but by practical administrators. Then it will be easy to find out whether the native gets a proper share of the contribution he makes to the country's finances. As it is, the manner in which huge amounts are wrung from him for the purpose of devoting them to European interests redound to the unspeakable shame of England.

Indians in South Africa.

The position of Indians in South Africa was again assailed on November 20th last in the Natal Provincial Council meeting, when Mr. Geo. Hulett asked leave to introduce a draft Ordinance to amend the local township law, and urged that the measure be passed before the Union Parliament met in January. The object of the Hulett Ordinance was to enact that "no male person shall be placed on the Town Roll who is not entitled to be placed on the Parliamentary Voter's Roll." As Indians have already been crippled by previous legislation which denied them parliamentary franchise, the object now aimed at was to deprive them of the municipal franchise which they still enjoyed. In the course of the discussion that followed one member (Mr. Coleman) went so far as to state that the council had been returned with a mandate from the people to pass this measure. The bill, however, was held over on the advice of the Chairman till the arrival of General Smuts from England who was then attending the last Imperial Conference—notorious for the tussel between General Smuts and Sir Tej Bahadur Sapru—for a more comprehensive consideration. The introduction of this new measure led to a serious agitation in Natal and the Indians sent over petitions and representations to the authorities protesting for the fourth time against the draft ordinance entitled "To amend the Local Township Law No. 11 of 1881 in respect of the qualification of voters."

Within the last 2 years the cry for segregation of Indians has been raised in South Africa by the Whites and fought to success first in the Durban Land Alienation Ordinance and later in the Rural Dealers Licensing Ordinance--(for these see previous issues of the *Indian Annual Register*). The climax was reached in the Class Areas Bill of 1924 published in January last which sought to solve the "Asiatic (Indian) menace" once for all. The text of this bill is given below.

The agitation which was set on foot by the Indians in South Africa against the bill was commensurate with the interests involved. On Jan. 13th a representative meeting of Indian merchants of Johannesburg unanimously decided to raise at least £10,000 to fight the segregation bill. An over-crowded mass meeting of the British Indian Association was also held which unanimously passed the following resolution:—

"This meeting records its emphatic protest against the Class Areas Bill aimed to operate solely against Indians by depriving them of their means of livelihood and finally to expel them from the Union. It is therefore unacceptable to the Indian community. It urges the Union Government to drop the bill and the Indian and Imperial Governments to make immediate representations to improve the status of Indians in the Union. Further, the bill is insulting and degrading to the honour and self-respect of the entire Indian nation and the Empire. In the event of the bill becoming law, the community have unanimously decided to oppose it to the last, disregarding all consequences. The Association implores the Viceroy to take immediate steps and press the Union Government to drop the bill."

The Class Areas Bill

The following is the text of the bill proposed for the segregation of Indians in South Africa :—

SEGREGATION

Bill to make provision for the reservation of residential and trading areas in Urban areas for persons, other than natives, having racial characteristics in common.

REQUEST BY URBAN LOCAL AUTHORITY FOR APPLICATION OF ACT.

1. Whenever an Urban local Authority shall intimate to the Minister :—

(a) That any area within its limits is wholly or for the greater part occupied for residential or trading purposes or both such purposes by a particular class of persons, or that an area within these limits is available for the exclusive occupation for residential or trading purposes or both such purposes by a particular class of persons : and

(b) That it is desirable that the provisions of this Act should be applied in respect of such area ; it shall be lawful for the Minister to appoint a Commission consisting of not more than three persons (hereinafter called the Commission) to investigate and report upon the desirability of applying to such area and to the Urban area within which it is situated the provision of this Act.

DUTY AND POWERS OF COMMISSION

(1) It shall be the duty of the Commission to enquire and report upon the following :—

(a) the extent and nature of the area which was the subject of intimation under Section 1 of this Act :

(b) the number, dimensions, situation and nature of sites occupied or available therein for residential or trading purposes or both such purposes as the case may be ;

(c) Whether there would be afforded by the area proper adequate facilities for residences or trading sites or both as the case may be for the particular class of persons concerned :

(d) Whether due and proper provision exists or is assured for water, lighting, sanitary and other necessary services within the area :

(e) Whether it is desirable that the provisions of this Act should be applied in respect of the area ; and

(f) Any other matter which the Minister or the Commission may deem necessary or desirable.

2. The Commission shall have all such powers, jurisdiction and privileges as were conferred upon the Commission referred to in Ordinance No. 30 of 1902 of the Transvaal, and all the several provisions of that Ordinance shall mutatis mutandis apply in respect of the Commission and its proceedings.

PROCLAMATION OF CLASS AREAS.

3. (1) At any time within six months after the receipt of the report of the Commission, the Governor-General may, by Proclamation in the Gazette, declare that, on and after a date to be mentioned in the Proclamation, the area defined therein shall be a class residential area, or a class residential and trading area within the Urban Area.

(2) More than one area within the Urban area may, by any such Proclamation be defined as class residential areas, or as class trading areas, or as class residential and trading areas as the case may be.

(3) Notwithstanding anything to the contrary contained in the Precious and Base Minerals Act of the Transvaal (Act No. 35 of 1908) or any amendment thereof or in any other law, a class trading area may

be established under this Act on land within an Urban area which, in terms of the said Act No. 35 of 1908 or any amendment thereof, is proclaimed land or land held under mining title.

ACQUISITION OF IMMOVABLE PROPERTY IN CLASS AREAS.

4. From and after the date mentioned in any proclamation issued under this Act establishing a class residential area or a class residential and trading area, it shall not be lawful, save as provided in Section 10 of this Act:—

(a) for any person other than a person of the class concerned to acquire immovable property within any such area; or

(b) for any persons of the class concerned to acquire immovable property or a lease or renewal of lease of immovable property anywhere within the Urban area save within the limits of the class residential area or of the class residential and trading area, as the case may be.

Provided that nothing in this Act contained shall apply to the renewal of a lease of immovable property where a right to such renewal is held under a lease existing at the date aforesaid.

TRADING IN CLASS TRADING AREAS OR CLASS RESIDENTIAL AND TRADING AREAS.

5. (1) From and after the date mentioned in any Proclamation issued under this Act establishing a class trading area or a class residential and trading area within any Urban area, it shall not be lawful for any Licensing Court, Board or Authority, or for any person authorised to grant or issue licenses or permits to carry on any trade or business within the Urban area:

(a) to grant or issue to any person other than a person of the class concerned any license, permit, or other authority to carry on any trade or business within the class trading area or class residential and trading area as the case may be: and

(b) to grant or issue to any person of the class concerned any license or permit to carry on any trade or business within the Urban area elsewhere than in the class trading area or class residential and trading area as the case may be.

Provided, however, that if the Governor-General is satisfied that it is in the general interest of the public that it should be permitted to persons of the class concerned or any restricted number of such persons to carry on any particular trade or business within the Urban area, elsewhere than in the class trading area or class residential and trading area as the case may be, he may, by proclamation in the gazette for such periods as he may therein fix, exempt persons of the class concerned or a restricted number of such persons from the operation of paragraph (b) of this sub-section in respect of that particular trade or business.

(2) Nothing in this section contained shall be deemed to prohibit the grant to any person holding at the date mentioned in any proclamation issued under this Act any licence, permit or other authority to carry on any trade or business, or the renewal of such licence, permit or other authority.

Extension of Class Areas.

6. (1) Whenever in the opinion of the Urban Local Authority concerned, any area established under this Act as a class residential area or a class trading area or a class residential and trading area, proves inadequate for, or unsuitable to, the requirements of the population of that class in the Urban area, and the Urban Local Authority deems it desirable to extend any such area or to create a new class residen-

tial area or a class trading area or a class residential and trading area, the Urban Local Authority may communicate its opinion to the Minister, who thereupon may take all such steps as he may take upon receipt of an intimation under Section 1 of this Act.

(2) All and several of the powers exercisable under this Act in respect of the establishment of a class residential area or a class trading area or a class residential and trading area shall be exercisable in respect of the establishing of a new area or the extension of any existing area of like character.

Suspension of Provisions of Act.

7. (1) If at any time the Governor-General is satisfied that a class residential area or a class trading area or a class residential and trading area established under this Act is inadequate for or unsuitable to the requirements of the population of that class in the Urban area concerned, and that, by reason of the delay which would necessarily take place in removing the causes of the inadequacy or unsuitability serious prejudices would be suffered by that population unless the provisions of this Act in respect of such inadequate or unsuitable area be suspended, he may by Proclamation in the gazetté so declare that, from and after a date to be therein mentioned the provisions of this Act shall be suspended in respect of the class residential area or class trading area or class residential and trading area concerned.

(2) From and after such date the provision of this Act shall in all respects cease to apply to the area deemed to be inadequate or unsuitable, and, in respect of such inadequate or unsuitable area, to the other parts of the Urban area within which it is situated.

(3) The Governor-General may, whenever he may deem fit to re-proclaim as a class residential area or a class trading area or a class residential and trading area as the case may be, any area which has been the subject of suspending proclamation under sub-section 1 of this Section or to proclaim as a class residential area or a class trading area or a class residential and trading area under this Act any area which wholly or partly include any area which has been the subject of a suspending proclamation under sub-section 1 of this Section.

8. Any class residential area or class trading area or a class residential and trading area established under this Act for any Asiatic race shall for the purpose of section two (b) of law No. 3 of 1865 of the Transvaal be deemed to be an area within which, in terms of that law, fixed property may be owned by Asiatics.

Class Advisory Board.

9. (1) For every class residential area or class trading area or class residential and trading area established under this Act there shall be an Advisory Board consisting of not less than three persons of the class concerned resident within the Urban area, in addition to a chairman who, in the case of a non-European area, may be a European. The mode of election or selection of members of any such Board, the period and conditions of the office of the members, and the procedure of the Board shall be defined by regulations made by the Urban Local Authority and approved by the Minister.

(2) It shall be the function of an Advisory Board established under this Section to advise the Urban Local Authority in respect of any matter referred to it by such authority for advice, and no by-law or regulation particularly affecting the interest of the class of persons concerned shall be made or withdrawn by an Urban Local Authority, unless the advice of such Advisory Board shall first have been obtained.

THE CLASS AREAS BILL

34F

in respect of the making or withdrawal, as the case may be, of such by-law or regulation.

Savings and Exemptions

10. (1) Subject to the provisions of sub-section (3) of Section 3 and of Section 8 of this Act, nothing in this Act contained shall be deemed:—

(a) To affect the operation of law No. 3 of 1885 of the Transvaal or any amendment thereof of Section 2 of Act No. 18 of 1913, of Act No. 37 of 1919, of Chapter No. 33 of the Orange Free State's Law Book or any amendment thereof, or of any other law prohibiting, restricting, regulating, or in any way affecting the ownership or occupation of immovable property or trading by Asiatics or by coloured persons: or

(b) To prohibit the acquisition by the government or any Urban Local Authority for educational, Municipal or any other public purposes of the ownership or occupation of any immovable property: or

(c) To prohibit the acquisition at any time of land or interest in land or the lease or occupation of any immovable property by devaluation or succession on death whether under a will or on intestacy: or

(d) To prohibit any executor of a deceased estate or any trustee or insolvency from holding any immovable property or trading under any licences where power to do any such thing is conferred upon him by any law; or

(e) To investigate or affect in any manner whatever any agreement or other transaction for the sale or purchase of land lawfully entered into prior to the date mentioned in any proclamation under this Act establishing a class residential area or a class trading area or a class residential and trading area.

(4) Nothing in this Act contained shall be deemed to effect any officer of the consular service or any person to whom the Governor-General may grant letters of exemption from the operation of all or any of the provisions of this Act.

Interpretations of Terms.

11. In this Act, unless inconsistent with the context:—“Class of persons” includes any European persons or any other persons having, in the opinion of the Minister, common racial characteristics, but does not include any natives as that term is defined in Section 29 of the Natives Urban Area Act 1923, (Act No. 21 of 1923.)

“Minister” means Ministers of the Interior or any other Minister to whom the Governor-General may assign the administration of this Act.

“Urban area” means an area under the jurisdiction of an Urban Local Authority.

“Urban Local Authority” means any Municipal Council, Borough Council, Town Council or Village Council or any Town Board, Village Management Board, Local Board or Health Board.

Mahatma Gandhi on the Class Areas Bill

In this connection Mahatma Gandhi issued on Feb. 14th, the following statement of his views regarding the anti-Asiatic movement in South Africa and especially the Class Areas Bill:—

‘As one expected to understand the situation created in South Africa by the anti-Asiatic movement now going on there and especially the Class Areas Bill now under consideration by the Union Parliament, I deem it my duty to place my opinion on the situation before the public.

The anti-Asiatic agitation on the part of Europeans in South Africa is no new thing. It is almost as old as the first settlement of unindentured Indians in South Africa and is principally due to trade jealousy on the part of the White retail traders. As in the other parts of the world, so in South Africa interested men, if they sufficiently persist, find no difficulty in gathering the support round them of those who are not so interested but who do not think for themselves. The present agitation, I remember, was begun as early as 1921 and the Class Areas Bill is, no doubt, one result of that agitation.

BREACH OF THE COMPROMISE OF 1914

Before dealing with the nature and effect of the bill, it is necessary to point out that it is in breach of the compromise of 1914 arrived at between the Union Government and the Indian community of South Africa. But it was a compromise to which both the Indian Government and the Imperial Government were as much a party as the Union Government and the Indian community, because the compromise was arrived at with the knowledge and concurrence of the Imperial and the Indian Governments. The latter had even sent Sir Benjamin Robertson as a representative technically to watch the course of the Commission that was appointed by the Union Government to inquire into the Indian position, but in reality to negotiate a settlement.

The main terms of the compromise were settled before Sir Benjamin Robertson, who represented the Indian Government, returned to India. In accordance with that compromise no further anti-Asiatic legislation was to be passed by the Union Government. The understanding at the time was that the legal position of Indians would be gradually improved and that the then existing anti-Asiatic legislation would, in time to come, be repealed. The contrary has, however, happened. The public may remember that the first attempt to break the spirit of the compromise was made when in the Transvaal an attempt was made to enforce the existing legislation adversely to the Indians and contrary to the practice that prevailed at the time of the compromise. The Class Areas Bill, however, goes much further in restricting Indian liberty.

Whatever may be the other implications of the compromise, this much cannot be disputed by any party that the settlement of 1914 pledged the Union Government not to put further restrictions upon Indian liberty, and apart from the general powers of disallowance vested in His Majesty under the Letter of Instructions addressed to the Governor-General of South Africa, the Imperial Government, if they would be true to their trust, are bound at any cost to insist upon the observance of the terms of the compromise referred to by me.

A FLAW IN THE SOUTH AFRICAN CONSTITUTION.

We, in India, may not ignore the difficulties of the Union Government which is dependent for its existence solely upon the will of the Europeans of South Africa expressed through their elected representatives to the exclusion of Indians and the natives of the soil. This unwarranted exclusion is the original flaw in the South African constitution as it is to be found in the constitution of most of the self-governing colonies which have their native populations and Indian populations. As the Imperial Government permitted the flaw, it is in

honour bound to prevent untoward results arising from it. South Africa and Kenya will presently show what moral worth there is in the Imperial system. The pressure of public opinion must and probably will bring about temporary relief in both the places but it will be only temporary. It can merely postpone the final act in the tragedy unless some unforeseen radical change either in England or in India takes place.

And now for the bill itself. Unlike the Natal Municipal Franchise Bill, which happily the Union Governor-General has in effect vetoed and which applied only to Natal, the Class Areas Bill is designed to apply to all the poor provinces. It enables the Government to segregate all the domiciled Indians and other Asiatics alike for residence and trade. It is therefore an extension, in a modified manner, of the location system devised as early as 1885 by the late Transvaal Government. Let me say in a few words what the segregation may mean. The Indian location in Pretoria, where, in spite of the law of 1885, not a single Indian has been as yet compelled to remove, is situated far away from the town itself and entirely outside the best buyer, whether English, Dutch or Native. The only trade possible in such locations is trade among themselves.

Therefore, segregation carried out to the full means nothing less than compulsory repatriation without any compensation. It is true that the bill appears to preserve to a certain extent the existing rights. But that reservation is of little consequence to the Indian settlers. I do not wish to burden this note by citing illustrations from South African experience to show how such reservations have in practice proved almost useless.

Finally, let it be remembered that when Indian emigration to South Africa was unrestricted, the fear of the Europeans was expressed to be that South Africa might be swamped by India's millions. All the South African statesmen then used to say that South Africa could easily digest a small Indian population and could even give it a liberal treatment but that the European settlers could never rest content so long as the possibility of swamping remained. Now that the so-called fear of swamping has been removed practically since 1897, the cry is raised for segregation and if that is accomplished the next step will be compulsory repatriation, if the segregated Indians do not voluntarily retire. The fact is that the more accommodating the European settlers of South Africa find the Imperial Trustees to be, the more grasping they become in their anti-Asiatic demands."

Indian Representation to the Minister

About the middle of February last Mr. Duncan, Minister of the Interior, received a large and influential deputation of Indians in connection with the Class Areas Bill consisting of representatives of Cape Town, Transvaal and the Natal Indian Association who laid down the Indian grievances before the Union Govt. specially with regard to the question of segregation.

Mr. Duncan in reply said that he did not think the representatives of Indian bodies had treated the Government or himself fairly in the matter of the Bill. Before the Bill was published, he sent a

copy to the British Indian Association, Transvaal, asking them to circulate the Bill to other Indian bodies with the idea that before the Bill came into Parliament he might have the benefit of consulting the representatives of the Indian people, so that if they felt any grievance and if he could remove anything from the Bill it might be done.

Proceeding, Mr. Duncan said: "But no notice whatever was taken of the Bill. Instead meetings were held all over the country. People were whipped up into a state almost of frenzy and told they would be ruined body and soul and their livelihood be taken away and that there should be passive resistance and the like, and then you come to me. What does it matter what I say about the Bill when you have told the people they must resist it to their last drop of blood. Surely that is not the way to treat a matter such as this. I wanted to have the fullest consultation with the Indian people and now that thing is impossible. There is no use of my saying anything. You have said that the Bill is intended to drive them out of the land. You have not treated me or the Government fairly. You might have taken advantage of my offer, and if you found you could get no concession and all my explanations failed to remove your objection to the Bill, it was your duty and your right to go to your people and urge them to do all they could to oppose it. That is the position I want to put before you."

Mr. Duncan further said that he had undertaken to see them and would do so and give every consideration to the points they would put before him. In the short discussion which followed, Mr. Duncan said that the Bill was not intended as a measure of oppression against Indians or any other class of people. It was intended to give effect to a desire that had been pressed upon the Government for a long time that there should be power to provide for separate areas in towns where Europeans and other classes of people should not all be mixed up together. In conclusion Mr. Duncan said that they should not make up their minds that the Bill was intended for the destruction of the Indian people. On those points he would meet their wishes as far as he could, but as far as the principle of the Bill was concerned, it was as he had told them.

The Indian's Case

The Indians presented to Mr. Duncan a lengthy statement of their case, reviewing the Indian question from the early days, which summarised the general grounds for objection to the Bill as follows:—

(1) "The effect of the Bill being compulsory segregation, both residential and commercial, we object to it in principle in that it casts a stigma of inferiority on our race and affront to our ancient civilisation. (2) The effect of the Bill is calculated to encroach on the freedom of the subject. (3) It has been stated that the present bill is soundly justified by unfair competition in trade and industries as between Indian and European. Even assuming that is so for the sake of argument, the question is whether the effect of this Bill, that is to say segregation of races, is likely to find an adequate remedy. We maintain that it will not. On the other hand, it might cause considerable irritation on both sides, and the country might be plunged into mutual antagonism and widen the breach already caused by this unnatural

agitation caused by the anti-Indian party. (4) The effect of this Bill is likely to create international complications by virtue of Indian Rulers who are members of the League of Nations having entered into alliance with the British Government. (5) The effect of the Bill will prove detrimental to the immediate interests of both Indians and Europeans and the country will ultimately gain nothing by it."

The following are detailed extracts from this lengthy representation :—

Although the Class Areas Bill is a measure that will be applicable to all classes in general, except the natives, yet we have substantial reasons for raising an objection, because of the policy underlying this measure. To begin with, we venture to state that the Indians form a goodly number in the population of the Province of Natal, and relying on the traditional British Policy as enunciated in Queen Victoria's Proclamation, considerable wealth of the Indian community has been invested in several parts of the urban area, and therefore should the provisions of this Bill either in the present or in an amended form become the Law of the land, the Indian community will be vitally affected by the operation thereof. The Government is perfectly aware of the fact that the presence of a large number of Indians is due to the express invitations of the late Colonial Government, and we have the assurance of the Imperial Government that the Union will undertake to fulfil in letter and spirit all obligations, which the late Crown Government entered into prior to the absorption of the four self-governing Colonies in the Union. In regard to the Indians in Natal, they were encouraged to come for the purpose of developing the country and in the early days they were given inducement to settle down, and therefore it appears to us that it is too late in the day for the present Government to make any disturbance in the arrangement that has existed since the inception of Natal as an integral part of the British Empire. We do not propose here to go into the merits or otherwise of the past policy of the late Colonial Government but what we do say is that the Indian is here, and that if the policy of the late Government was held to be wrong, then we maintain that it is unjust and unfair to mete out punishment of the innocent children of the Indians for the action of the forefathers of the present generation of Europeans.

COMPULSORY SEGREGATION.

Having in view the emphatic pronouncement of policy enunciated by the Imperial Government in respect of the position which the Natal Indians held, we beg to remind you of it in relation to the Class Areas Bill. We beg to submit that the policy underlying this Bill and the effect of it is compulsory segregation, both in residence and commerce, and it has been stated by the Prime Minister himself that such legislation was intended to aim at the race in which this deputation belongs. It is well known that this policy has been consistently pursued in the Transvaal in connection with our race since 1885, but then it has been persistently opposed by successive British and Indian Governments as well as the Indian Community and it has been looked upon with repugnance by all concerned. Under law 3 of 1885 of the Transvaal Republic, it has been enacted that the so-called Coolies, Arabs, Malays and Malomedian subjects of the Turkish Empire, shall not obtain further rights and shall not own fixed property and shall live on y in streets, wards, locations etc. This Law formed the subject of a bitter controversy extending over a long period between the British Government and the Transvaal Republic which terminated in a bloody war and consequent annihilation of the two Republics. On the eve of the declaration of War Lord Lansdowne, speaking on behalf of the British people and the Empire, waxed eloquent over the then conditions of the Indians and said, "The misdeeds perpetrated by the Boer Government as well as the treatment of Indians specially under the Law of 1885 was one of the greatest justifications for the war." It must be evident from the foregoing declaration that in addition to other causes, the policy underlying Act 3 of 1885 of the Transvaal formed part of the British case against the South African Republic.

BOERS AND BRITISH.

Let us compare for a moment the policy of the late Republic towards the Asiatic with that of the policy enunciated in the Class Areas Bill. Under Section 3 of Law of 1885 Asiatics were prohibited from owning landed property and were relegated to locations, though they were allowed to trade in any part of the Republic. Whereas under the Class Areas Bill which is to be enacted by a Legislature comprised of both

the Dutch and the British people, the very identical provisions of Law 8 of 1885 are embodied with an extra provision making it obligatory on the part of an Indian to live and trade in his own segregated locality. In view of the declaration made by Lord Lansdowne on this aspect of the Asiatic question prior to the commencement of hostilities, we beg to ask you whether the proposed action squares with the utterance of the British Ministers. We beg to submit that if the policy of the late Republic was held to be wrong, inconsistent with the principles of the British constitution and incompatible with modern ideas of justice and fairplay, then it must be equally so now despite the difference of time between 1885 and 1934. Notwithstanding the promise given on the eve of the declaration of War that the policy would cease to exist with the termination of hostilities, the fact remains that the Indian community in the Transvaal since that time and even now have been consistently struggling for the abrogation of that policy. The Natal Indians having been hitherto free from the pernicious policy prevalent in the Transvaal, we should confess we are very much alarmed by the present move on the part of the Government to extend the same into Natal. We venture to state that the Indian Community having large vested interests, in fact as much as any responsible section of the Community, will be confronted with financial ruin and absolute annihilation should this policy be extended to Natal. This Bill having a tendency of a retrospective nature, the Indian community cannot help but be apprehensive of what might be in store for them in the future.

ASIATIC COMMISSION

Having regard to the fact that the effect of this Bill being compulsory segregation both residential and commercial, we venture to draw your attention to the observations of the Asiatic Enquiry Commission on the Asiatic locations in the Transvaal. The Commission in paragraph 131 of its report states as follow:—"The suggestion that holders of new licenses should be confined to trade in locations or segregated areas as outside the township is not reasonable and does not commend itself to us. As was said by the Chief Justice in Motan's case, if the commercial dealings of the Indian Trader were to be restricted to the location in which he lived situated outside the town proper, and peopled only by men of his own race, then he might for practical purposes as well not trade at all. The result is, however, precisely what is aimed at by some of those who are responsible for the suggestion. Several witnesses who advocated compulsory segregation both as to trade and residence candidly stated that they supported it only as a means to an end, that end being to drive the Asiatics out of the country."

It is transparent from the observations of the Asiatic Commission to what extent demoralisation of a section of the Indians in the Transvaal has been taking place by the operation of the segregation policy and how it has been reacting on the health of the community on the whole, and having in view the practical experience gained there, together with the opinion of a Commission which was not pro-Asiatic in composition, it should not be surprising to see the Natal Indian Community getting alarmed at the prospect of an extension of that policy.

ASIATIC IMMIGRATION

We venture to submit, that since the apprehended invasion of the Asiatics has been removed by the stringent operation of the Immigrants Regulation Act, the domiciled Indian Community expected an improvement in their lot as General Smuts and Mr. Burton held out to us such hopes at the Imperial Conferences, but instead of realising our expectations, we regret very much to say, we are being confronted with legislations having for its object filching away our rights slowly but surely. We take this opportunity to present certain practical proofs for the foregoing statement.

Not long ago, the Apprenticeship Act was passed by the Union Parliament. The circuitous operation of this Law in conjunction with the activities of the Trade Union has rendered the condition of many skilled and semi-skilled workers so dubious that in fact many of them have been thrown out of work by a mysterious process, which is difficult to prove, but nevertheless one can easily trace the origin of unemployment among Indian workers. By the operation of the Apprenticeship Act the opportunities hitherto enjoyed by the Indians for learning the skilled and semi-skilled trades have been closed. While the Union Parliament enacted the aforesaid measure with the express object of reserving the skilled trades to the descendant of European,

the Natal Provincial Council which has become notorious for its rabid anti-Indian proclivities and doings have not been slow in using its power to pass a number of ordinances whose cumulated effect will have a restricted tendency towards the Indians. The Darban Alienation Ordinance, The Rural Dealers' Licensing Ordinance, The Public Health Ordinance are examples of the class of restrictive legislation towards Indians and one and all of them have contributed their quota to restrict our rights. Thus one can see slowly but surely, either the Provincial Council or the Central Legislature or both seem to be making unceasing efforts to drive us of our rights, and thus a silent process of lowering the status of Indians to the level of the aboriginal tribes of Africa is taking place.

Now Sir, the head of this Government, General Smuts himself, had publicly declared that the Britishers in Natal are opposed to the Indians. Indeed a comparatively small number consisting of the Indian Community is alleged to be a menace to the European civilization as well as to the preservation of the White Race. You are perfectly aware that the very same British section clamoured for the introduction of Indian labour for the maintenance of European civilization and sustenance of the White Race, because their industries were dying and commerce, on which they depended for their living, were declining. Look up the old records and study the pathetic appeals made by the Europeans in those days and you will verify the truth of the statement. We take this opportunity to tell you that the grounds of objection as well as the alleged menace to European civilization and the preservation of the White race would not stand scrutiny and we make bold to say that it has no foundation in fact. If there were real menace and if the Indian had any intention to submerge the White race and lower the European civilization, they would have done it because it was in their power by virtue of their numerical preponderance when they enjoyed the parliamentary franchise. But British Natal might have forgotten recent history, nevertheless the Government dispatches and the utterance of British statesmen still remain a standing monument to the steadiness of purpose, high moral principles and unflinching loyalty of our countrymen to the British Empire in every trying circumstance.

THE INDIAN MENACE.

Regarding the alleged menace of the Indian to the Western civilization in this country, we make bold to say that it is untrue and that the term is used in a loose manner to achieve certain political ends. The theory that a handful of Indians scattered over this vast Continent could sap the foundations of a mighty civilization, that is militant in spirit and highly organised in all aspects, must be palpably untrue. We could prove this by concrete illustrations. A small community of Englishmen—inheritors of Western civilization—has been holding its own in India for a century and half, and we have not heard anyone suggesting that the Western Civilization has been submerged by the Indian races nor Englishmen becoming denationalized by contact with Indians. Again a handful of British merchants still live and do business with other Asiatic nations such as Japan, China, and the Far East and we have not heard of either of the inheritors of these two civilizations being worsted in the struggle for existence. While no such danger has overtaken the Western Civilization, we ask you, sir, in all solemnity, whether it is ever likely in this vast Continent of South Africa, that the existence of the Indian community consisting as it does of less than 1,50,000 souls in your midst might prove a danger to the Western Civilization? But if it does, as alleged, then all we can say is that from the apprehension of the anti-Indian British politicians, it becomes self-evident that the Western civilization is not sufficiently virile to survive without transgressing the cardinal principles governing the existence of man in civilized society.

Regarding the Class Areas Bill the policy of the Government seems to be in the direction of giving effect to and extending that which was in vogue during the Republican regime in the Transvaal in a more aggravated form and this tendency finds a fitting expression in the present Bill. We venture to suggest that the effect of this Bill being compulsory segregation—a policy that has ever been disapproved by the Asiatic Enquiry Commission—it presents a serious outlook to our existence as a self-respecting community. We venture to state that no nation has prospered that has for its fundamental principle segregation. Indeed the concomitant evils following in its train have retarded the natural growth of the community which has been subjected to segregation and those empires and nations who have adopted it ultimately collapsed, not because that in itself it was bad but because by the very weight of inherent injustice and inhumanity involved in the principle of segregation.

The view-point of the South African Whites is admirably expressed by the Durban correspondent of the 'Pioneer,' who says:—

"The Bill, it must be confessed, is rather a concession to popular (European) clamour than a serious attempt to solve the "Asiatic question." During and since the war, Indians have been invading economic spheres which were formerly preserves of the European and by reason of their lower standard of living, their competition is formidable as will be seen from the summary of the Natal Provincial Council debates. A large section of European public opinion takes a very serious view of this competition; political capital has been made out of it by the opposition parties, and General Smuts has been strongly urged by his own supporters in Natal to take some steps to check it. The various Indian political organisations are naturally opposing the Bill vigorously; but it is doubtful whether its effect will be what is expected either by them or by those who have welcomed it effusively. The Indian community has its established place in the economic system of Natal, and while the Labour politician is declaiming against Asiatic competition, his wife is buying her household requirements at an Indian store. It is not unlikely that the real effect of the Bill will be to demonstrate the impracticability of segregation. If that is so, the experiment will have done something towards the creation of a sounder public opinion. Meantime a very interesting debate may be looked for when the Bill is introduced in the House of Assembly, for the views which are held strongly in Natal are likely to meet with a good deal of criticism from the Cape members."

The Cape and the Orange State were, however, subsequently excluded from the operation of the bill.

Mrs. Sarojini Naidu's Visit.

The Indian agitation acquired a great fillip on the visit of Mrs. Naidu who went over to South Africa from Kenya early in March last and toured throughout the Cape and the Transvaal calling protest meetings against the bill, and the South African Indian Congress Association carried on a systematic campaign with her help.

Mahatma Gandhi's Message.

In response to urgent calls from Durban, Mahatma Gandhi sent the following message to Srimati Sarojini Naidu:—

"Pray tell General Smuts and responsible Europeans that the Class Areas Bill is a poor recompense for the local Indians' exemplary self-restraint throughout interested campaign against them. Europeans should remember that local Indians voluntarily submitted administrative restriction on further Indian immigration. Remind the Union Government of the assurance given to Mr. Gokhale that no further disabling legislation will be passed and also the Compact of 1914. Nothing has since been done by local Indians to deserve proposed treatment. The acceptance of the Class Areas Bill is tantamount to political civil suicide. I trust your winsome eloquence will disarm opposition and make the lot of our countrymen easier for your presence."

After touring through Natal and Transvaal Mrs. Naidu reached the Cape and had an interview with General Smuts on the 13th and with Mr. Duncan on the 17th. On the 13th she addressed an overflow meeting in the City

Hall supported on the platform by several Europeans and Labour Legislators, and attended by Indian representatives from the four provinces of the Union.

On Saturday the 22nd March she addressed another important meeting in the coloured quarter of Cape Town. The majority of the audience were Mahomedans. Speaking in Urdu she said that she had been there nine days and felt it her duty to address meetings in English in order, firstly, to appeal directly to the public and Government authorities whose tyrannical policy was to oppress her fellow-countrymen. She had brought a message from Mr. Gandhi to the South African public and the Government which was: "If you continue to oppress us, we shall leave your Empire; and if we do, where will your Empire be then?" (Cheers.)

Mrs. Naidu said that in India, their own country, the British had also oppressed them and kept them down, but now Mr. Gandhi had instilled a spirit into his followers which could not be suppressed. A few thousand Englishmen had made slaves of her people in India, but now they were standing up for their rights (cheers) and rising against their oppressors. They had started the national industry of spinning Khaddar in India to boycott English cloth. Mr. Gandhi had said that if that were made a national industry and the people learned to use the 'charka', fifty mills would close down in Manchester.

Mrs. Naidu emphasised the fact that they must fight for their rights and fight on while they still had breath in their bodies. "Remember, they want to put you in the class areas and segregate you like they do the lepers on the Robben Island. (Cries of 'Shame,') "I am told this Bill will not apply to the Cape, but General Smuts will keep you here as long as it pleases him, and when he no longer has any use for you, he will tell you to clear out."

Her message to General Smuts was: "Beware, if you think that by this bribe you will catch our votes at the next election in this province. As long as our brothers in the Transvaal and Natal continue to be oppressed by you, we will accept no such bribe in the Cape." (Loud cheers). Mrs. Naidu then complained of the lack of educational facilities for Indians of South Africa. There was no Indian University in South Africa. Their sons could not obtain scholarships and he sent overseas to England, Germany or other countries.

The "Cape Times" on Mrs. Naidu's Speech

Commenting on Mrs. Sarojini Naidu's activities the "Cape Times" in the course of a threatening article on the 24th March declared that her speeches could not possibly do her fellow-countrymen and women in South Africa any good. There was plain risk that she might do them a very great harm. She was playing with fire and using the language of reckless incendiarism, which was addressed not so much to Mrs. Naidu's immediate audience, as to the restless and misguided people of India. If Mrs. Naidu wished to inflame her fellow-countrymen in India still further, she should have the decency to do it from the Indian platform.

After contesting Mrs. Naidu's contention that the Indian has as much right in South Africa as the White man, which, the paper declared, had been dragged in to raise prejudice and damage the

relations between the Whites and Blacks in South Africa, it said that if Mrs. Naidu was to be allowed by the Union Government to continue in her mission of stirring up mischief, she should at least be given a stern warning that any further attempts to create trouble between the Whites and Blacks in South Africa will entail her immediate removal from the country.

Contesting the Indians' claim for equal citizenship, the paper said: "No public-spirited work for South Africa owes anything to the Indian. He has lived in average on the lowest scale of decency and comfort that has been possible for him. He has deliberately exploited this low standard of living as a commercial asset, and has sent the bulk of his earnings out of the country. That being so, the claim that the Indian has equal right to citizenship in South Africa with the European and the native is impudent.

"There remains Mrs. Naidu's assertion that the Indian is "oppressed." She knows, if she had the courage to speak the truth, that the lot of the nine-tenths of Indians in the Transvaal and Natal is infinitely more fortunate than it would be in their own country, where their high caste fellow-countrymen would feel themselves polluted by the most fleeting passage of the shadow of such "untouchables" across the hem of their garments."

That is an epitome of the White feelings that ranged against the Indian settlers and determined to oust them gradually from the colony. General Smuts however was more diplomatic in his statements.

The Smuts—Naidu Interview.

In the course of the interview which Mrs. Naidu had with the General on the 13th March she received a very courteous and sympathetic hearing. In a free, full and frank discussion, Mrs. Naidu reviewed the moral and legal hardships and restrictions under which Indians had been living in South Africa and the repressive spirit of the legislation under the pressure of prejudice culminating in the threatened Class Areas Bill, the principle of which Indians could not accept consistently with their national self-respect and to resist which they were prepared once more to undergo prolonged and bitter suffering under the leadership of Mahatma Gandhi.

General Smuts assured Mrs. Naidu that it was very far from his intention to impose any disabilities on the Indian community or to treat them as inferiors, but there was an urgent need to relieve the acute tension of feeling and prejudice in the country, and it was only with a view to enabling Indians, who after all had their home and future here to live and thrive, that he and his colleagues were bringing forward this piece of legislation as an experimental measure to permit each community to develop along its own lines and according to its own traditions without coming into conflict with one another.

Mrs. Naidu declared that coercive legislation never solved any problem and would not solve the Indian question in South Africa and appealed to the General as a man of vision and understanding, and as an accepted exponent of the gospel of peace, and as one who stood for protection of minorities, to apply the principle of the Imperial Conference and for that purpose convene a Round Table Conference of the leaders in the Union Parliament with local Indian leaders and Indian representatives from India for exchange of views to arrive at some understanding acceptable to all, especially

in view of the fact that Indians had no say in the legislation of the country affecting them, and also as to the best method of effecting an understanding.

Mrs. Naidu had also an interview with the Minister of the Interior on the 17th. The latter did not agree with the view-point presented by her but promised to place her case before the Cabinet and also her request to be heard by the Cabinet. [As regards the value to be placed on the words of Genl. Smuts, the reader is referred to Mr. Sastri's speeches on the subject given elsewhere in this volume].

On March 24th the following cablegram was received by Mahatma Gandhi from Cape-town signed by the General Secretary, South African Indian Congress :—

"South African Indian community submits notwithstanding strongest protest. Union Government determined carrying through Class Areas Bill violating pledges given. Bill indefensible. Foreigners also Euro-African Malays and Natives being exempted. Bill will apply only to Indians. Euro-African Malays and Natives assembled in thousands Cape-town assured Mrs. Sarojini Naidu of support to Indians in opposition to Bill. Indians never submit segregation. Inform India. Please take such action as you think best. Mrs. Sarojini Naidu has made deep impression and won many hearts. Mrs. Naidu deferred leaving South Africa until 30th April owing great demand on her in interest of the cause."

On receipt of this news the Mahatma issued a press-note as follows :—
 "This is a startling news almost too bad even for South Africa to be believed. I have already endeavoured to show why the Cape was to be excluded from the operation of the measure. If the information cabled by Reuter as to the exclusion of the Cape is correct, there is something wrong in the foregoing cable, or the information contained in it is applicable to the other three Provinces only, namely, Orange, Transvaal and Natal. The position then will be that so far as the Cape is concerned the Cape Indians will still remain exempted from the operation of the measure, whereas in the other Provinces the measure will apply only to Indians. There is no difficulty about understanding the exemptions because the idea of Segregation of Natives and Malayas in the extreme sense is new. Every European household has natives of South Africa as domestic servants. Malays, as I have shown in a previous communication, are a negligible quantity except in the Cape. We have, therefore, the naked truth before us that the Bill in question is aimed merely at Indians and that it connotes not only segregation but indirect expulsion. Mrs. Sarojini Naidu's visit to South Africa and her inspiring presence there will undoubtedly steel the hearts of the Indian settlers for further effort. Her presence is also bringing Europeans and Indians on the same platform. Let India, however, not be lulled into a sense of false security because of the commanding presence of Mrs. Naidu in the midst of the sorely tried Indian settlers. After all, the cultured Europeans of South Africa are gentlemen, and I have little doubt that Mrs. Naidu is receiving all the attention that is due to her for her many and matchless gifts, but the South African Europeans have also a fixed and determined anti-Indian policy. General Smuts is a finished diplomat. On due occasions he can speak honeyed words but he knows his mind, and let there be no mistake that unless India can make an effort adequate to the situation, the Bill will be carried through the Union Parliament in spite of Mrs. Naidu's resourcefulness."

In the Union Parliament.

In the Union Parliament the Bill was introduced on March 5th. On the 2nd reading of the bill on April 2nd the Assembly was unusually crowded. Mrs. Naidu in the gallery was prominent among the large sprinkling of Indians. After tracing the history of Indians in South Africa the Minister, Mr. Duncan, emphasised that the Bill was introduced because of pressure by Indians on White people in Natal and Transvaal. The whole question should be regarded calmly and sanely, he said. This so called menace had been caused by competition with White population owing to Indians' rise in the scale of efficiency and skill. Mr. Duncan then quoted the figures showing the very small increase of Indians in Natal and Transvaal in the last ten years and pointed out that as immigration had ceased, there was no increase from outside. Inside. Indians had shown great rise in the scale of civilisation.

The Bill did not aim at segregation, but only at separation as regards residence and training. There was no idea whatsoever of ruining Indians or making it impossible for them to live decently. The whole object was to avoid friction. They were of different origin, had different traditions and the mixture had never been found good. The Bill recognised the right of Indians to live up to the proper standard with fair and just treatment. At the same time the incompatibility of position must be recognised. Not only in South Africa, but in California, British Columbia and elsewhere the same problem prevailed and even in India itself there was not freedom from caste. Take the position of the United States; the Negroes brought there similarly to Indians in Natal (Hear, hear). The constitution and law in America provided for absolute equality but what the law allowed custom took away. The Bill was intended to prevent a clash. Indians under it could live decently without any sense of degradation. The Minister said that the Whites and coloured citizens and natives were excluded from the Bill and also all people in the Cape Province and Free State. The Indian question was not an acute problem in these Provinces.

Turning to the statements that the Bill was a breach of some agreement between Smuts and Gandhi the Minister asserted that, firstly, Indians were treated with all due consideration, secondly, vested rights mentioned by Gandhi referred specifically to certain Indians affected by the Gold Law or Township Amendment Act and were purely a side issue. Mr. Duncan assured the House that the problem would be approached sanely and there would be no oppression as apprehended. Every consideration and justice would be shown. He knew that there was a claim for equality, but that claim could not be allowed. But all the proper claims of Indians must be met and they must have every opportunity to lead decent civilised lives. The Minister said that there was no place for expansion of Indians in South Africa to-day, but if they could help them to return, they must do so. During the last three years Indians had returned at the rate of two thousand annually. That policy could be developed and extended. The Indian menace, so called, could only be got rid of by expansion of the White people throughout the Union.

The Bill, however, did not proceed further as the South African Parliament was suddenly dissolved within a few days owing to the defeat of the Smuts Ministry on some local issue.

The British Guiana Colonisation Scheme

As if the Kenya and South Africa humiliations were not well enough, Sir Joseph Nunan and Mr. Luckhoo from British Guiana again came here in January last to secure, not indentured labour, for that is against law now, but whole families of Indian agriculturists to emigrate to British Guiana with the rosier prospect of a happy and free life in the Colony. When the same deputation came here last time in 1920 the atmosphere was more favourable and they secured more than formal sympathy from the Govt. of India and the Central Legislature at Delhi and an Indian deputation was despatched to Guiana. The report of this deputation, so long held up by the Govt. had now to be made public, and so it was published on Jan. 23, 1924, as nothing further could be done with regard to emigration without previously publishing the report. The Indian deputation, sent by the Govt. of India to examine on the spot the scheme put forward by the last Guiana deputation, was on arrival at their destination confronted by the Governor not with the scheme which they went to consider and the object of which was agricultural colonisation, but with another scheme the object of which was the recruitment of labour for the benefit of the White sugar-cane planters. The result was that our deputation came away disappointed and with less faith in the bonafides of the British Guiana Govt. The deputation thought that though plenty of good land was available in the colony, no colonisation could be thought of unless large expenditure was incurred on drainage, water-supply, and other sanitary schemes which the finances of the colony could not permit. They also found that the Indian community there was opposed to any fresh immigration from India. Sir Joseph Nunan and his compatriot therefore came over to India again and carried an extensive campaign from Delhi to secure their object.

To understand the events that led up to the activities of Sir Joseph Nunan it is necessary to know the geographical position and the historical antecedents of the colony. The following account is taken from one published by Mr. S. Raja Rao of Sabarmati Ashram, Ahmedabad, in March last.—

"The climate of British Guiana is full of all tropical diseases. The history of those who have gone before for a period of seventy nine years, from 1838 to 1917, furnishes anything but painful reading. That the effects of the climate factor on the Indian population are appalling is borne testimony to by the highest authorities in the colony. According to the retired Surgeon-General of British Guiana 10 to 20 p. c. of all the deaths in that colony are due directly to Malaria. In the more remote villages the conditions are stated to be even worse; for out of 96 deaths in a village as many as thirty have been due to Malaria. And what is pathetic is that the Indian element suffers most. There is greater mortality among the Indian population and a higher infantile mortality too, corresponding to their numbers, than among the other sections of the population. And in the net result we are confronted with the astounding fact that for every one thousand Indians that were brought into the country only 572 survived.

"BRITISH GUIANA, as one can see, has a prolific tendency in fitting out Deputations. In order to find their genesis, one has to go back to its early history dating from its final acquisition as a British Colony in 1814. Beginning as a sugar-producing country with planters drawn from Great Britain, Madeira and Portugal, and Negro slave-labour imported from the West coast of Africa, it plodded on with varying fortunes until 1835. Slavery having been abolished altogether in the latter year, and the Negroes of Africa emancipated from the curse, it fell to the lot of "Indians" to bear this cross under a system, as it was euphemistically called the "Indentured Labour" system, from the year 1838. The year marked the beginning of her prosperity. The year 1865 saw a few time-expired Indian immigrants raising 16 acres of rice, through their own efforts and absolutely unaided by Government. This grew to 200 in 1885; to 6,500 in 1898; to 19,000 only three years later; to 38,000 in another 7 years and to nearly 70,000 in succeeding ten years. Compared with this phenomenal development of rice-growing by 'small' planters, sugar-growing by the 'European' large 'planters' stood at 78,000 acres only during the same period.

"Further, the Indian "Indentured Labour" system itself having been in its turn abolished altogether in 1917, there was no other dark nation on the face of the globe to oblige the sugar-growing interests. In this dilemma it fell to Mr. A. B. Brown of the Guiana Planters' Association to move in the Colonial Legislature in February 1919 that "Whereas there is in the Colony insufficient labour to carry out its various industries and whereas this insufficiency of labor has led to a reduction of the area under sugarcane and will lead to a further reduction, the Court should send a deputation to His Majesty's Government to represent their needs."

"Earlier efforts that the White planters had made were in the direction of sounding the minds of our compatriots who had been discontented in the neighbouring colonies of Fiji, Trinidad and Natal.

"But it is a significant fact that we need noting well, that at a mass meeting of Natal Indians held at Durban to consider an "invitation" given by Mr. J. A. Polkinghorne to appoint delegates to visit British Guiana to see whether it would be suitable for Indian emigration, the gathering numbering some thousands gave it as their unanimous opinion that none of them wished to go and, without even having the British Guiana scheme placed before them, refused flatly to appoint a deputation to look into it and see the country for themselves. As a matter of fact, the emigrant population of the neighbouring British Colonies prefer to go anywhere else than to British Guiana to earn its livelihood; British Guiana being otherwise known as "mudland" to the residents of Trinidad close-by.

"So, a conjoint meeting was held on January 27, 1919 under the auspices of the Royal Agricultural and Commercial Society of the British Guiana and of the British Guiana Branch of the Royal Colonial Institute London, in which various other bodies took part and as a result a deputation of fifteen members from British Guiana "headed by the Governor" of that Colony proceeded to England. Now ten years previously, as a result of the Crewe enquiry, Lord Sanderson's Committee had definitely laid down what the primary duties of the Colony

were before it could conceive of or embark upon fresh schemes of adding to its population; yet, while this primary duty lay undischarged, a few among this deputation started another deputation, wended their way towards this country in December 1919 and finally sought to foist a "colonisation" scheme upon it purporting to tap 2,500 "agricultural families" per year and that for three years. Necessary inducements were of course forthcoming, such as 'free' passages, land on 'easy' terms and, to bless those who laboured honestly for three years, a magnificent reward of 'five' acres, in a country where the population is less than three per square mile, and political catch-phrases of 'equal status' and 'equal rights' were also thrown into it to make the dish more savoury and to allay the suspicions of an inquisitive public as well.

"Two of the members, Dr. Nunan and Mr. Luckhoo, having been accredited by the Secretary of State for India to the Government of India, no less a distinguished body than that composed of Sir Dinshaw Wacha, Sir Tej Bahadur Sapru, Sir Surendranath Banerji, Sir B. N. Saini and six others were appointed to give them a respectable hearing in February 1920. Now if a minute examination had gone on their case would have been thrown out even then as the requisite preliminaries set forth in the Sardesai Committee had not yet been fulfilled by the Colony, but the stalwarts of Liberalism decided upon a deputation. The personnel of the latter, consisting of Mr. Tiwary of the Servants of India Society and Mr. Keatinge, I.C.S. of Bombay, was singularly fortunate in the inclusion of Dewan Bahadur Kesava Pillai of Madras within it as its Chairman. The latter's association has, as the sequel proved, served more than anything else to throw fierce light on the exact conditions of our compatriots in that distant Colony.

"There is no use disguising the fact that there are two contending forces present pulling in opposite directions in the Colony. One is the interest of the Planters and the other that of the Indian element. Deputy Mayor Mr. Thorne, in his examination before the Indian Deputation, unequivocally declared that the Colony was owned up to 1891 entirely by the planters, that their interests always clashed with those of the people, that the people were struggling and gradually getting representation on the Legislative and Municipal bodies, that the Government instead of showing impartiality and giving the people drainage and irrigational facilities for which they had been clamouring for the last twenty one years, was representing the interest of the planters to get more labour for them and that the planters were trying to get back what was lost by the termination of the old indentured immigration system.

"The planters are certainly astute not to put forward a labour scheme, pure and simple, and they very much prefer to sugar their pill through some such device as to require the prospective 'settlers' to work as apprentices on the estates, and so on. This manoeuvre of the White section is clearly indicated by their mouth-piece, the Hon. Mr. Farrar.

Presiding at the 33rd Annual General Meeting of the George Town Chamber of Commerce on the 27th of July last the Hon'ble Mr. Cecil Farrar observed:—"The question of Colony Development is of as great importance to this Chamber as to any other section of the community, but it abounds with difficulties and these are not made any easier of solution by the counsels strongly urged by different schools

of thought. The development of our 'coast-lands' and 'interior presents 'two distinct problems,' and while both necessitate expenditure on an elaborate scale our primary necessity is population without which it is impossible to develop the one except to the injury of the other. The attempt now being made to recommence immigration from India on a Colonisation basis will, it is hoped, be successful, but if, as is possible, this is not the case, the matter must not be allowed to rest there. It is understood that any people so brought to the Colony will serve a period of apprenticeship on the Sugar estates."

The Ever Recurring Contest

"Sir Wilfred Collet, the Governor of British Guiana, fronted the Indian deputation with a Memorandum embodying the scheme formulated by the planters, and the sharp cleavage of opinion exhibited by both sides on this issue shows the distinctiveness of the two opposing points of view raging in the Colony. While the Indian opinion in the Colony unanimously rejects it, Mr. Keatinge supports the views of the other side and states as follows:—"I would recommend that a regulated admission of free labourers with facilities be permitted from India to British Guiana on terms of the nature outlined in the scheme presented to us by H. E. the Governor for the purpose of engaging in paid labour in the first instance and of receiving reward grants of land after three years' service. The matter is one for negotiation. The number of labourers emigrating from India to B. Guiana in any period need to be carefully regulated."

"So it is clear that the whole scheme revolves on the one question of how Indian 'labour' is to subserve the ends of the improvements of the Colony. The danger is ever present and inherent in the very order of things long established in the Colony itself that the prospective immigrant element would be placed betwixt two fires. The contest would recur day after day whether the sugar interests of the planters or the rice interests of the Indians, the improvement of the Coastlands or the development of the hinterland is to win the day. The skirmish would go on perpetually, a solitary Indian Mr. Luckhoo, and a sympathetic Irish Soul, Dr. Nunan, fighting on the one side of Indians, and a solid phalanx of European planters maintaining stout opposition on the other, notwithstanding any elaborate system of guarantees that the higher subtlety and legal acumen of the combined Houses of Legislature in India may devise to the contrary.

A Grave Warning

"However the warning is there. Mr. Kesava Pillai sounds it over and over again and concludes his summary thus:—"At present however, though unoccupied land is available to an almost unlimited extent, the physical conditions which govern the agricultural situations are such that it is hardly possible for ordinary settlers to take up land and cultivate it successfully immediately on arrival in the Colony..." "We are doubtful whether in the near future it would be possible for the colony to find the large funds needed for opening up the 'hinterland' and making it 'suitable for settlement.'" And lastly, "... "In these circumstances, emigration should not be permitted." Unless therefore the Chambers of the Imperial Legislature at Delhi could be in a position to control expenditure and the direction

of the finances of the Colony in the interests of the prospective Indian settlers, and are prepared, in a word, to assume the responsibilities of the administration of the Colony—a contingency that can never arise, though Sir Frederick Lugard suggested a year ago in London that India should be given a mandate for Guiana,—the Legislators of this country cannot in all conscience lay the unction to their souls that the safeguarding of the interests of the prospective emigrants has been complete for all time. And unless they can give this guarantee to the public, it is immaterial and valueless whatever sops are offered by the Government of the Colony or whatever 'toys' hold up for the edification of the Government of India. If there can be no 'mandate' there can be no 'scheme' acceptable to this country."

The Nunan—Luckhoo Propaganda

Sir Joseph Nunan and Mr. J. A. Luckhoo came to India early in January last. It was given out that they came here "with the approval of the Colonial office and the India office," though only a fortnight back a message from London stated that they had decided not to proceed to India in "view of the adverse opinion of the Government of India as to the desirability of their visit" at that time when the Kenya question was greatly agitating public mind in India. It seems, however, that the Govt. of India's views were discounted by the Home authorities and Indian feeling disregarded.

Messrs Nunan and Luckhoo were discredited by the B. G. Government last time that they were here. They had no authority to negotiate though they said openly that they were the representatives of the Govt. of the British Guiana and of their Legislature. This year too they did not state definitely and unequivocally that they alone had the powers to negotiate. After doing some campaign work in Bombay and elsewhere, giving press-interviews and publishing press notes, the deputation came to Delhi and circulated their lengthy memorandum on the 4th February. On Feb. 8th they met, on the invitation of Mr. Lalubhai Sumaldas, some 40 members of the Indian Legislature at Delhi and Sir Joseph addressed the gathering on their pet-scheme. He mentioned the reaffirmation of the original scheme of 1920 and the acceptance by the Colony of all the recommendations of the Pillai report. Equality of status of Indians and all British subjects had been reaffirmed, he said, by a declaratory ordinance and its benefits had been extended to subjects of Indian Native States also, and moreover that if it were thought advisable to further ensure this equality of status of Indians, an agreement in the form of a treaty could be made between the Colony and India. India was also invited to appoint its own special representative as Commissioner, Agent-General or Consul-General to reside in British Guiana with a voice if necessary in the legislature to specially protect the interests of Indians; and so on. These alluring propositions were all set forth in the largely circulated memorandum reproduced on page 365.

An impression was also sought to be created that the deputation had the support of the Indians in British Guiana. This however was not true.

The East Indian Association of British Guiana which was sending over to India two delegates to confer with the Government here on the colonisation scheme, however, subsequently withdrew from it. On the 22nd January the Guiana Government rejected the proposals, promised by Dr. Nunan prior to his departure, for limiting the hours of work, minimum wages and suitable conveyance to fields, and in view of this action of the Government the Association dissociated themselves from the scheme. This brought to light the fact that though Sir Joseph Nunan was giving out that he was acting with the authority of his Government, he had really no power to bind them and virtually on the three fundamentals of labour problems he had been discredited.

Mahatma Gandhi on the Guiana Scheme

The name of the Mahatma was also used in connection with the propaganda which Sir Joseph Nunan was carrying. In an interview to the press on the 16th March he declared that four years back when he saw the Mahatma the latter preserved an attitude of *benevolent neutrality* to his colonisation scheme. This statement was obviously meant to disarm public criticism and to give weight to Sir Joseph's immigration proposals, which, he emphasised, was not altogether in the interest of the European sugar planters but to offer the Indians better conditions of living!

Two days after, however, on March 18th, Mahatma Gandhi issued the following statement to the press:—

'A document dated February 1, 1920 and signed by me at Lahore and handed to Dr. (now Sir) Joseph Nunan has been reproduced in an elaborate paper (dated 22nd November 1922) on the status of Indians abroad. As it has been used in support of a scheme of Indian colonisation in British Guiana and as it is stated in that paper: "so far as is known it still expresses Mahatma Gandhi's attitude towards British Guiana," it is necessary to make my position clear. The statement made by me in February of 1920 is as follows:—

"From the outset Mr. Gandhi made it perfectly clear that he was not prepared to take any step that could be construed as a personal encouragement by him to Indians to leave India. He was not in favour of the emigration of Indians. At the same time he realised that many held different views on this point and he was equally not in favour of using compulsory legislative or executive action to compel Indians to stay at home. They should be treated as free citizens at home and abroad. They should certainly, however, be protected from misrepresentation. He knew nothing to prevent people emigrating now except a Defence of the Realm Regulation which would expire six months after the war. (This is the regulation preventing the emigration of unskilled labourers for work abroad until six months after the war unless under special or general license.)

"Once assured that equal rights for Indians existed in regard to political, municipal, legal, commercial and industrial matters in British Guiana, and that they were not alone receiving fair treatment from the administration and the general community but would be guaranteed in the continuance of such fair treatment, he would not oppose any scheme of free colonisation by Indian agricultural families.

"He was satisfied that the Colony had a liberal constitution and that Indians would be and were elected to memberships of the Legislature and to municipal office. He was satisfied that they had equality of rights with other races, and that there were opportunities of acquiring land for settlement. He was in favour of allowing a test of the scheme subject to a report at the end of six months on its working by Mr. C. F. Andrews or some other representative of the Indian popular leaders. The deputation accepted this proposal of a report by a popular representative independently of any supervising officer nominated by the Indian Government and offered to pay all expenses.

"Mr. Gandhi agreed that all necessary guarantees for the continuance of equal treatment could be furnished by the Colonial Office and British Guiana Government through the Government of India to the Indian people and its popular leaders."

"It was hardly fair to use this statement in support of any scheme. It could only be used for supporting a trial shipment under the supervision of Mr. C. F. Andrews or some one having the same intimate knowledge of the position of the British Indians abroad. But I admit that if such a trial proved successful from the Indian stand-point, I should be bound, under the foregoing statement, not to oppose a scheme of colonisation under proper safeguard.

"My views, however, since the 1st February 1920 about the British system of Government have, as is well-known, undergone a revolutionary change. At the time I gave the statement, my faith in that system, in spite of my bitter hostile experiences, had not altogether disappeared. But now I am able no longer to rely upon verbal or written promises made by persons working under that system and in their capacity as officials or supporters. The history of Indian emigrants to South Africa, East Africa and Fiji is a history of broken promises and of ignominious surrender of their trust by the Imperial Government and the Indian Government whenever it has been a question of conflicting interests of Europeans against Indians.

"The handful of Europeans have almost succeeded in East Africa in bullying the Imperial Government into sacrificing the prior rights of Indian settlers there. In South Africa the Indian settlers' faith is trembling in the balance.

"In Fiji the Indian is still the under-dog. There is no reason to suppose that British Guiana, if the test came, will be an exception.

"The moment Indians become successful rivals of Europeans in that Colony, that very moment all guarantees, written or verbal, will disappear.

"Filled as I am with utter distrust of the British Imperial system, I am unable to countenance any scheme of emigration to British Guiana no matter what guarantees may be given for due fulfilment of the pledges given. The benefit that must accrue to the Indian emigrants under any such scheme will be illusory. I am, therefore, unable to countenance the proposed scheme of Indian colonisation in British Guiana. I do not hesitate to give my opinion without consultation with the British Guiana Deputation because of the root objection stated above.

"If I am to express an opinion upon the merits of the scheme, the ordinary rule of courtesy would have bound me, before saying anything

BRITISH GUIANA COLONISATION SCHEME

hostile to it, to meet the British Guiana Deputation and understand their view points.

"Not till India has come to her own and has a Government fully responsible to her people and able effectively to protect Indian settlers abroad from injustice can any advantage accrue to Indian emigrants even from an ideal scheme."

THE REPORT OF

The British Guiana Deputation.

The following is the report of the British Guiana Deputation on Indian colonisation which consisted of Dewan Bahadur P. Kesava Pillai as President and Mr. Keatinge, I.C.S., and Mr. V. N. Tiwary as members. In their report issued on January 20th 1924, the President and Mr. Tiwary summarise their recommendations as follows:—

We consider that the climate and natural characteristics of British Guiana are such as to offer good opportunities for Indian immigration and great possibilities for Indian settlers to obtain fertile land and become substantial peasant farmers. At present, however, though unoccupied land is available to an almost unlimited extent, the physical conditions which govern the agricultural situation are such, that it is hardly possible for ordinary settlers to take up land and cultivate it successfully immediately on arrival in the Colony.

We think that it would be possible to make available large areas of suitable land for the purpose of settlement by Indian agriculturists and to call into existence the organisation necessary for securing this result and giving the settlers the assistance which they would need to overcome their initial difficulties. We consider the inauguration of such a scheme to be desirable though we are doubtful whether, in the near future, it would be possible for the Colony to find the large funds needed for opening up the inland and making it suitable for settlement. The health conditions in British Guiana are far from satisfactory, as is shown by the excess of deaths over births in several years. The problem of sanitation is intimately connected with the problems of drainage and the arrangements for the supply of pure drinking water. The improvement of sanitary conditions is in our opinion of prime importance. It would be, to quote the words of the Colonial Secretary, Mr. Clementi, "sheer folly, indeed immoral to take steps to introduce immigrants into this Colony without at the same time taking steps to keep them alive and in good health."

It is again a question of ways and means and we are not sure whether in these days of financial stringency, the Colony would be in a position to undertake measures for the improvement of sanitation on a large scale and commensurate with the requirements of the existing population. In these circumstances we recommend that emigration to British Guiana should not be permitted until the health conditions there have materially improved.

Representation in the Legislature.

The Government of British Guiana may take necessary steps to get the Declaratory Ordinance passed on the lines proposed by the Government of India, but what is of even greater importance is that steps should be taken to secure to the resident Indian population fair and adequate representation in the Court of Policy and the Combined Court of Policy. We are opposed to this being effected either by nomination

or communal representation. We have indicated in the section dealing with the political status of Indians the lines on which action should be taken to remedy the present state of practical disfranchisement of the Indian community.

At the present time the community is, from an educational point of view, in a most backward condition. The provisions of the existing Educational Ordinance should be given full effect to in the case of Indian children as is being done in regard to the children of the other communities. The Government of India should represent to the Government of British Guiana that marriages, celebrated according to Hindu or Mahomedan religion, should be recognised as lawful. Hindus should also be allowed the right of cremating their dead. The existing housing arrangements on the estates are far from satisfactory, and so far as the married immigrants are concerned, they are more likely to affect the integrity of family life. The quality and supply of drinking water is not good and requires immediate attention. The employment of children in Creole Gangs and several other legitimate grievances dealt with in the body of the report, from which labourers on the estate have been suffering for a long time, should be attended to.

To settle disputes regarding wages steps should be taken to constitute a board of arbitration composed of members who, on account of their independence and impartiality, would be acceptable to both parties. The rate of wages at the present time is so low that an average worker cannot earn a living wages. For its present requirements the Colony has got an abundant supply of labour. Until this has been absorbed and the claims of the existing population to prior consideration in any scheme of land settlement have been fully satisfied, we think there should be no resumption of emigration to British Guiana.

Repatriation Scheme.

As regards repatriation, we have dealt with the various points in the section relating to the subjects, and we recommend that the Government of India may take them into consideration for necessary action. The Indian community in British Guiana is unanimously opposed to the acceptance of the present scheme for the reasons given in the body of the report. We have no hesitation in recommending its rejection in its present form. It is merely tentative and does not contain definite terms, which British Guiana is willing and prepared to offer to the immigrants from India. If and when the Government of British Guiana make a definite offer, we would recommend that a satisfactory solution of the various points raised in the body of our report should be a condition precedent to the consideration of that scheme. In order that the interests of the Indian immigrants to British Guiana may be safeguarded, we would strongly urge that there be stationed in British Guiana an officer of the Government of India who would watch the interests of Indian immigrants and keep the Government of India informed of their condition. This officer should also be entrusted with the duty of safeguarding the interests of Indian immigrants in Dutch Guiana, Trinidad and Jamaica. Under the New Immigration Act the Government of India can appoint such officers wherever they may deem it necessary. We earnestly recommend that such an officer may be appointed as early as possible for Guiana, Jamaica and Trinidad.

The Government of British Guiana should be requested to arrange for more return ships in order to expedite the repatriation of those who are anxious or entitled to come. Arrangements on board of these return ships should be improved and greater regard shown for the comfort and convenience of the passengers. His Excellency the Governor told us that, owing to the present economic crisis, he was not in favour of immigration from India being resumed till the end of 1924 and not even then if cottages of an improved type have not been put up. The Indian community of British Guiana would not favour emigration from India until 1930, as they require time to settle down and to raise themselves from the prevailing state of depression and backwardness. They urge that the immediate resumption of emigration would aggravate and prolong the existing evils. The Hon'ble Mr. Luckhoo is strongly opposed to any emigration for at least another five years. Indians in British Guiana are strongly opposed to the acceptance by the Government of India of a purely labour scheme.

Mr. Keatinge's Report

Mr. G. KEATINGE, in his report separately submitted, summarises his recommendations as follows:—

I consider that the climate and natural characteristics of British Guiana are such as to offer splendid opportunities for Indian Immigration, and that there are likely to be great possibilities in the future for Indian settlers to obtain fertile land and become substantial peasant farmers. At present, however, though unoccupied land is available to an almost unlimited extent, the physical and economic conditions, which govern the agricultural situation, are such that it is hardly possible for ordinary Indian immigrants to take up land and cultivate it with success immediately on arrival in the Colony. I believe that it would be quite possible to make available large areas of land for the purpose of settlement by Indian agriculturists and to call into existence the organisation necessary in order to secure this result and to give the settlers the assistance, which they would need, to tide them over their initial difficulties. The inauguration of such a scheme would be very beneficial both to India and British Guiana.

Though I recognise that any scheme, which contemplates that immigrants will have to work as labourers on arrival, is less attractive than a scheme to settle them directly on a land, I would recommend that a regulated immigration of free labourers in families be permitted from India to British Guiana on terms of the nature outlined in the scheme presented to us by His Excellency the Governor of British Guiana, for the purpose of engaging in paid labour in the first instance and of receiving reward grants of land after three years' service. The matter is one for negotiation. The number of labourers emigrating from India to British Guiana in any period needs to be carefully regulated with reference to the demand for labour and the level of real wages which exist in British Guiana at the time or are anticipated in the near future.

To effect the necessary adjustments and control I would recommend

that the Immigration Department of British Guiana be strengthened, so that it can undertake the duties of a labour bureau more effectively, collect and publish the requisite statistical information, act as a labour exchange and undertake arbitration in labour disputes. I would recommend that an officer of the Government of India be stationed in British Guiana whose duty it should be to watch over the interests of Indians immigrants and to keep the Government of India informed of the pertinent facts concerning their condition and status.

Political Status of Indians.

As regards political status, Indians are on an equality with other races in the Colony, and the Colonial Government is prepared to pass an Ordinance bidding their successors, so far as that may be possible, not to make any change in the constitution of the Colony which will operate in such a way as to place the Indian community in worse position than the rest of the population. I would not, however, recommend that any communal privileges be granted to Indians in the Colony or any regulations passed calculated to preserve them as a people apart from the rest of the inhabitants, since that would be likely to defeat the natural aspirations of the Indian community. Under the existing arrangements, there is nothing to prevent the Indian community from controlling the political activities of the Colony if they wish to do so.

The reason why I am in favour of the re-opening of Indian immigration to British Guiana under conditions of the nature specified is that I am convinced that the normal conditions of the Colony offer to Indians of many classes and occupations opportunities for a far higher standard of living than India is able to offer them and opportunities to win through the competence and wealth such as they have not in their home. In this connection a fairly large number of men have been broken in the past, but the terms of the offer made by His Excellency the Governor with regard to reward grants of land for such as wish to settle in the Colony and for easier terms of repatriation for such as wish to return to India will do much to obviate this.

As an additional safeguard, I would recommend that the Colony should maintain a subsidized farm Colony for unsuccessful men. If Indian immigration is stopped altogether, the effect on the labour supply of the Colony will be very serious for a time, and it is probable that many sugar estates will have to close down which will react very unfavourably on all in the Colony and on the Indian community more than any. In course of time the Colony would, no doubt, find other sources of labour, but the connection with India would gradually cease and the existing Indian community would in time become merged in the general population. If Indian immigration is again permitted and adequate development can be secured of such a nature as to attract the right class of settlers, Indians will in a short time predominate in the Colony, and a prosperous Indian Colony will be created offering varied careers to Indians and profitable trade to India. Indeed, it is not possible to foresee how far such development might not be pushed for it is not only in British Guiana but in the surrounding countries to a far greater extent that vast areas lie waste and clamour for a population to take possession of the rich lands and to subdue them to agriculture by methods which none can display with greater effect than the skilful and industrious Indian cultivator.

The Nunan-Luckhoo Memorandum

The following is the full text of the memorandum issued on Feb. 4th. 1924 by the British Guiana Deputation under the leadership of Sir Joseph Nunan, K. C.

The Select Committee of the Imperial Indian Legislature accepted the summary of the British Guiana Colonisation proposals known as the Nunan-Luckhoo scheme on the 10th February 1920, subject to a report by an Indian Visiting Committee. The visit of this Committee was postponed indefinitely on the recommendation of Mr. Montagu, dated 18th August, 1920: (India Office printed paper No. J. and P. 2498, dated 3rd May, 1921). The visiting Committee eventually arrived on the 12th February 1922, that is, two years after the conditional acceptance of the Nunan-Luckhoo scheme.

On being notified of the postponement of the despatch of the Visiting Committee and of the late Indian Government's refusal to allow emigrants to leave for British Guiana on individual certificates, which the Select Committee was willing to permit, the late Governor, His Excellency Sir Willfred Collet, K. C. M. G., had replied to the Colonial Office on the 27th October, 1920, that it would be preferable that the proposals should be settled after the Committee had arrived. (See India Office paper above referred to). The context shows that he referred exclusively to the offers of land made to those not coming to work for registered employers. On the arrival of the Committee, which then heard for the first time of this new attitude, he submitted a document known as Memorandum "B" (Pillai-Tiwary Report para. 282), differing in some material respect from the scheme conditionally accepted in India. His Excellency wrote on the 28th April, 1922, to the Colonial Office (B. G. No. 164) 'I enclose copy of minute I sent to the Delegation with regard to Indian immigrants not coming out to work for registered employers. I believe that they consider that this is a variation of the terms placed before the Indian Government. I do not know that it is.' Messrs. Pillai and Tiwary report that His Excellency informed them that his Memorandum "B" should be regarded not as a definite offer but only as a proposal for discussion. They have reported against it, and on page 99, para 207 their report reads:—"If and when the Government of British Guiana make a definite offer, we should recommend that a satisfactory solution of the various points raised in the body of our report should be a condition precedent to the consideration of that scheme."

On his arrival in the Colony on the 4th April, 1923, the new Governor, His Excellency Sir Graeme Thomas, K. C. B., took steps to put forward a definite offer. This consists in the re-affirmation of the original scheme by His Excellency in Council and by the Legislature of the Colony at the request of the Chamber of Commerce and other public bodies, accompanied by the unanimous resolution of the British Guiana Indian Association.

His Excellency's letter of authorisation, dated the 23rd November, 1923, signed by the Colonial Secretary and addressed to the Hon. (Sir) Joseph

Nunan, K. C., L. L. D., Chairman of the original Deputation, reads as follows :

"You will understand that the colonisation scheme re-affirmed by the Colony is that set out in the summary of the original Colonisation Report of April 1919, accepted by the Select Committee of the Imperial Indian Legislature on February 10th. 1920, and explained more fully in the Supplementary Note to our Indian report (Combined Court No. 12 of 1923). For any alterations proposed by the Indian Government or Legislature which you consider should be accepted, you should if possible obtain confirmation by cablegram and in other cases only accept subject to confirmation."

Recommendations of Pillai-Tiwary Report

The recommendations of the Pillai-Tiwary report comprise, adopting the order of Section 13 of the report :—

(1) Provision of areas of suitable land for settlement, along with the necessary organisation for assisting the settlers in their initial difficulties. (2) Improvement of sanitary conditions, including the drinking water supply. (3) Passing of the Declaratory Ordinance as to status and the adoption of measures for securing fair and adequate representation for Indians in both Courts of the British Guiana Legislature. (4) More rigid enforcement of the present Education Ordinance (to which must be added from other passages of the report: suitable provision for vernacular education). (5) Special provision for marriages of Hindus and Moslems. (6) Right of cremation of their dead by the Hindus. (7) Improvement of housing arrangements, especially as regards married immigrants. (8) Non-employment of children in "creole gangs" on estates. (9) Independent boards of arbitration as regards wages. (10) More generous measures as regards repatriation, including more frequent return ships with improved arrangements. (11) Official representation of India in British Guiana. The report expresses doubt as to whether the Colony would in the near future be able to find funds necessary for land settlement and the improvement of sanitary conditions. I may say that on this point we are in a position to give satisfactory assurances to the Government, the Legislature and the people of India.

It may be mentioned that every one of the recommendations of the Pillai-Tiwary report is included in the original Nunan-Luekhoo scheme and they are therefore included in its re-affirmation. In short, the Colony is prepared to carry them all into effect.

In the general and entirely unforeseen collapse of the price of tropical agricultural products in 1921-1922, notably sugar, rice and coconuts, a period of intense depression seized on British Guiana as well as nearly every other country. India itself suffered heavily. The tendency everywhere is to regard such periods of depression, like periods of prosperity, as permanent. The Colony rapidly recovered at the end of 1922 and 1923. Rice, an exclusively Indian matter in origin and cultivation, is being rapidly restored to its former position. Present sugar prices make that industry remunerative and accounts are also recovering. Diamond working has progressed by leaps and bounds and it is a small man's industry. Some 18,000 men (so far only those of African race) are engaged chiefly as independent miners on the large alluvial diamond areas, and the capitalist comes in principally as the purchaser of the

diamonds or the owner of shops for the supply of goods to the workers. Owing to the large diamondiferous area, there is room for a much larger number of workers. The export for this last year was valued at over a million sterling. A survey for a railway to open up the district is being made. The timber industry also offers vast possibilities. The Colony's finances are again in good order. The recent Civil Service Commission has effected necessary economies. The loan charge of the Colony are small and its credit is good for several millions sterling. The budget has been balanced and the future is promising.

The seven areas of land suitable for preparation for settlement indicated in the original scheme were not shown to the visiting Committee. Since then other areas immediately suitable for settlement, (e. g. Anna Regina Estate and Essequibo of 10,000 acres) have been purchased by the Guiana Government, or they hold an option over them (e. g. Nismes and Arabi in Demerara and Berbice Counties 1,000 acres)—enough to provide immediate accommodation for several thousand families.

The original scheme was to be financed by a loan of £. 500,000 to £. 600,000, based upon an existing export tax of one per cent. Of the necessary sum about one-half has already accumulated in the Colonisation and Immigration Funds without any loan. The proposal was confined to 7,500 agricultural families introduced within three (now four) years. No unlimited immigration or expenditure was or is projected.

No child labour exists in the Colony at the present time. Wages offer a substantial balance above the cost of living. Ours is an offer of current wages—no minimum wages being in contemplation. A dollar (three rupees) can still be earned in a seven hours' day at piece-work. The average pay actually earned is however about three shillings. Our proposal includes the appointment of independent arbitration boards for wages, which will be subject to the criticism of the Indian representative (Commissioner, Agent or Consul-General, whom we ask the Indian Government and Indian Legislature to appoint) who may sit on all such boards. He will also be a member, and if an expert, may even be Chairman of the special Land Settlement Commission, which will arrange details of settlement.

As regards education, the schools of the Colony have always been open to Indians on the same terms as other residents and there are some Indian vernacular schools and an Indian High School. At the same time, it is true that in the absence of any considerable voiced demand, no elaborate provision has been made for vernacular education in past years. It was arranged last November to deal with this by the appointment of a sub-committee consisting of two Hindu and two Mahomedan members, along with two Christian clergymen (Rev. Mr. Cropper, Presbyterian, and Rev. Mr. Yeates, Wesleyan), who are specially identified with Indian education, to make recommendations through an official chairman as to what steps should be taken to deal with vernacular and other Indian educational requirements, including the provision of trained Indian teachers. Even in the years of depression a certain amount annually was provided for vernacular education in the estimates, which in the past was found adequate. We are prepared to recommend the appointment of an Indian Assistant Inspector.

Voting papers have now to be printed in Hindi and Urdu as well as English. They will be printed in Tamil and Telugu whenever a

demand exists. An arrangement is perhaps possible by which the Indian representative should have a seat in the Legislature during the period of immigration and settlement. Whether he should replace the Immigration Agent General or sit without a vote but with the right of speech can be discussed. Any formal proposal would of course require approval by cablegram from the British Guiana Government.

A Declaratory Ordinance has been passed setting out the equality of status of all British subjects and this equality has been extended to subjects of native Indian States. An Ordinance to regulate the marriage and divorce of Asiatics has been introduced into the Legislature in accordance with the recommendations of the visiting Committee and the wishes of the local Pandits, Moulvies and general Indian Community. Indians desirous of cremating their dead will have opportunities afforded for so doing. There has never been any legislation prohibiting cremation. It is a mere question of arrangements.

As regards sanitation, substantial progress has been made since the Indian Committee's visit in February and March, 1922. To begin with George-town, the capital, where over 20 percent of the population lives, on the recommendation of joint committees of the Government and Municipality presided over by the Chairman of the present Deputation and following the plans of an eminent Consulting Engineer, Mr. H. Howard Humphrys of Victoria Street, Westminster, work has already begun on schemes of sewerage, water-supply and roads, involving an expenditure of £. 600,000 sterling, for which sanction has been obtained. The British Guiana Government has also obtained the approval of the Legislature for a loan of £. 500,000 sterling for the irrigation, drainage and water supply of the Coast lands, on which some 100,000 Indians are now settled. The plans are ready and the work has already begun. These schemes are independent of special expenditure of the Colonisation Fund for the irrigation, drainage and water supply of the lands for the settlement of the new Indian immigrants under the present proposals. Health conditions will no doubt be greatly improved by the working of all three schemes. The total expenditure in contemplation runs to over 1½ million rupees. It is true that for some years the health conditions, although better, have not been much better than those of India as a whole. The defects of the indenture system included the importation of the dregs of Indian towns, at the rate of four females to ten males. The rice industry is not a specially healthy occupation anywhere. Our African population has also much progress to make before conditions are really satisfactory. According to the Guiana Official Handbook of the year 1922, during the decade 1911-1921, the births exceed the deaths by only 34. It goes on to state: "The population of the Colony at the taking of the 1921 census was 297,691, which shows an increase of 1,651 since 1911, the year of the previous census. Of this number, no less than 124,938 or 51.97 per cent. are East Indians." The influenza Epidemic in 1918 and 1919 however was responsible for 19,000 deaths in the Colony and mainly accounts for smallness of the increase shown. Our normal health returns should be compared with ordinary Indian and general tropical returns and not with those of health-resorts like Barbados, Jamaica, and most of the West Indian Islands, which have a small area and a non-migratory and almost homogeneous population.

The present Deputation, which consists of those who placed the

THE NUNAN-LUCKHOO MEMORANDUM

31

original schemes before the Select Committee of the Indian Legislative Council in February, 1920, and also of the Vice-President and ex-Vice-President (Hindu and Mahomedan respectively) of the British Guiana Indian Association chosen from a small list elected by the Association itself, hopes to have the opportunity afforded it of re-affirming the original proposals before the Emigration Committee or before any special Committee appointed by the two Chambers, also before the Legislature itself. The disapproval expressed by the British Guiana *Indian community in February-March, 1922, referred solely to the late Governor's scheme. (vide para 196, sub-para 3, page 97, Pillai-Tiwary report). We trust that an invitation will be issued to Messrs. Pillai and Tiwary to give their views on the original.

The Deputation is here solely on the initiative of the Government and people of British Guiana, which is not a Crown Colony but an Imperial possession of which the popular constitution was guaranteed by the Treaty which transferred it to the British Crown from the Dutch in 1803. The control of the budget is therefore permanently in the hands of an unofficial elected majority. In case further guarantees beyond the Declaratory Ordinance are required for the preservation of the existing equality of status, an agreement in the nature of a Treaty between the Indian and British Guiana Governments can no doubt be arranged. The Ordinance is printed in the Deputation's pamphlet, entitled "Status of Indians Abroad"—"A Colony for India."

We wish especially to emphasise the proposal to establish regular communication between Indian ports and the Colony by means of steamers under Government control or ownership carrying passengers and freights at cost.

The Pillai-Tiwary report summarises as follows the difference between the Nunan-Luckhoo and the late Governor's scheme:—

"The following important features of the Nunan-Luckhoo scheme are not to be found in the Governor's scheme:

- (a) It provides for large scheme of irrigation and drainage.
- (b) The inducement of land settlement is to be offered to old settlers as well as to fresh emigrants on similar terms of service.
- (c) The organised campaign of sanitation is to be initiated.
- (d) Water supply is to be improved.
- (e) Agriculturists, with families, if any, emigrating from India, and desirous of working on land of their own immediately on their arrival in the Colony, are to be given free passage to British Guiana. As regards repatriation, they are placed on terms of equality with those that start as labourers.
- (f) Similarly, reward grants of five acres of land, specially prepared, are to be given to both classes of agricultural settlers on the completion of three years' residence, during which time they may have been engaged either on their own account or as labourers, in any form of agricultural work in the Colony.
- (g) Non-agricultural settlers are also to be encouraged to emigrate providing free passages for them in some cases and assisted passages in others. Traders and small capitalists will be given cheap passages.
- (h) One religious minister for each group will be taken free on each voyage with right of repatriation free."

At a general meeting of the British Guiana Indians in the Town Hall, George-town, under the auspices of the Indian Association, on November 22, 1923 the following resolution was unanimously carried:—

Whereas at a general meeting of the B. G. I. Association the Colonisation Scheme proposed by the Government for the introduction of Indian settlers to this Colony was discussed,

And whereas after due consideration in its details, this Association in view of the conditions and benefits offered by the Government does not regard the Scheme as a Labour Scheme or a project for cheap labour:

Be it resolved that this Association after careful and serious consideration of the various conditions therein set forth, and the recommendations made by the Committee, respectfully support the same, and request His Excellency the Governor to forward a copy of the resolution to the Indian Government; And further, this Association approves of the Delegation proceeding to India with the Resolution as a mandate from the Association.

Moved by Mr. M. Panday.

The End of the Scheme.

In April 1924 the following correspondence passed between Dewan Bahadur P. Kesava Pillai, President of the Government of India Deputation to British Guiana, and the Hon'ble Sir Joseph Nunan, K. C., President of the British Guiana Deputation.

Dewan Bahadur P. Kesava Pillai was invited by the Government of India to be in Delhi on the 17 or 18th March as the Standing Committee on Emigration wanted to hear him before they decided to give a reply to the Deputation from British Guiana. As Mr. Pillai could not reach Delhi on that date, on 14th April last Mr. Pillai received the following message from the Hon'ble Sir Joseph Nunan, the Chairman of the Deputation:—

"I very much regret that you cannot attend as the decision this session is vital in the interest of Guiana and advisable in the interest of Kenya and Dominion questions. I much appreciate and am grateful for your letter of 9th instant. We will repatriate Indians desirous of returning by the first steamer of the new regular line at rates not higher than Trinidad, possibly much lower. Conditions have so much improved that they are now very few, but we are willing to make immediate repatriation a condition precedent for adoption of the scheme. I quite agree that past neglect of this question is deplorable. We accept your views and Mr. Keatinge's on this question. The Indian Government has published for the use of the Committee the following statement from Mr. Keatinge dated the 30th January referring to our scheme.

Mr. Keatinge's Statement—a Liberal Scheme.

The following is the statement made by Mr. Keatinge in reference to the Nunan Scheme:—

"So far as I can judge the scheme is a very liberal offer and India would do well to accept it. Dr. Nunan of British Guiana informs me that the Government of British Guiana is prepared to put in force the offers made in the scheme for Indian colonisation in British Guiana made some three years ago and put before a Committee of the Indian

Legislature at Delhi by Dr. Nunan and Mr. Luckhoo. This scheme is a more favourable one than that put before us by H. E. the Governor while we were in British Guiana and as I was able to express a limited approval of the latter scheme subject to certain safeguards I am able to express a far stronger opinion that the Nunan-Luckhoo Scheme would offer favourable opportunities to Indian emigrants.

"I understand from Dr. Nunan that the Government of British Guiana are prepared to purchase empoldered lands in Essquibo country and on the quarantine coast and make them available for Indian settlers. I do not know the actual lands in either case. But I know the localities which are situated on the rich alluvium and if the lands are empoldered lands, formerly part of a sugar estate, they ought to be very suitable for Indian settlement. I also understand that the scheme to develop suitable tracts in the North West Province is to be taken in hand. So far as I understand the scheme now put forward, I consider that it offers very advantageous terms to Indian emigrants, and that with sympathetic handling, it offers very good prospects of happiness and prosperity to such Indians as may care to accept."

Sir Joseph also said in the message:—

"If you would wire to the Education Department an expression of your opinion as to the possibilities of our scheme as contrasted with the Collett scheme which your report rejected in view of the scheme of Irrigation, Drainage, Sanitary and Education now being carried out, you would be doing Guiana Indians good service, and believe me you contribute to the solution of the present complex problems of Indians overseas. If our scheme is rejected or postponed, general conditions will make its revival impossible and connection between India and Guiana will grow less and less.

"I mentioned to the Legal Department to-day that if our treaty constitution is preserved the transfer of the present Colonial Office control to India would in a short time be practicable if the scheme is successful. We expect a unanimous committee and Pandit Motilal Nehru is arranging a Swarajist meeting for Wednesday to receive us. In any event it will not be treated on party lines and I expect unanimity. The Socialist party is also supporting. Would you be kind enough to wire your statement to the Department as questioned?

"Please have it duplicated to me: telegrams are prepaid.

Mr. Kesava Pillay's Reply.

Mr. Pillai replied sending copies to the Education Department, Sir. B. N. Sarma, Hon'ble Mr. Natesan and Hon'ble Mr. Karandikar:—

"Any step taken will have far reaching consequences. The Committee should examine me and Mr. Tiwary, and in their presence I should ascertain particulars from the Delegation before agreeing to re-open emigration even under your Land Colonisation Scheme which is so tantalising. I have been noticing conflict of opinions in British Guiana and through distrust of a large section of East Indians as to the practicability, if not sincerity, of executing rapid improvements of prevailing conditions and redress of grievances noted in our report to make Guiana fit and safe for emigrants. The repatriation of people referred to in our report has been painfully neglected. Very thankful for assurance that there will be repatriation according to agreements and on easy terms to be within reach

of those longing to come back. There are grave and reasonable apprehensions that what the planting interests once did with your original scheme might do it again with perfect non-chalance or circumvent it.

"Promise to the ear and breaking it to the heart has been the rule with proclamations and pledges. Any precipitate action will rouse deep and widespread dissatisfaction and shatter your high aims and hopes. Planters' plots, real or feigned, to introduce cheaper Chinese labour to displace resident East Indians as well, threats to prohibit and disable Indians as elsewhere, are deplorable."

Associations Delegates' Message.

On the 17th March Mr. Pillai received the following telegram from the delegates of the Association in Guiana who had come to Delhi.

"Arrived yesterday. Seen the telegrams sent to Sir Joseph. Assure you no conflict of opinion. Only misunderstanding which has been cleared up. Brought mandates from Hindu and Moslem communities. Besides the Association supports the scheme. Rapid improvements are being done. No fear, the scheme will be altered. Planters are in a minority. An Indian representative will visit Guiana, examine conditions in the light of your report—Sanitation, Wages, Settlement areas—before recommending a single colonist to leave India. The scheme will be in contract form between the Government of India and the Guiana Government. The Council disperse on 26th. Sorry you cannot attend. But respectfully request you to send opinion any conditions you may impose besides conditions precedent. The rejection of the scheme will damage progress of Indians in Guiana. Return passages for present residents—Trinidad rate or lower—being arranged.—Pandy Mukudam."

And also the following telegram from Dr. Nuanan:—

"Just learned of your telegrams to Messrs. Sarma, and Natesan. If Indians are not satisfied with the offer to make emigration depend upon the report of the Indian representation that all guarantees are being carried out in Guiana, the matter ends. As far as I am concerned I have done my best and even undertook at great health risk to return to Guiana to carry the scheme into effect. Officials consider that your telegrams will cause its rejection. I do not think you intended this. If you think the scheme should be carried out subject to adoption of your proposals and the proposal and the report of Indian representation, you ought to wire Messrs. Sarma and Natesan in fairness to your countrymen in Guiana. My Indian colleagues are greatly disappointed at this unexpected misunderstanding. The Committee meets at 3 o'clock on Tuesday; if it adjourns the matter indefinitely I leave India and abandon the scheme as hopeless."

Mr. Pillay's Reply.

Mr. Pillai wired in reply as follows:—

"Would gladly recommend your scheme after our recommendations are carried out. Your promises must be honoured by others. The past history makes us sceptical. While lands are not yet ready and conditions not substantially improved and repatriation neglected the re-opening of emigration will not benefit resident or emigrating Indians. Personally I feel keen sorrow causing disappointment to so good and stalwart a champion of East Indians like you."

And there the matter rests now.

	PAGE
Voting on Budget Demands	454
Adjournment Debate on the Olivier Statement	454
Non-official Resolutions	461
U. P. LEGISLATIVE COUNCIL—PROCEEDINGS, Jan.—March '24	
The "No-Confidence" Motion & other Resolutions	466
U. P. Budget & Financial Statement	471
Voting on Budget Demands	473
The Three Taxation Bills	480
Non-Official Resolutions	481
MADRAS LEGISLATIVE COUNCIL—PROCEEDINGS, Jan.—March '24	
Official Bills	485
The Madras Budget	487
Voting on Budget Demands	488
Non-official resolutions	491
B. & O. LEGISLATIVE COUNCIL—PROCEEDINGS, Jan.—March '24	
Non-Official Resolutions	492
The Budget Statement	493
Voting on Budget Demands	495
The Governor's Certification & Communique	503
ASSAM LEGISLATIVE COUNCIL—PROCEEDINGS, Jan.—March '24	
Debate on Responsible Govt.	505
Voting on the Budget Demands	507
Non-Official Resolutions	509
Governor's Certification & Communique	510
THE CENTRAL LEGISLATURE—SIMLA AFFAIRS	
REPORT OF THE TARIFF BOARD	
History of the Board and Protection of Industries	514
Summary of Recommendations	517
General Principles of Protection	521
Objections to Protection	523
REPORT OF THE LEE COMMISSION	
The Indian Taxation Committee	525
Summary of the Lee Report	529
Indian Notes of Dissent	536
New Reforms Rules of the Govt. of India	537
THE REFORMS ENQUIRY COMMITTEE	
Terms of Reference & Personnel	541
THE LEGISLATIVE ASSEMBLY—PROCEEDINGS, May—June '24	
Summary of Proceedings	544
Govt. of India's Statement on the Lee Report	545
The Tariff Bill for Protection of Steel	547
Further Statement on the Lee Report	555
The Tariff Bill Select Committee's Report	558
Debate on the Steel Protection Bill and its passage	564
Announcement on the Lee Recommendations	579
Debate on Sir Sivaswamy's Motion on the Lee Report	581
THE COUNCIL OF STATE—PROCEEDINGS, MAY—JUNE '24.	
Interpellations and Resolutions	585
Debate on the Steel Protection Bill	590

	PAGE
THE SWARAJISTS IN THE ASSEMBLY—MAY—JUNE '24	
The Swarajist split and Mr. Kelkar's Communique	592
Change of the Swarajist Policy	593
New Party Rules of 13th June, 1924	594
THE GANDHI MOVEMENT & THE NATIONAL CONGRESS	
The Juhu Consultations	598
The Gandhi—Swarajist Statement, May 22	601
The Das—Nehru Joint Statement	602
M. Gandhi's Manifesto on Congress Organisation	604(A)
The Four Gandhi Resolutions	606
THE ALL-INDIA CONGRESS COMMITTEE—AHMEDABAD, June 27	
The Informal Conference of Congress Leaders	607
Summary of Proceedings	608
M. Gandhi's First Resolution on Spinning & Charka	609
Pt. Motilal Nehru's Point of Order	609
Debate on Gandhi's Resolution	611
The Swarajists' Withdrawal	615
M. Gandhi's Second Resolution	617
M. Gandhi's Third Resolution	618
The Fourth Resolution on Gopinath Saha	620
The Fifth Resolution on the Akali Movement	621
Other Resolutions of the A. I. C. C.	622
POST AHMEDABAD AFFAIRS	
M. Gandhi "Defeated & Humbled"	625
M. Gandhi on the A. I. C. C. Resolutions	628
M. Gandhi's Manifesto on the "One Programme"	630
The Swarajists' Position	631
Statements of Messrs. Das & Nehru	632
Statement of Mr. S. Srinivasa Iyengar	632
THE SATYAGRAHA MOVEMENT	
The Akali Sikh Movement	633
The Vaikom Satyagraha	635
The Tarakeshwar Satyagraha	638
THE MOSLEM MOVEMENT & THE HINDU MOSLEM TENSION	641
M. Gandhi's Manifesto on Hindu-Muslim Tension	645
The Khilafat Movement	649
Moulana Shaukat Ali's Statement on Khilafat Organisation	653
THE ALL-INDIA MUSLIM LEAGUE—24TH MAY, 1924—	657
The Chairman's Address (Aga Mohd. Safdar)	657
The Presidential Address (M. Mohd. Ali Jinnah)	658
Resolutions & Debate	660
PROVINCIAL POLITICAL CONFERENCES—APRIL—JUNE '24	665
The Bengal Provincial Conference	666
The Gopinath Saha Resolution	668
The U. P. Liberal Conference	673
The Bombay Liberal Conference	675
The U. P. Liberal Association	676
The Gujerat Political Conference	678
The Karnatak Provincial Conference	680
The Godavari District Conference	681
The Utkal Provincial Conference	682
The South Indian Liberal Federation	685

	PAGE
EUROPEAN & ANGLO-INDIAN POLITICS	
The European Association Meeting ..	689
Memorandum to the Secretary of State	690
Anglo-Indian Associations ..	692
The Tundla Rape Case & the Anglo-Indians	693
THE TRADE UNION CONGRESS—March 1924	694
Compromise with Mr. C. R. Das ..	694
The First Day's Meeting	694
The Second Day's Meeting	695
INDIA AND BRITAIN	
THE INDIAN DEPUTATION IN ENGLAND	697
The Indian Parliamentary Committee	698
The Bradford Meeting—Yorkshire	699
Meeting at the Hotel Rembrandt	701
The Memorandum to the Secretary of State	703
The Great Queen's Hall Demonstration	704
INDIA IN THE BRITISH PARLIAMENT	705
Summary of Parliamentary Debates on India	707
Mr. Lansbury's Motion on the Jaito Shooting Affair	721
Prof. Richard's Reply	723
House of Commons—Interpellations, 31st March	725
House of Commons—Interpellations—7th April	727
House of Commons—Interpellations—14th April	728
Debate on Viscount Curzon's Motion—15th April	734
Viscount Curzon's Speech	734
Sir H. Craik's Speech	740
Mr. Hope Simpson on India	741
Mr. Scurr's Amendment	741
The Under-Secretary of State's Reply	743
Earl Winterton's Speech	747
House of Commons—Interpellations—5th May	751
Debate on Indian Labour Conditions—14th May	753
Mr. Grundy's Motion and Mr. Richard's Reply	753
House of Commons—Interpellations—19th May	754
House of Commons—Interpellations—26th May	756
House of Commons—Interpellations—2nd June	759
House of Lords—Debate of 3rd June	761
Viscount Peel's Motion on the Satyamurti letter	761
Lord Olivier's Reply	765
Lord Olivier on Anglo-Indian Mischiefs	768
House of Commons—Debate of 6th June	776
Earl Winterton's Motion on Affairs of India	776
Mr. Richard's Reply	779
House of Commons—Interpellations—16th June	782
House of Commons—Interpellations—23rd June	785
Lansbury's Motion on recall of Justice McCardie	783
THE O'DWYER-NAIR LIBEL CASE	
Justice McCardie's Summing up	790
Sir M. O'Dwyer on the Case	790

INTRODUCTION.

The trend of Public Affairs in India during April to June has been towards a steady consolidation of the Nationalist position on one side, and a slow weakening of the high-flown bureaucratic pretensions of the Government on the other. The outstanding features in Indian polity of this period are.—

1. The Reforms Enquiry Committee which the Govt. of India had to institute much against its will. At first an attempt was made to shelve it by mere inaction, and great secrecy was maintained as to what was being done in this direction so that Government might escape the exposure that a public enquiry would entail as to the way in which they have worked the Reforms. Laterly, however, thanks to the efforts of the Moderate deputation in England, and the Premier's York speech (see pp. 697 & 705), the Government of India had to yield to pressure from above and enlarged the scope of the enquiry which was announced to be held in public in August.

2. The Lee Report which came out in May last. No other report of so great importance has ever been brought out with such great expedition. The object of the authorities, to secure further emoluments and advantages for the Imperial Services at the expense of India while the Peel-Winterton Tory party was still in power in the United Kingdom, has providentially been foiled, for the Labour party quite suddenly came into power, and what is worse, they seem as yet to be sympathetic to Indian public opinion over which the Services have always ridden rough-shod.

3. The Steel Protection Bill, following the Report of the Tariff Board and passed by the Assembly, has secured to India the principles of Protection to her nascent industries, much to the chagrin of the foreign merchants.

4. The reorganisation of the Indian National Congress now taken in hand by M. Gandhi. The great Swarajist wave of the first three months of the year received a set back by the Gandhi move in June last, and it seems as though it would soon be swallowed up in a great national movement under M. Gandhi. The cry of "Khadi for India and India for Khadi" is soon to be raised, and the ground is now being prepared by various Congress movements, such as Satyagraha and Khadi-work and Council breaking.

5. The deputation to the Secretary of State in England led by the Indian Moderate Party, including Mrs. Besant, Mr. Sastri and other signatories of the National Convention. Some of the first rank Indian politicians were about this time in England, such as Lala Lajpat Rai, Mr. Rangachari, Sir Sankaran Nair, and others. They delivered many speeches in England, specially addressing Labour groups and Members of Parliament, and presented the case for India.

Such has been the main drift of affairs during the second quarter of the current year. Some of the other minor affairs are summarised below, while the Chronicle that follows on p. xix summarises the chief events in somewhat greater detail.

The All-India Khadi Board, a short account of which was given in our last issue on p. 9, issued a small but very interesting report of its tour in Andhra Desa, Tamil Nadu, Karnataka, C. P. Maharashtra and Khandesh in the first months of this year. The report contains much valuable information regarding Khadi work in these Provinces and should prove to be of immense practical value to workers. It gives a clear idea of the scope for Khadi production in the numerous centres which the Board visited, the nature of the obstacles to be overcome in particular parts and the manner and direction in which the several centres may co-operate with profit to promote production and sale. It is no doubt true that in many of the places that the Board visited they were greeted only by the tragic picture of a recently dead or dying industry, throttled out of existence by the clever and cunning hand of the alien exploiter and industrialist. But the Board have discovered that life is not entirely extinct in many parts, that the villagers, both men and women, have not forgotten their art or lost their skill at the wheel and the loom. In the early days of the non-co-operation movement the message of Mahatma Gandhi acted like a wonderful tonic in many parts and actually brought back to life many a spinning wheel confined to the attics as an old out-worn thing. There are whole villages still sticking to their wheels and looms for making an honest and decent living or supplementing their income as of old. Centres like Guravareddipalayam in Andhra, Tiruppur villages in Tamil Nadu, and Pachapur in Karnataka are all living monuments of the ancient glory and success of the Charka. In Singhalli, one of the group of villages which supply yarn to Pachapur, we learn that "the status of the women in the village had gone up by a bound since Mahatma's movement" which had made them recommence spinning which they had given up 20 years ago. So also in Guravareddipalayam, we are told, the Khadi movement had not only brought employment to the untouchables who run about 40 looms in the locality, but had also gone a long way to emancipate them from social exclusion. "The stigma of untouchability in the village," says the report, "was seen disappearing. The untouchable weavers looked happy and contented and they expressed great satisfaction at the treatment they were now receiving from the main body of villagers." The report says:—

"The figures collected in the village show some very interesting results. Every woman turning the wheel 8 hours a day could make 3 padugas of yarn, one padugu being warp and weft for 9 yards with 14 punjams for warp and 14 for weft. For every Punjam there are 130 threads and so the woman was turning out 120 into 25 into 9 into 3 which equals to 90,720 yards length of yarn every month. Her daily out-turn would then be 378 yards of yarn, a fact which was corroborated by the speed of 5 to 7 yards per minute which was demonstrated to the deputation. Nearly 3 1/3 hanks or 3/4 of a lb. of 12 count yarn was being produced by a woman who gave 8 hours to spinning every day. But even taking it that she spun only 4 to 6 hours a day her average income would be 0-1-0 per day or something between Rs. 20 and Rs. 22 a year. Twenty rupees would be the supplementary income to the family if only one of the women worked at the charka for 4 to 6 hours every day, no small addition to the poor and slender means of every village home."

There are many other numerous obstacles in the way incidental to the villager's lack of patriotic understanding of his and the nation's problems. The spread of the new light of nationalism alone can remove this ignorance and enthuse him with the spirit of social and national service to safeguard the country's interests in working for his own individual or family maintenance. For this, as well as to conduct the industry on organised lines, we want trained workers in any number to go and settle down among the villagers, spreading the gospel of Mahatma and demonstrating the efficacy of the charka. The report gives many inspiring examples of persons who have sacrificed their all for the sake of Khadi and done yeoman's service to the cause. One name stands out most prominently out of all, that of Sjt. Pujari of Bijapur, a Government servant who resigned his post to give his entire time to Khadi work. His story is at once inspiring and fruitful of lessons to the average worker.

The Provincial Khadi Boards, especially of the provinces of Northern India, do not seem to have done much work worth recording. The All-India Khadi Board confined their operations within the Southern districts. After the A.I.C.C. resolutions of June 28th Mahatma Gandhi took up Khadi work more seriously. The record of this work will be given in the next issue of the QUARTERLY.

Of other Congress activities of this period may be mentioned the Satyagraha movement at Vaikom and Tarakeswar, the former of which specially has attained an All-India significance because of the great "untouchability" question that it involves. As Swami Shraddhananda says, the work of All-India removal of untouchability is divided thus: The

Untouchability Punjab is managed under Lala Lajpat Rai with Rs. 5,000 per month, Rs. 7,000 cash, and property worth Rs. 25,000. The United Provinces is placed by Pandit Ma.ariya under Babu Purahoram Das Tandon with Rs. 5,000 monthly allowance, and a promise of further help. Delhi, Gujerat, Kathiawar, Central Provinces, Maharashtra and the whole of Madras is allotted to Swami Shraddhananda who was being helped for current expenses at Delhi and other provinces with Rs. 25,000 from a philanthropist.

Untouchability is the great curse of Hindu Malabar, in fact of the whole of Southern India, though in Malabar it is still as strong as centuries back. In

Vaikom Satyagraha British Malabar no public ban of roads, tanks, etc., is permitted. But in Travancore some roads leading to or in the neighbourhood of Hindu Temples cannot be used by low caste Hindus, though Mahomedan or Christian converts can use them freely! According to the judicial pronouncement of the Travancore High Court, there are two kinds of public roads in Travancore, viz. (1) King's Highway or *Rajapatha* and (2) common highway or village thoroughfare, *grama veechi*. The former are thrown open to all classes of His Highness's subjects and for all purposes not forbidden by law. The latter are open in some instances only to a limited class of the public, namely the orthodox Hindus. These roads are different from the pathways which lie outside the enclosure stone wall of the Vaikom temple, but form part and parcel of a plot of 11 and odd acres entered in the revenue account as for temple compound. Over these latter pathways no right of passage could be claimed as of right except by those who are entitled to worship in the temple. The approach roads previously mentioned lead only to the temple compound and to no other place. The local public offices, Hospital, English High School, Police Station, etc., are all located outside the prohibited area, and are accessible from other roads.

The Kerala Congress Committee resolved to break the bond of untouchability as regards the use of these roads. Accordingly it started *Satyagraha* from April 1st. The Satyagrahis intended to establish the right of all subjects of His Highness the Maharaja, including the submerged classes, to pass along public roads and pathways, of which the road outside the Vaikom temple is one. It was not the intention of the Committee or of the Congress to secure the admission of those classes into the temple either at Vaikom or elsewhere. Neither the Vaikom temple nor the roads in question now belong to any private individual or Trustees. The temple is in the possession of the Government, and its affairs are administered by Government servants. The roads leading to the temple are maintained by the Government out of public funds and are freely used not only by Brahmans and other caste Hindus but also by Muhammadians, Christians and other non-Hindus. Only the "unapproachables", such as the Thiyyas and Pulayas, are not allowed to go along these roads. The method adopted by the Satyagrahis was to cross the roads along with some untouchables after giving notice of their intention to the District authorities. They conducted their campaign in a perfectly non-violent manner, and always made it a point to inform the authorities beforehand of their plan. The Satyagrahis put themselves under M. Gandhi's direction.

On April 3rd Mr. K. P. Kesava Menon, Secretary, Kerala Provincial Congress Committee and leader of the "Satyagraha" movement, and Mr. T. K. Madhavan, Editor, *Desbhumi*, and member of the untouchability Committee, formed the day's batch. They were at once arrested and were put up for trial for having instigated non-caste Hindus to proceed along prohibited roads surrounding the temple, and that there was serious risk of a breach of peace by enraged caste Hindus. The accused admitted having tried to secure such passage, and asserted that they had done so deliberately as the Government had failed to allow the submerged classes human rights, in spite of repeated prayers for many years, and there was no alternative left to non-caste Hindus and their champions but to resort to the method of "Satyagraha." Mr. Madhavan stated that he did not intend to go along the prohibited road owing to its proximity to the temple, but because he wanted to establish the right of his people to walk along all public roads, and that it was a mere accident that the issue was joined in respect of the road near the temple. Both explained that they had no ill-wishing in carrying on the struggle and that they would cheerfully go to gaol rather than sur-

render the lawful claim they had undertaken to maintain. The Magistrate convicted and sentenced them to undergo six month's simple imprisonment. After that daily volunteers in relays of 2 or 3 marched across the prohibited roads, were arrested and sentenced to imprisonment. The Police barricaded the roads and formed a solid line of human wall in front preventing the Satyagrahis to pass through.

From April 10th the situation took a new turn. The police stopped arresting the volunteers but started arresting the leaders. On the 11th Mr. George Joseph, Mr. K. G. Nair and Mr. Sebastian who were leading the movement were arrested. Mr. Joseph at once sent a wire to M. Gandhi to send Devadas Gandhi or Mahadeo Desai. Hundreds of volunteers were ready to offer Satyagraha but there was none left to direct the movement. From this day onwards the volunteers seated themselves on the ground before the police line blocking the street and remained so without food or drink, day and night fully exposed to the hot April sun of South India. Some of them fainted away, and were carried to the hospital. From the 12th April the police guard was doubled. On receipt of the news of fasting M. Gandhi at once sent a message: "Omit fasting, but stand and squat with quiet submission till arrested."

Fasting was accordingly stopped from the 14th April but daily batches of volunteers went on. By the end of April the situation grew graver as the police and some caste Hindu rowdies began to beat and harass the non-resisting volunteers and it seemed as if a riot was brewing. A compromise was sought to be patched up and for this purpose Mr. Srinivasa Iyengar visited the Maharaja and the Dewan of Travancore. The latter came over to Vaikom on the 22nd April to make enquiries, saw the local leaders and volunteers and enquired of their grievances and went round the four prohibited roads. Nothing however came out of this.

In May the Satyagraha movement was further strengthened by a batch of Akalis who went all the way from the Punjab and opened a free Akali kitchen for the untouchables, by the holding of the session of the Kerala Nair Samajam and the S. N. D. P. Yogam, both representing non-caste Hindus, which passed strong resolutions against untouchability and asserted their right of using all public roads etc, and by the Arya Samaj making converts of the low castes into Arya Samajists. A great campaign was started by the middle of the month to send itinerant lecturers speaking from public platforms against untouchability, but they were prevented by official orders from addressing public meetings. Messrs. E. V. Ramaswami Naicker, Chakravarti Iyengar, Dr. M. E. Naidu, and other leaders were thus served with notice. They, however, disobeyed the order and suffered arrest and imprisonment.

In June the movement became more extensive. On the 4th public meetings were held against the Government order simultaneously all over Travancore sympathising with Satyagrahis. From June 9th lady volunteers came into the field, and Mrs. Naicker, Mrs. G. Muthuswamy, Miss. Channer and three others offered Satyagraha. From this month volunteers began to carry a *charka* with them and sat down in front of the barricade with the *charka* before them.

The attitude of the Government towards the Vaikom question came out in the Travancore Legislative Council that met on the 12th June. The interpellations showed that the entire responsibility rested with the Durbar. Several questions were put in the Council asking for a statement of policy of the Government in this matter. The answers were either evasive or not forthcoming at all. A resolution had been tabled and it had found a place on the agenda. But the Dewan-President could not give facilities for its discussion. The whole of the allotted time was taken up by official business and when a request was made to extend the meeting it was refused.

The behaviour of the Travancore police was on the whole praiseworthy until at the last meeting of the Legislative Council the Durbar made plain beyond doubt its lack of sympathy with the claim for civic justice of the depressed classes. But since then they became utterly demoralised and helped orthodox goondas and hooligans to commit all sorts of atrocities on the pacific Satyagrahist. In one case a Brahmin volunteer's sacred thread was snapped, his garment torn, shirt set fire to, all under the very eyes of the police. In another case a rowdy rubbed quicklime into the eyes of a volunteer. Many cases were reported of brutal assaults with fists, sticks and even dangerous weapons. From the end of June orthodox hooliganism was let loose. The history of this subsequent struggle will be recorded in our next issue.

The Tarakeswar Satyagraha was started by the middle of May last to remedy the malpractices of the Mohunt of Tarakeswar Temple in Bengal. As the struggle is still proceeding a complete account will be given in our next issue.

In the earlier part of the year, besides the Lee Commission and the Tariff Board, the reports of which are summarised in this volume, several other less important Committees were moving about the country collecting evidence. The Tariff Board is now engaged in considering what protection can be given to Indian Cement,

Reports of Committees.

Ink, and other smaller industries. The North-West Frontier Committee, which was appointed on the motion of Sir P. S. Sivaswami Aiyer in the Legislative Assembly in 1921 to inquire into the expediency of reamalgamating that Province with the Punjab, issued its report at the end of March. The majority report opposed re-amalgamation and suggested the grant of reforms, such as the creation of a Legislative Council etc. The Indian members, Messrs. T. Rangachariar and N. M. Samarth, dissented from the majority view on political, constitutional, and financial grounds and favoured re-amalgamation with the Punjab. The Govt. of India have not yet passed orders on the report. Another Committee which has issued its report is the Indian Bar Committee. It recommended the abolition of the distinctions between the legal practitioners and institution in all High Courts of a single grade of practitioners to be called "advocates". It urged removal of distinctions regarding all legal appointments. There will be no All-India Bar Council but Provincial Councils are to be instituted at Calcutta, Madras, Bombay, Allahabad, Patna and Bangalore. The Council would consist of 15 members of whom eleven shall be elected by advocates and four nominated by the High Court.

Another important report issued during the period is that of the Bombay Excise Committee. This Committee was appointed by the Bombay Govt. on the recommendation of the local Legislature. The Committee have expressly pronounced the policy underlying their recommendations to be total prohibition and suggested

The Bombay Excise Committee

radical measures to be taken for combating the curse, particularly among the industrial population. They have decided upon local option to be the first step in the struggle and recommend legislation to enforce the same. Their recommendations regarding the system of rationing, auctioning liquor, control in mill areas, Excise Advisory Committees, special licenses and foreign liquors are all designed to carry out this policy. To make up for the loss of revenue from this source, which has been advanced as the most powerful argument against the policy of prohibition in this country, the Committee suggest the levy of some extra taxes which they say will bring in sums larger than the deficit caused by carrying out their suggestions for restricting the drink traffic. The following are extracts from the report :—

"In the first place we are of opinion that in the interests of the community as a whole as well as in those of Government the present policy of Government, with regard to the manufacture and sale of country and foreign liquor, toddy and shindi, and drugs should be altered as quickly as possible. The strong demand which exists throughout the country for further restriction, and in due course of the total extinction of the alcohol and drug traffic, must be recognised and Government should declare that the total extinction of this traffic is the goal of its Excise policy.

"The first step which we propose for the adoption of the policy suggested by us is local option. Government should pass legislation to grant option to the people of a definite area to declare their intention to stop the liquor and toddy traffic in that area, and such legislation should provide for a reasonable time for Government to take action to carry out the intention so declared. It should be laid down in the local option law that such delay was due solely to financial and no other considerations. Our object is to make local option educative and popular. We are not in favour of making the locality directly responsible for the loss which will result in revenue from the exercise of local veto. All adult men and women of the area which is exercising the right of veto should have an equal right to vote. The law should only authorise a no-shop veto. Once the locality has gone dry, either by its own vote or by the adoption of the other measures proposed by us, no further option should be exercised by the people.

"We recommend the definite adoption with certain limitations of the present system of rationing the quantity of liquor supplied to shops, with a gradual reduction in the quantity issued to each. Equal treatment should be given to foreign as well as country liquor in issuing the quantity to shops. We do not recommend any further extension of the system of rationing liquor-shops to rural areas where the consumption is small and chances of illicit distillation and smuggling are many.

Government will ultimately have to adopt the necessary means to reduce the illicit use of liquors in rural areas also, in order to extinguish the liquor traffic in the whole Presidency.

'No new license should be henceforth issued by Government in any locality for the sale of country or foreign liquor or toddy and shindi, except where it is proposed to substitute a toddy shop for a liquor shop as a temporary measure.

'We approve the present policy of reducing the number of shops, whether for the sale of country or foreign liquor or toddy, but we recommend that it should be more consistently and vigorously adopted. In closing down country liquors shops, care should, however, be taken that the use of this liquor is not replaced by that of foreign liquor. The automatic reduction by any fixed percentage for all areas, or the regulation of the number on a population basis, is not desirable. The reduction should be made by Government, after consulting the excise authorities and advisory committees, according to the needs of the locality and the circumstances of the case.'

A similar Excise Committee has been accepted by the B. and O. Govt. but its report is not yet out.

The secret manner in which the India Office used to buy crores of rupees worth of stores for India through a selected body of English Manufacturers was for ever a cry in the wilderness of the Indian people. This system **Stores Purchase Rules.** is now being gradually done away with, with of course the proverbial tardiness of the Government wherever Indian interests clash with those of the British people. On May 6th the Govt. of India issued the new rules for the Purchase of Stores in India. A communique of that date states:—

"In their resolution dated the 15th November 1919 the Government of India announced their intention to constitute a committee to deal with the proposal made by the Indian Industrial Commission for the creation of an Indian Stores Department. The terms of reference and personnel of this committee were announced on 5th December 1919. The Committee were directed to enquire and report on the measures required to enable Government Departments to obtain their requirements as far as possible in India, what central and local agencies should be constituted for the purchase and inspection of such requirements and what modifications of the Stores Purchase Rules would be required to give effect to their recommendations. This Committee submitted its report to the Government of India on the 19th July 1920. The Committee were unable to agree in regard to the modifications which should be made in the Stores Purchase Rules and certain alternative recommendations were offered. The Government of India arrived at certain provisional conclusions which, together with the revised draft of the Stores Purchase Rules, were sent to the provincial Governments for their consideration and advice. In the meantime the purchase of stores by Governors of provinces had ceased under the reformed constitutions to be a general subject. It was accordingly made clear that the revised rules under consideration were intended for application only to the Government of India and to provinces other than Governor's provinces. On receipt of the replies from the local Governments the revision of the rules was further considered by a committee of the Legislature (the Railway Industries Committee) which had been appointed in pursuance of a resolution adopted by the Legislative Assembly on March 1922. The rules approved by this committee were submitted to the Secretary of State for his approval. The Secretary of State in Council has now approved the rules which will henceforth regulate the purchase of stores by all departments and officers of the Central Government and of the Local Governments and administrations other than those of the Governor's provinces."

The main features of the new rules consist in assertion of a more definite preference for stores produced and manufactured wholly or partly in India, and important extension of the power to purchase imported stores and the introduction of a central purchasing agency in India, namely the Indian Stores Department. This Department, as announced on the 10th December 1921, was created on a temporary basis with effect from the 1st January 1922 on which date the Chief Controller of Stores assumed charge of his duties and proceeded to formulate a detailed scheme of organisation. This scheme after consideration by the Government of India was submitted to the Secretary of State who has now sanctioned the constitution of the Indian Stores Department on a permanent basis.

The position of Labour in India while Labour is in power in England is still a century behind the times. Two awful tragedies during the

Labour conditions.

first six months of the year stand out as a crying shame that call for speedy removal. The first was the Bombay Mill strike from January to March noticed in our last issue (p. 9). The second was the Cawnpore Mill strike on April 4. In both cases bullets were showered in answer to the call of hunger. These poor workers who come to the Mills for work are the most destitute people on earth. They live on their daily wages, and when driven to despair and treated atrociously, they strike work. And then the Government comes to the aid of the capitalists, and the police is too ready to open fire quickly to produce perhaps a 'moral effect.' An account of the Cawnpore firing is given below.

On April 4th there was a dispute over bonus and reduction in wages between the cotton mill workers and mill-owners. The workers struck work and gathered round the manager's office demanding bonus or else payment of their full wages. The European

manager at once apprehended danger and, as it could be had for his mere asking, called in police aid. Some 20 'Sowars' and 50 policemen at once came up and laid a cordon round the millhands. Dr. Morarilal, Mr. Mannilal Avasthi, and Mr. Umashankar Dixit, three leading Labour leaders, came to the spot promptly

and conducted an enquiry. They tried to ascertain the grievances of the strikers, and on their representation the management eventually promised to pay off the last month's wages on the 15th, but nothing for the days of the current month or bonus. They tried to arrive at a compromise on the basis that the workers continue up to the 15th when they were to be paid in full. The management wanted three days time for reckoning. But later when the strikers were being informed of the compromise, the manager who had been talking on the phone came down and said that the compromise was unacceptable. Doctor Morarilal then tried to persuade the workers to leave and to elect 20 representatives who could help in the negotiations for a settlement. The strikers agreed, and Mr. Mannilal Avasthi was inducing the laborers to walk out of the mill premises. More than three-fourths of the strikers left. About 300 were then inside the compound, and remained sitting peacefully or loitering about. The management seemed to resent the intervention of outsiders. Besides a few spectators there were the Superintendent of Police, the Kotwal City Magistrate, some Sub-Inspectors of Police and 40 constables, and all the Anglo-Indian employees of the mill. At this stage, about 40 mounted armed Policemen were brought in from behind. The Superintendent of Police now hurriedly told the strikers that Sowars had come, and if they did not leave, they would be forcibly ejected. One by one the strikers were slowly leaving. Of those remaining, some appeared agitated. The mounted Police cleared the ground by means of sticks about a yard or less in length. Suddenly, the mounted Police charged the crowd. Dr. Morarilal with raised hands asked the Police to stop, and assured them that the remaining strikers would soon disperse. The Doctor's words went unheeded, and he was knocked down by a horse. Volunteers picked the Doctor up and placed him on the verandah. Many others were also knocked down. When the mounted Police reached Mr. Umashanker, he told them to stop and added that they could beat if they liked, but he was persuading the strikers to leave. In reply, he was heavily beleaguered by the mounted Police as well as by the constables on foot and was turned out with the rest. Charging all round, the Police ejected all the strikers out of the compound within 3 or 4 minutes. Those left behind were beaten and kicked by the police and the Anglo-Indian employees of the mill. The Sowars were now at the gate and the strikers now outside became excited and were seen running in search of stones or bricks. When the shower of stones increased in intensity, the sowars withdrew and the crowd at the gate swelled. The mounted Police, after withdrawing, fired for the first time from a distance of 30 yards, and a portion of the crowd began to disperse. Some labourers who were at the gate shouted *Ghubrao Nahin, Chuchi Fire Hai, Kya Goli Thora Chalaenge* (don't be confused, it is blank fire, they won't really fire.) At this stage the Superintendent telephoned to some one. Near the verandah of the office were 10 to 15 armed policemen, and from that spot one or two more volleys were fired at the gate. The people were hurt, and began to run, crying and shouting *Gholle Chala Fahan Hai Chhara Laga* (they are firing, I am hurt). Two more volleys were fired, one from the interior of the compound and the other from the gate at intervals of two or three minutes. Yelling and shrieking the crowd then began to disperse in different directions and the road in the neighbourhood of the gate was soon

deserted. After this two or three more volleys were fired from outside the gate in various directions. Firing then stopped and dead silence prevailed all round. The Sowas galloped their horses and charged the men in hiding mercilessly. The whole scene was one of desolation. Altogether some 8 died at the spot and quite a large number were wounded.

The Anglo-Indian newspapers raised the cry of 'rebellion,' and tried to show that the mill-hands had turned bo-shevist. On May 14th a motion was brought in the House of Commons by Mr. Grundy (see p. 763) with a view to ameliorate the condition of Indian Labourers. At once a hue and cry was raised in India by the mill and mine interests controlled by British capitalists, and the European Association of Bengal started a campaign both in India and England so that Indian Labour may be left where they are to the tender mercies of their exploiters.

European Association & Indian Labour

At a packed meeting of the Manbhum Branch of the European Association on Saturday, May 17th, the Branch passed a resolution that as representatives of British management and British Labour in the coal fields, they deplored the ignorance of responsible members of the House of Commons and strongly resented the imputations therein made. The European Association categorically denied the charges made by Mr. Grundy and issued their denial as follows.—

"Mining conditions in the coal fields as compared with England are exceptionally good. The thickness of seams varies from 8' to 40' and workers can work upright. In India immemorial custom makes the family the labour unit. Enquiries further show that the labourer would sooner leave the coal fields than be deprived of the assistance of his women folk. To secure a happy family life is the reason for restricting women labour in mines in England, whereas similar legislation in India is more likely to have the opposite effect!

To the charge of Mr. Grundy that the standard of living of the miners in India has been beaten down, the Association replied :

"Far from the standard of living having been beaten down, managements are endeavouring to raise the standard as the industrial world in India is suffering from scarcity of wages too high in ratio to the existing standard of living (!) with the result that labour works "slow", the workers only doing a sufficient number of hours' work a week to provide him with what he considers the necessities of life.

"Mr. Grundy's solution is to give the Indian miner a vote. Mr. Grundy does not apparently know that the Indian labourer is largely an agriculturist, and only works in the mines when he had nothing to do in his fields, and as such many of them have votes in rural constituents. Apart from that the Indian mining population is a floating one and it would be impossible to devise a scheme of franchise for him since the essential basis for the exercise of a vote is a residential qualification.

"The general ignorance of conditions in India is so deplorable that those who have the interests of India at heart can only regret that her future lies in the hands of men who show little knowledge of the requirements and do even less to find out the truth about India. The India Office reply was weak in the extreme. They surely have the true facts or can obtain them if they want to"

The truth of the matter is that Labour in India is not yet vocal; it is still too weak to organise itself; and the interests that are ranged against it trying to keep it down under heels have been very strong. Even the Trade Union Congress, the fourth session of which was held at Calcutta on 30th March under very unhappy circumstances (see p. 694), is rent by internal dissensions.

A case of surpassing interest was decided in Cawnpore before the Sessions Judge on May 20th. This is known as the Bolshevik Conspiracy Trial in which some persons were convicted for conspiring "to wage war against the King" and to spread Bolshevism

Bolshevism in India

in India! The real point was however the last one, for no "engines of war" were put in evidence and no case was really made for a "war." The case aroused much interest not only here in India but also in Britain and abroad as it was the first overt act of the authorities to stop socialism altogether in India. The point was whether socialism, mis-called bolshevism, was a crime. Mr. Lansbury and some other Labour leaders in England tried to raise an agitation in England over this affair but to no effect. After a protracted trial judgment was delivered on May 20th

follows:—

(1) Nalini Bhushan Dasgupta whose name is said to be Nalini Kumar Gupta, (2) Shambhat Usmani, (3) Musaffar Ahmed, and (4) Shripat Amrit Dange were charged with conspiring to wage war against the King-Emperor in as much as they conspired to deprive the King-Emperor of his sovereignty of British India by means of violent revolution. It was alleged that there exists in Europe a revolutionary organisation known as the Communist International, that a section of it has for its object the formation of affiliated organisations in the East, that this section is determined to establish a branch in India under one calling himself Mahendra Nath Roy (his real name being Narendra Nath Bhattacharya), that M. N. Roy and the accused communicated with each other and entered into a conspiracy to establish a branch in India, that the party was guided, supported and financed by the Third Communist International through M. N. Roy, and that the illegal and the revolutionary activities were to be masked and forwarded by ostensibly legal associations.

All the accused denied the charge and professed that they do not hold the views attributed to them. Dange admitted that he corresponded but merely to get material for his studies and journalism. Other accused denied all knowledge of or responsibility for the correspondence. The accused did not examine any defence witness. The evidence for the prosecution consisted mainly of letters and papers intercepted by the C. I. D. The Judge considered it proved beyond doubt that there was a conspiracy and all the four accused were members of that conspiracy.

Most of the documents produced were not connected with the accused, but the judgment said that certain documents have by entirely convincing evidence been proved to have been found on Usmani's person when arrested. Roy's letter from Berlin beginning with "Dear Usmani" showed that Usmani was one of the five chief agents of Roy in India, that Usmani was being financed by Roy and was spreading revolutionary propaganda and carrying out his orders regarding the building of a national revolutionary organisation.

The Judge said that the exhibits proved the existence of a conspiracy and the part played by the accused Usmani. In addition to the direct evidence against Usmani the fact that he eluded the police raid, and had no legitimate means of livelihood, tell strongly against him. An exhibit proved that Usmani's Calcutta address was a lie. As regards Musaffar Ahmad, the evidence of the Assistant Jailor of the Presidency Jail, Calcutta, proved that while interned in that jail, Musaffar Ahmad wrote two letters. Evidence on this point was not shaken by cross-examination. Musaffar Ahmad further did not deny having written those letters but took refuge under the plea that he did not remember whether those documents were written by him.

The important witness against Nalini Gupta was Kiran Behary Roy, a Bengali incorporated accountant drawing a salary of over Rs. 1,000 per month from the New Indian Assurance Company, Bombay. He was an old friend of the accused having lived together in Glasgow and Calcutta. Nalini went to him and said he was going to Madras. Nalini had come to India from Europe through Mesopotamia after about six weeks. K. B. Roy received letters from Nalini from some European country.

One Abani Mukherjee's letter was the important evidence against Nalini. Abani Mukherjee wanted to supplant M. N. Roy and complained to Comrade Zinowul, Chairman, Executive Committee, Third International. Nalini like the other accused was not shown to have any definite means of subsistence apart from the money sent him by Roy. The Judge found that Nalini's guilt was clear.

Three points arose with reference to Dange's contention: (1) Did Roy and his fellow conspirators look upon Dange as one of themselves, for if they did not Dange's defence was established; (2) If answer to (1) is in the affirmative did Dange encourage them to believe that he was a member of the conspiracy, for if he did not, Dange's defence was again established; (3) If answer to (1) and (2) is in the affirmative, can it be held that although Dange pretended to be a member, he was not in fact one and only represented himself as one for the sake of personal advantage.

Roy throughout wrote to Dange as one of the inner circle of the conspiracy. Dange was invited to the proposed conference at Lucknow. Roy proposed Dange as a member of a small and presumably select commission to elaborate his programme. Dange was considered to hold in conspiracy an influential position. The Judge found all the points against Dange and said that these four circumstances, if they stood by themselves, would not necessarily justify finding of Dange's guilt but as evidence stood they put the finishing touch if that were needed. The remarks suggesting that

Dange was opposed to Roy were mere pretence and put in to throw dust in the eyes of the Government or the C. I. D. If Dange would not have been a faithful follower of Roy the latter would not have ventured to write to him in the style he did. The Judge therefore convicted Dange.

Agreeing with the assessors where they found the accused 'guilty' and disagreeing where they found the accused 'not guilty', the Judge sentenced all the four accused to four years' rigorous imprisonment.

Chronicle of Events—April—June 1924

- 27 Mar. '24 C. P. Ministers resigned & Governor took over charge of transferred Depts (p. 374).
CERTIFICATION OF FINANCE BILL: Statement published in a *Gazette of India Extraordinary* giving the Viceroy's reasons.
- 31 Mar. '24 Trade Union Congress, Fourth Session, held at Calcutta on previous day with Mr. C. R. Das in the Chair came to an end (see p. 694).
- 1 April '24 Indian Laborers in British Guiana shot down by Police for having gone on strike and alleged rioting.
In the Bengal Legislative Council, Swarajists and Nationalists questioned the action of the Governor in holding conference with a certain section of the members of the Council to secure their support for the Budget, and in protest left the Chamber amidst boisterous scenes (see p. 426). The remaining demands were then passed *ad hoc*.
In the Assam Legislative Council a motion that Ministers should receive Rs. 1,500 per mensem was passed by a majority of one vote.
C. P. Govt. campaign started against Swarajists (p. 371).
- 2 April '24 Lala Harkishen Lal addressed the Indian Parliamentary Committee.
In Assam Council motion for abolition of Commissionerships carried.
Mr. Shaikat Ali issued reply to the Home Department on refusal of passports and controverted Sir Malcolm Hailey's speech in the Assembly.
- 3 April '24 Mr. V. J. Patel elected President of the Bombay Corporation.
Indian Colonies Committee sat for 2 hrs. at the India office to discuss their instructions.
- 4 April '24 Cawnpore Mill-hands struck work for not getting their due wages. subsequently they were fired upon and dispersed by the Police, some died and many wounded.
- 7 April '24 Satyagraha at Vaikom resumed. Mr. K. P. Kesava Menon and T. K. Madhavan were sentenced to six months' simple imprisonment.
INDIA IN PARLIAMENT.—A string of questions on India were put and answered in the Commons (see p. 727).
Third Shahidi Jatha arrested at Jaito.
B. & O. Council cuts in the Budget restored by Governor by certification.
- 8 April '24 Lord Willingdon retired from the Governorship of Madras.
- 9 April '24 Replying to a question whether Messrs. Gandhi, Das, and Nehru had been invited to a London Conference by the Cabinet, the Premier denied the suggestion: Mr. Rangachari gave an address at the House of Commons to the Indian Committee.
Arrest of Leaders at Vaikom.
House of Lords passed the first reading of the Bill to enable the Viceroy, Commander-in-Chief, etc. to proceed to England on leave.
Mr. Shaikat Ali addressed second cable to Mustapha Kemal Pasha reiterating Indian views on the Khilafat question (see p. 641).
- 11 April '24 Punjab Govt. issued *communiqué* appointing the Birdwood Committee to settle Sikh Gurdwara questions by compromise.
- 14 April '24 Important questions on India asked in the Commons on the Jaito and Cawnpore firing, dismissal of 700 officials in Bengal etc (see p. 728).

THE QUARTERLY REGISTER

[APRIL—

- Messrs. George Joseph, K. G. Nair and Sebastian arrested at Vaikom.
Lord Goschen took over charge as Governor of Madras.
- 15 April '24 Viscount Curzon's motion on India in the Commons (see p. 734)
- 16 April '24 Mr. C. R. Das elected Mayor of Calcutta by 59 votes to 13. He said that the policy of the new Corporation would not be obstruction.
Maharaja Burdwan resigned seat in Bengal Executive Council; Mr. B. N. Basu appointed in his place.
- 17 April '24 Alipore Conspiracy Case: all accused were released, and the Judge expressed strong disapproval of the police methods. Immediately after release the four accused were again arrested under Regulation III.
- 18 April '24 Fourth Shahidi Jatha arrived at Jaito and arrested.
U. P. Liberal Conference opened at Allahabad (see p. 673)
- 19 April '24 C. P. Non-Brahmin Conference opened at Morsi by Rao Bahadur Jadhav, Minister, Bombay.
Speaking at the Labour Conference at York the Premier made an important announcement on India (see p. 705).
- 21 April '24 The European Association, Calcutta, addressed letter to the Secretary of State regarding the present political situation in the country. (p. 690)
- 22 April '24 Before Mr. H. E. Holme, Sessions Judge of Cawnpore, commenced the famous Bolshevick conspiracy case. (p. xvii).
- 23 April '24 Dr. Annie Besant issued statement announcing that the National Convention was established at Allahabad on 22nd April, 1924.
- 25 April '24 All-India Swarajya Party.—With a view to formulate the future programme the Executive Committee of the party met in Conference in Bombay
- 26 April '24 The first report of the Indian Tariff Board published (see p. 517).
Madras Religious Endowments Bill: A lengthy cablegram, costing over Rs. 700 was sent by Mr. Horakoppa Krishna Rao, Secretary of the Hindu Conference Deputation, to His Majesty's Secretary of State for India, for the reservation of the Bill for His Majesty's pleasure.
- 28 April '24 Maharashtra Provincial Conference met at Ja'gaon Peth, Mr. Ganu dhar Deshpande presiding strongly attacked Swarajists.
Bombay Corporation by 52 to 13 votes decided to present an address to M. Gandhi, Messrs P.C. Sethna and H. P. Mody supporting.
- 30 April '24 Sir M. O'Dwyer's libel action against Sir Sankaran Nair came up before Mr. Justice McCardie.
Bombay Excise Committee made drastic proposals aiming at ultimate total prohibition.
The National Administrative Council of the Independent Labour Party agreed to a resolution welcoming the Prime Minister's York statement that the Government was prepared to meet Indian representatives.
- 1 May '24 Fifth Shahidi Jatha left Amritsar for Jaito.
- 2 May '24 Party of 12 Akalis arrived at Vaikom to conduct Satyagraha and open a free kitchen for untouchables.
- 4 May '24 Amritsar Police arrested Kartar Singh, Head Granthi, Golden Temple.
- 5 May '24 Indian Questions in Parliament (see p. 751).
- 6 May '24 New Stores Purchase Rules issued by Govt. of India in a *Communique*.
- 7 May '24 Sir Edward Maclagan left Lahore on retirement.
Dispute between Swami Sachidanand and the Mahant of Tarakeswar began in the matter of the purity of temple affairs. Beginning of Tarakeswar trouble.
- 8 May '24 Lord Olivier received a deputation of prominent Indians in London on the question of Reforms.
- 10 May '24 Sixth Shahidi Jatha left Amritsar for Jaito.
Dr. Besant, Mr. Sastri, Sir B. C. Mitra, and Sir Edwin and Lady Emily Lutyens landed in London.
- 12 May '24 In the Cawnpore Conspiracy Case warrant for the arrest of Mahendranath Roy was issued.

- 13 May '24 Bengal Governor's *Communique* certifying the refusal Budget heads issued.
- 13 May '24 The Steel Industry (Protection) Bill was published; the publication in the *Gazette of India* amounted to its formal introduction in the Assembly.
Report of the Tariff Board regarding import duty on Sulphur issued.
- 14 May '24 Gujerat Political Conference opened as Birsad (p. 678).
- 14 May '24 Debate in the House of Commons on Indian Labor conditions (p. 753).
- 15 May '28 Govt. of India *Communique* on Reforms Enquiry issued (p. 541).
- 16 May '24 Tarakeswar Trouble.—serious frictions between Mahabida' volunteers under Swami Sachidanand and Sanatana Dharma Sabha volunteers under Swami Abhedanand occurred at Tarakeswar.
- 19 May '24 Universities Conference opened by His Excellency Lord Reading in the Legislative Assembly Chamber, Simla.
- 20 May '24 Cawnpore Bolshevick Case: Judgment delivered by the Sessions Judge of Cawnpore in the Bolshevick Conspiracy Case and the four accused sentenced to four years' rigorous imprisonment each.
- May '24 Tarakeswar Trouble: Satyagraha was started.
In a letter to the Governor of Bombay Lord Olivier drew attention to the hardship the Bombay Mill operatives have to suffer by having to wait for payment of wages until the middle of the month.
- 20 May '24 Meeting of the Council of the All-India Muslim League held at Lahore and about a hundred prominent Mussalmans attended.
- 21 May '24 Bombay Provincial Liberal Conference: Mr. B. S. Karmat presiding made a speech scathingly denouncing the Swaraj Party and their policy.
Fifth Shahidi Jatha entered the Nabha State boundary and was peacefully arrested and sent away by special train.
- 22 May '24 Gandhi Swarajist Conference: The long looked for statement by M. Gandhi and that by the Swarajist leaders on the question of entry into the Councils by the Congressmen issued to the public.
Universities Conference: On the motion of Dr. Gour, it was resolved that a Central University Bureau should be established.
Mr. Shaukat Ali, President of the Khilafat Committee, issued a very long statement concerning the reconstruction of Muslim Society (p. 633).
- 23 May '24 SIR ASHUTOSH MUKHERJEE DIED AT PATNA.
At the All-India Muslim League a lengthy resolution was moved by Mr. Sheik Abdul Qadir for the protection of minorities.
- 26 May '24 Lee Commission Report published.
Indian Taxation Committee appointed by a Govt. of India resolution—Fifty non-official members of the Legislative Assembly held an informal discussion in Simla on the tabled amendments to the Tariff Bill.
Bengal Government issued a long Press communique on Tarakeswar in which it stated that the Government would observe the policy of non-interference and preservation of 'law and order.'
House of Commons interpellations on India (p. 756).
- 27 May '24 The Assembly met at Simla. Home Member made a statement on the Lee Report (see p. 545.)
The special session of the Council of State commenced.
- May '24 M. Gandhi's Manifesto on Congress Organisation issued (see p. 604a).
- May '24 In the Legislative Assembly, the Lee Commission's report was brought up again on a motion for adjournment.
Pandit Motilal declined offer of a seat on the Reforms Committee.
The Nationalist party of the Legislative Assembly held a meeting and decided not to make voting on the Tariff Bill a party question.
- June '24 The Bengal Provincial Conference held in Serajunge. (see p. 666)
- June '24 Bengal Provincial Conference carried the resolution on Gopinath Saha.
House of Commons interpellations on India (p. 759).

- 3 June '24 In the House of Lords Lord Peel raised the question of Lord Olivier's letter to Mr. Satyamurti; in the Commons Prof. Richards said that the Reforms Enquiry Committee would not examine the imperfections of the 1919 Act.
Justice McCordie gave scandalous summing up of the O'Dwyer-Nair Case to the Jury (see p. 787).
- 5 June '24 Justice McCordie gave judgment in the O'Dwyer-Nair Case awarding Sir Michael damages £ 500 and costs of the suit about £ 20,000 against Sir Sankaran.
- 6 June '24 Debate in the Commons on Lord Winterton's motion on India (p. 776).
- 9 June '24 In the Assembly a motion for adjournment to consider the judgment in the O'Dwyer libel suit was ruled out of order. Sir P. S. Sivaswami Aiyar's resolution on the Lee report was substantially adopted.
Six lady volunteers, including Mrs. Naicker, Mrs. Gandhidas Muthuswami and Miss Channar offered Satyagraha at Vaikom.
- 10 June '24 Tarkeswar: Swami Sacchidanand and 111 Satyagrahists, including 35 women, arrested on a charge of trespassing into the Mahant's house.
- 11 June '24 Memorandum of the National Convention Deputation to England drawn up to be presented to the Sec. of State (p. 702).
- 13 June '24 The Swaraj Party of the Assembly framed revised rules governing the policy and programme of the Party at Simla.
Viceroy gave assent to the Steel Industry Protection Bill which came into operation from this day.
First Reform Committee met at Simla without notice to non-officials.
- 17 June '24 Sardar Mahindar Singh, M.L.C., sentenced to two & half years rigorous imprisonment and Rs. 1500 fine for entertaining a Shahidi Jatha.
- 18 June '24 Replying to questions arising from the O'Dwyer case in the Commons Mr. MacDonald said that the finding of the Jury did not contain any indication or suggestion that General Dyer was not fairly dealt with, and his Government agreed with the late Government in the judgment passed on his action.
- 20 June '24 *Gazette Extraordinary* published the Home Department resolution appointing the Reforms Enquiry Committee;
- 20 June '24 Tarkeswar Satyagraha: Total number of volunteers arrested up to date came up to 645, including 26 women.
- 22 June '24 Communal Fracas in Delhi: A fracas between some Arya Samajists Hindus and Muhammadans behind the Jumma Masjid in Delhi resulted in injuries to about 8 members.
- 23 June '24 In the Commons Professor Richards said that Lord Olivier had received statements of views from Indian deputations but was not prepared to publish them. Mr. Lansbury's motion on Justice McCordie shelved.
- 25 June '24 Indian Colonies Committee met in London.
Demonstration in the Quern's Hall, London, in favour of Home Rule for India (p. 704).
Central Khilafat Committee held at Delhi discussed and passed several important resolutions (p. 643)
Joint meeting of the Executives of the National Trade Unions and the National Labor Party of England led by Mr. Smillie, was determined to press for shortening the ten years' period of reforms in India.
- 27 June '24 Tariff Board commenced public enquiry on protection of Cement Industry.
The famous A.I.C.C. meeting opened at Ahmedabad with M. Mahomed Ali as President (see p. 607).
- 28 June '24 The first Utkal Provincial Conference was held in Cuttack with Sir P. C. Ray as President.
- 29 June '24 A. I. C. C. adopted the first resolution on spinning, but at Mr. Gandhi's suggestion the penal clause was removed; a compromise was arrived at on the second and third resolutions.

The C. P. Dead-lock & After

(Continued from Page 264)

After the wholesale rejection of the budget by the Swarajists in the C. P. Council a Govt. Resolution was published at the end of March in the CENTRAL PROVINCES GAZETTE explaining the action taken by the Governor. After narrating the circumstances and discussing possible courses of action, the Resolution says:—

This emergency has arisen from the refusal of the Legislative Council to vote any demands. The power conferred with reference to expenditure on transferred subjects is thus more restricted than that conferred in regard to reserved subjects. In the former case an emergency must have arisen rendering the authorisation of expenditure necessary for carrying on of a department, in the latter all expenditure may be restored which is essential for carrying on the ordinary administration. In authorising expenditure His Excellency has observed the following principles. In the reserved subjects the budget provision has for some years, owing to financial stringency, been curtailed to a minimum, and His Excellency has therefore certified the votable expenditure in these subjects with the exception of some items which can be postponed without serious detriment to the administration or loss to the provincial revenues.

In the transferred departments, on the other hand, His Excellency has been able only to authorise expenditure on the scale necessary for the carrying on of each department. Certain items which are classed as 'new expenditure' but which are really commitments of the Government in accordance with past practice, such, for instance, as grants to local bodies for general purposes, have been authorised, but other new expenditure proposed in the budget for schemes of development cannot be authorised, and these schemes must be postponed till funds are voted for them by the Council. Such projects include the construction of several new roads and bridges in Berar, new educational buildings, the improvement of water-supply including boring operations, the District Health Officers' scheme, the improvement of hospitals, the appointment of an Industrial Chemist, experiments for the improvement of sugarcane and so forth. The postponement of these schemes must inevitably have the regrettable effect of arresting the development of the province, and the action of the Legislative Council necessarily falls most heavily on the transferred subjects, where development is most required. Again, His Excellency the Governor is advised that he has no legal power to authorise the payment of reasonable salaries to Ministers. The result of the refusal to vote salaries for the Ministers is, therefore, that the office of Minister cannot be filled, and His Excellency has been obliged to take over temporarily the administration of the transferred subjects, the province being thus deprived of the most important advance towards self-government made by the Government of India Act.

Following these principles, His Excellency the Governor has exercised his statutory powers to authorise expenditure to the extent shown in the Appendix. The budget as introduced, excluding capital and debt heads, provided for an estimated revenue of Rs. 5,31,81,000 and an estimated expenditure of Rs. 5,29,36,000, thus giving a surplus of Rs. 2,45,000. Including the amounts now authorised, the provincial

expenditure will be reduced to Rs. 5,21,09,237. The expenditure not chargeable to revenue will be reduced from Rs. 74,56,000 to Rs. 69,31,000.

As a result of the action taken by His Excellency the Governor in consequence of the refusal of the Legislative Council to vote any demands, the principal items omitted from the budget are as follows:—

A—Reserved Subjects.

FORESTS—Purchase of 5 elephants Rs. 22,500. Purchase of 2 hay presses Rs. 6,000. Improvements of clerks' pay Rs. 5,500. Construction of new roads Rs. 75,000. **EDUCATION (European Schools)**—Grant to Christ Church Boys' School, Jubbulpore, for Science equipment Rs. 4,000. **MISCELLANEOUS Departments**—Preparation of an index figure of the cost of living Rs. 6,000.

B—Transferred Subjects.

General Administration—Salaries and travelling allowance of Ministers Rs. 74,998. **EDUCATION**—Equipment for the Engineering School Rs. 5,000. Conversion of twenty lower division posts to upper division in the Subordinate Educational Service Rs. 4,000. Extension of female education Rs. 4,311. Grants to local bodies for compulsory primary education Rs. 10,000. Contribution to the Victoria Technical School, Bombay, for the training of twelve Central Provinces students Rs. 2,400. **MEDICAL**—Health propaganda work in Berar Rs. 2,403. Grant to the Muir Memorial Hospital, Nagpur, for buildings Rs. 5,000. Provision for the treatment of venereal diseases Rs. 2,000. Grants for dispensary buildings Rs. 2,500. Grants for quarters for Medical Subordinates Rs. 14,000. **PUBLIC HEALTH**—Grant to the District Council, Amraoti, towards the Health Officer's Scheme Rs. 10,000. Improvement of water-supply in the rural areas Rs. 10,000. **AGRICULTURE**—provision for sugarcane experiments Rs. 15,000. New plant and agricultural implements for demonstration purposes Rs. 10,000. Oil engine and pumps for Damoh farm Rs. 3,500. **INDUSTRIES**—Appointment of an Industrial Chemist and staff Rs. 15,500. **CIVIL WORKS**—Quarters for the Sub-Divisional Officer, Public Works Department, Elichpur Rs. 8,900. Additions and alterations to the District Court-house at Wardha Rs. 20,000. New building for the Anglo-Vernacular School hostel at Morsi Rs. 20,000. New building for the Anglo-Vernacular School, Mungeli Rs. 17,500. Additions and alterations to the High School building, Balaghat Rs. 11,000. Additions and alterations to the Model High School hostel, Jubbulpore Rs. 30,000. Hostel for the Anglo-Vernacular Middle School, Murtizapur Rs. 20,000. New building for the Anglo-Vernacular School, Murtizapur Rs. 20,000. Extension of the Akola High School hostel Rs. 18,000. Raising in class of the Digras Pusad road Rs. 40,000. Improvement of the ghat on the Malkapur-Buldana road Rs. 20,000. Causeway over the Adan river on the Darwha-Yeotmal road Rs. 15,000. Submerged bridge over the Chenakoli river on the Darwha-Digras road Rs. 15,000. Construction of a bridge on the Elichpur-Anjangaon road Rs. 20,000. Submerged bridge on the Yeotmal-Wun Road Rs. 20,000. Grant to District Council, Amraoti, for raising in class of the road from Warud to Waraha Rs. 30,000. Grant to the District Council, Amraoti, for construction of the Pohora-Chandur Railway road Rs. 18,000. Reserve for unforeseen major works, reduced from Rs. 72,000 to Rs. 50,000. Rs. 22,000. Investigation of water-supply project Rs. 10,000. Boring operations in Amraoti district for water-supply Rs. 13,000. New tools and plant reduced from Rs. 88,000 to Rs. 50,000. Rs. 3,000. **MISCELLANEOUS**—Grant to Jalgaon Municipal Committee Rs. 4,000. Reserve for transferred departments Rs. 1,50,000. **LOANS AND ADVANCES BY THE PROVINCIAL GOVERNMENT**—Provision for a loan to the Nagpur Municipal Committee Rs. 4,50,000.

Government Propaganda Against Swarajists

The situation created in the Central Provinces by the Swarajists by throwing out the whole Budget in the Council placed Government in a fix. The Governor no doubt exercised in full the statutory powers conferred on him by the Government of India Act and the Government was carried on along the old autocratic lines without the showy gilding of a Council or Ministers. The two Ministers handed over charge of their offices on March 27th, and the Governor then took up the temporary administration of the transferred subjects after certifying that an emergency had arisen. The Secretary of State's sanction was sought for an extra Indian Executive Councillor to do the work of the Ministers. A dissolution of the Council and the ordering of a new election would have followed the impasse into which the Council had thrown the Government but it appears that the Local Government was advised by higher authorities to temporise and wait and watch the Swarajist movements. So long as the country was strong in support of the Swarajist, a new election of course would give them a greater triumph, and Government could not take up the challenge. Instead of doing this the Government carried on through its publicity department a huge propaganda ostensibly for educating the electorate but really and secretly to undermine the Swarajist influence and lessen their chance of success in the forthcoming elections.

A communication No. 154 C., of the 1st April 1924, from the Chief Secretary to the Government of the Central Provinces and Berar runs thus:—

'I am directed to issue the following instructions regarding measures to be taken in order to bring home to the electorate as far as possible the effect of the obstructive policy followed by the Swaraj party in the Legislative Council.

After reproducing in full the rules governing the conduct of Government servants in relation to politics, the communication goes on to say:—

'It will be observed that whilst Government servants may not interfere or use their influence in election to the Legislative Council and should, as far as possible, refrain from making any reference to personalities or parties or individuals, they are at liberty to defend and explain in public the policy of the Government to remove misapprehensions, correct mis-statements and refute disloyal and seditious propaganda. They may explain the reason why things are done, reason which underlies decisions and arguments against the proposals which they consider will be detrimental to the welfare of the country (vide paragraph 14 of Joint Select Committee's report on the Government of India Bill). Taking such action it will not be possible to refrain from making reference to the programme of particular parties. But care should be taken to avoid as far as possible personalities.

Distribution of Leaflets.

'But when an election is declared, care must be taken to give no ground for the suggestion that any action is taken with the object of influencing the electorate in favour of or against any individual candidates. The broad aspects of the effects of the policy of obstructive action of the Swaraj party members in the Legislative Council have been stated in the speech of his Excellency the Governor at Khairwa on the 26 March last, an extract from which has already been issued as Publicity Leaflet no. 97. This should form the basis of propaganda to be conducted in your district. In addition, certain vernacular leaflets have already been distributed and it is proposed to issue others from time to time. It is for you to decide the most suitable distribution of these leaflets in accordance with instructions given.

'If any officer desires to obtain other particular publication or special information on any particular point, he should address the Chief Secretary who will endeavour to meet the demand.

Spoken words more powerful.

'Whilst distribution of such leaflets may serve a useful purpose, the local Government believes that the spoken word is a more powerful influence than the written word. I am therefore to state that you and your subordinates should give special attention to this matter of oral explanation. It should be regarded as one of the most important duties to discuss the present situation at evening meetings with villagers in camp. In addition, arrangements should be made to hold special meetings or small darbars at tahsil head-quarters and other suitable centres. Such action may be best taken by you and sub-divisional officers and if you consider that selected tahsildars can be similarly employed, you should take action accordingly. If you desire also assistance of selected officers of other departments, you are authorised to make your arrangements direct with them.

Encourage Non-Official Organisations.

'Whilst such propaganda by Government officers may be expected to help to bring home to the electorate the evil effects of the action of the Swaraj party, it is most desirable that similar propaganda should be undertaken by non-official organisations or other non-official agency willing to undertake such work by provision of material for propaganda and such other assistance as may suggest itself.'

Here is a sample of a propaganda leaflet (translated from the vernacular):—

Did you vote last November for Mr. . . . to represent you in the Legislative Council at Nagpur?

Did he explain to you the nature of the work that is done in the Legislative Council? Did he do this by speeches or writings? Or did he treat you as not worthy of having the truth put before you?

Did he tell you he was going to use your vote to try and ruin you, by preventing the Government from doing all those things which are necessary for your health, comfort and prosperity and even for your very life?

Did he not indeed try to ruin you by voting against the budget?

For is it not the budget which provides the Government with money whereby roads, bridges and buildings are made and repaired; hospitals and schools are built and maintained; medical relief is given, and plague, cholera, small-pox, malaria and 'badmashes' are arrested and sent to jail after conviction; crime is put down and your lives, houses, cattle and crops are protected; canals and tanks are constructed, and takavi loans are advanced to cultivators?

Again, did he not vote against four Bills which the Government wanted to introduce and make into law? Did he not also do this without ever considering the good or evil of the questions or making any remarks about them? Was there then no good in these Bills?

One of these Bills was designed to facilitate primary education. Is he then opposed to primary education? Did he tell you he was going to vote against primary education, so that your sons and daughters may be kept in blindness and ignorance, and then when he has got Swaraj he will be able to rule over you more easily?

What was wrong with the Madak-Smoking Bill, or the Weights and Measures Bill? Why did he vote against these Bills? Is he an enemy of the people, determined to reject any measures proposed for the people's good?

Was not the Tenancy Amendment Act entirely good? Did it not provide for special protection of the tenant in the matter of failure to pay rent? Why then did Mr. . . . vote against this measure? Does he indeed want to see the tenants' land sold up to pay for arrears of rent? Is he a 'bania'? Would he wish to thrive on the misfortune of the poor?

Such was the Government propaganda. It helped not only to acerbate feelings more deeply, but also made the Government the laughing-stock of the province. This propaganda may be likened to the one started in Behar during the Sinha regime when the virtues of drink were extolled in a public proclamation in a Police Gazette saying that all great men from Shakespeare and Napoleon downwards, had favoured drinking, and

that far from being an evil, alcohol saved a good deal of the poor man's cost of food as it inhibited hunger!!

Such propaganda went on for months. Early in May a leaflet was issued under the caption: "Does the Swaraj party deserve the country's confidence"? This leaflet indulged in such gross and humiliating misrepresentations that even the C. P. Moderates, who were to benefit under the Government scheme, felt it revolting and protested against it. We are told that "when the British came, they found the people ignorant, oppressed and frightened" and that they were killing one another like ravening wolves. "Those who tell you", says one sentence, that men were happy in the earlier days before them are liars". We come across frequently such choice expressions as "foolish", "lies" etc. If the Swarajists exaggerated the evils of the present system of Government, these Government propagandists with unblushing mendacity exaggerated the benefits of British Raj in a language fit only for Bedlam!

Another production of the Publicity department of the Government came to light in the middle of June. It is entitled "Strong Common-sense" and refers to the strong common-sense of a cultivator who is made, in a long imaginary interlocutory, to understand the blessings of the Reformed Council Government more than the Swarajist M. L. C. to whom the leaflet was meant to discredit. As a piece of stupid performance, as laughable as it is jejune, it beats all the rest. It is too long and too nonsensical to be quoted here, but the curious may search for it in the C. P. papers (vide *Hitabada*, June 25th).

Swarajist Activities in the C. P.

On the part of the Swarajists, however, nothing seems to have been done after the break-down of the Council. Mr. Rao of Bilaspur had for some time been giving out that their next step would be disobedience of orders of the Govt. in matters relating to the transferred subjects. He threatened to start a Board as the supreme authority for a parallel Government in the Transferred departments, but it remained only a threat. It meant in reality suspension of taxes and civil disobedience. But the people were not prepared for this, as the Swarajist himself knew. Mr. Rao argued that the British Parliament had abdicated its authority in favour of the electorates in respect of the transferred subjects, and it would be intra-constitutional if they refused to obey an authority which might be substituted for the Ministers.

But the position of the Swarajists themselves were hanging in the balance, and the happenings at Juhu kept them on the tenter-hooks of suspense. The rise of Mahatma Gandhi in the political horizon was looked upon with great apprehension by the C. P. Swarajists, for there was not much love lost between them and the politics of the Mahatma. After the decisions of the Juhu Conference between the Swarajist leaders and M. Gandhi was published, (see p. 601) a general meeting of the Nagpur Provincial Swaraj Party was held at Nagpur on May 25th and naturally attracted much attention. The mysterious ways in which the Central Provinces Government had been carrying on propaganda for the purpose of

undermining the influence of the Swarajists was thoroughly discussed. The meeting was presided over by Dr. Moonjee, who had returned from Bombay the previous day after long deliberations with Mahatma Gandhi, and Messrs Das and Nehru also attended the meeting.

After Dr. Moonjee had narrated his experiences at Bombay and told them how the leaders had arrived at their important decisions, the members from the mouffasil explained the subtle ways in which the Govt. officials belonging to the various departments were trying their utmost to mobilise their forces for the impending second fight with the Swarajists at the next general election, and how pressure was being brought to bear upon all classes of people by officials in the district. Several proposals were made and steps suggested for counteracting Government propaganda. The meeting then unanimously resolved to create a Publicity Bureau of their own to take immediate steps to counteract official propaganda by issuing leaflets and carrying on a vigorous agitation through the provincial press and otherwise. It was also resolved to organise at the earliest possible date a provincial tour to explain to the electorate all the methods with which the bureaucracy was strenuously attempting to misguide them.

Much discussion then followed regarding the Das-Nehru statement. The following resolution was unanimously adopted :

"This meeting of the Nagpur Provincial Swaraj Party heartily approves of the principle of Non-Co-operation based on self-reliance and resistance to the bureaucracy as defined in the statement issued by Deshbandhu Das and Pandit Motilal Nehru in reply to Mahatmaji's statement, and generally approves of the programme of work both outside and inside the Council as suggested therein subject to its approval by the All-India Swaraj Party."

This resolution was meant to counter the Government plans of discrediting the Swarajists by introducing into the Council certain beneficial measures and thus placing the Govt. in a dilemma. Having adopted the Das-Nehru statement the party could change their previously settled policy of consistent and persistent obstruction to all official measures, good, bad or indifferent, and could, without stultifying themselves, avoid incurring the displeasure of the electorate by entering into all the Select Committees to which such beneficial measures were likely to be referred to.

By adopting the following resolution regarding capturing of Municipalities and other local bodies, the party then attempted to avoid any conflict with the other section of the Congress organisation :—

'All Swaraj Party organisations should try to capture Municipalities and other local bodies in co-operation with local Congress organisations. The meeting then resolved to raise large funds for carrying on an electioneering campaign.

Similarly, with the propaganda carried on by the Government and the whole administrative machinery at their command, the Berar Swaraj Party decided to hold an All-Berar Electors' Conference at Amraoti in the month of July wherein the future programme and policy of the Swarajists will be detailed. No further developments worth recording took place up to July last.

Members of the Council.

PRESIDENT.—The Hon'ble Mr. H. E. A. Cotton.

DEPUTY PRESIDENT.

Major Hassan Suhrawardy.

EX-OFFICIO.

The Hon'ble Sir Bijay Chand Mahtab,
Maharajadhiraj Bahadur of Bardwan.
The Hon'ble Sir Abdur Rahim.
The Hon'ble Sir Hugh Stephenson.
The Hon'ble Mr. J. Donald.

MINISTERS.

The Hon'ble Maulvi A. K. Fazl-ul-Huq.
The Hon'ble Mr. A. K. Ghoshnavi.

OFFICIALS.

Mr. A. N. Moberly.
Major-General B. H. Deare, Mr. D. H. Lees.
Mr. M. C. McAlpin. Mr. N. B. Gupta.
" A. Marr. Mr. J. A. L. Swain.
" G. S. Dutt. Mr. G. F. Huntingford.
" G. G. Dey. " J. T. Donovan.
Dr. T. O. D. Dunn. Mr. L. Emerson.
" S. C. Stuart-Williams.

NON-OFFICIALS.

Mr. S. C. Mukerji, Babu Charu Chandra Das.
Mr. K. C. Ray Chaudhury. Mr. M. Daud.
Babu Debi Prasad Khaitan.
Rai Abinash Ch. Banerjee Bahadur.
Mr. D. J. Cohen. Mr. P. N. Guha.
Babu Jatindra Nath Basu.
Mr. Satowripati Roy.
Dr. Prathamath Banerjee.
Mr. Nirmal Chandra Chunder.
" Mr. Ashiny Coomar Banerjee.
Babu Boroda-Prasad Dey.
" Khagendra Nath Ganguly.
Dr. Bidhan Chandra Roy.
Babu Surendra Nath Ray.
Rai Pyari Lal Doss Bahadur.
Babu Sarat Ch. Basu. Anil Baran Roy.
Raja Manilal Singh Roy.
Babu Abanish Chandra Ray.
" Babu Umes Chandra Chatterjee.
" Debendra Lal Khan.
Mr. C. R. Das, Mr. H. C. Naskar.
Babus Mahendra Nath Maity, Tarakanath
Mukerjee, Manwatha Nath Roy.

Bengal Legislative Council

Jan.—March 1924

Rai Harendranath Chaudhuri.
Babu Hemanta Kumar Sarker.
Maharaj Kumar Sri Chandra Nandy.
Mr. D. N. Roy. Mr. B. N. Sasmal.
Babu Sailaja Nath Roy Chaudhuri.
Mr. Kiran S. Roy. Mr. Nalini R. Sarker.
Babu Manmohun Neogi.
Dr. Kumud S. Ray. Dr. Mohini M. Das.
Rai Satyendra Nath Roy Choudhuri Bahadur.
Mr. J. M. Sen Gupta. Mr. N. C. Sen.
Babu Akhil Chandra Datta.
" Satyendra Chandra Mitra.
" Sudarsan Chakravarty.
" Jogindra Chandra Chakravarti.
Rai Sahib Panchanan Barua.
Babu Nagendra Narayan Ray.
Dr. J. M. Das Gupta.
Babu Romes Chandra Bagchi.
Mr. P. D. Raikat. Mr. S. Mahboob Aley.
" H. S. Suhrawardy.
Maulvi Wabed Hossain.
" Allabaksh Sarker.
" Muhammad Yasin.
" Zannoor Ahamed.
Dr. A. Suhrawardy.
Maulvi Aftab Hossain Joardar.
" Ekramul Huq. Maulvi Abdul Quadar.
" Sayyed Sultan Ali.
Nawab Saiyid Nawab Ali Chaudhuri.

Khan Bahadur Kazi Zahirul Huq.
Maulvi Md Abdul Jubbar Pahlawan.
" Tayebuddin Ahmed. Mr. Altaf Ali.
" Sayed Abdur Rob Chowdhury.
" Fazal Karim Chowdhury.
Khaje Nazimuddin. Syed M. Masib.
Maulvi Md. Nurul Huq Chaudhury.
S. Syed Emdadul Haq. M. Amanat Khan
Maulvi Astmuddin Ahamed.
" Abdur Rashid Khan.
" Sayedal Hoque.
Haji Lal Mahammed.
Khan Bahadur Maulvi Md. Choinuddin.
Maulvi Kader Baksh. M. Abdul Gafur.
" Basar Mahammed.
" Mehl-ad Din Khan.
" Kajib Uddin Taratdar.
Khan Bahadur Maulvi Musharruf Hossain.
Mr. J. A. Jones. Mr. Edward Villiers.
" J. Campbell Forrester. Mr. J. A. de Lisle.
" W. L. Travers. Mr. H. Barton.
Babu Satya Kishore Banerjee.
Mr. Provash Chunder Mitter.
Babu Brajendra Kishore Roy Chaudhury.
Mr. Arun Chandra Singha.
Kumar Shib Shekharwar Ray.
Babu Bejoy Krishna Bose.
Mr. A. F. Bahman. Dr. H. W. B. Morenc.
" Arthur d'Anvers Willie.

Mr. A. Cochran. Mr. J. Y. Philip.
 Mr. G. F. Rose. Sir Willoughby Carey.
 Mr. T. C. Crawford. Mr. R. B. Wilson.
 Mr. C. G. Cooper. Mr. J. Cottle.

Raja Keshee Case Law.
 " Byonkes Chakravarti.
 " Tarit Bhusan Roy.
 Sir George Godfrey. Babu Badrikae Goenka.

Chief Events.

- 23 Jan 24 Council opened by H. E. the Governor.
 25 Jan 24 Mr. Sen Gupta's Resolution on Release of Regulation III Prisoners moved the day before passed after a heated debate—Another Resolution on the Release of Political Prisoners passed by a large majority—Mr. B. K. Bose's resolution on the Repeal of Repressive Laws moved.
 28 Jan 24 Resolution on the repeal of Repressive Law's passed by a large majority.
 18 Feb 24 THE BUDGET PRESENTED—President gave his reasons for disallowing the no-confidence motion on the Ministers.
 19 Feb 24 Mr. J. N. Basu's motion for the abolition of the Post D. P. I. carried. Mr. S. N. Roy's motion on the Meeson Award adopted.
 20 Feb 24 Dr. P. N. Bannerjee's motion on Amendment of Devolution Rules passed.—Kumar Shib Sekharswar Roy's motion of No-Confidence on Ministers lost by one vote.
 26 Feb 24 Budget discussion continued for the next four days.
 29 Feb 24 Close of general discussion on Budget—Mr. C. R. Das laid down a definite Constructive Programme in reply to Govt. Challenge.
 12 Mar 24 Mr. Muffraff Hossain's motion on 80 per cent Moslem Representation hotly debated.
 13 Mar 24 Mr. C. R. Das's amendment that the motion on Moslem Representation be adjourned *Sine die* carried.
 14 Mar 24 Non-Official Resolution on Entertainment Tax defeated, but those on Muslim Pilgrims to Mecca and Hedjaz, and Changes in the Bengal Electoral Rules carried. Rent Act Amend. Bill passed.
 18 Mar 24 H. E. the Governor suddenly appeared in the Council and made a speech pointing out the dangers of obstruction—Swarajists walk out of the Hall in protest.
 19 Mar 24 Mr. Sen Gupta's motion for refusal of grant under Land Revenue carried—Hon. Mr. Guznavi's demand under Excise passed—Mr. Donald's demand under Stamps rejected.
 20 Mar 24 Demands under Forests, Scheduled Taxes, Irrigation etc. and General Administration refused; Demand under Registration passed.
 24 Mar 24 Mr. Syedul Huq's motion for refusal of Ministers' Salary carried—Sir A. Rahim's demand under Administration of Justice refused.
 26 Mar 24 Demand under Jails and Convicts' Settlements refused—Demand under Police partially granted.
 27 Mar 24 Demand under Ports and Pilotage refused—Demand under Education granted after short reduction.
 28 Mar 24 Demands under Medical and Public Health granted.
 29 Mar 24 Supplementary estimates presented and voted.
 1 Apr 24 Demand under Industries and ten other demands passed unopposed
 COUNCIL PROROGUED.
 14 Apr 24 Governor certified the rejected Budget grants.

PROCEEDINGS OF THE Bengal Legislative Council

JANUARY—MARCH 1924.

The first session of the Second Reformed Council of Bengal met at the Town Hall on Tuesday the 22nd January at 3 in the afternoon for the taking of oaths. The Hon. Mr. H. E. A. Cotton presided. The Swarajist members occupied the left wing of the Presidential chair with the Independents sitting in a group on their left, while the Constitutionalists and non-official European members were seated on the right of the President, the officials occupying the front seats. Most of the Swarajist members were clad in white *Khaddar*. Babu Anil Baran Roy was in loincloth and Babu Satkaripati Roy bare-footed. The Nationalists were either dressed in *dhoti* and *chakran* or *dhoti* and *chadar*, with the exception of their leader, Mr. B. Chakravarty, dressed in frock coat. Mr. C. R. Das, with Mr. B. Chakravarty on his left and Babu Bejoy Krishna Bose on his right, sat on the front keeping his party in the rear and in the flanks. Babu Surendra Nath Roy, Deputy President of the last Council, preferred to take his seat with the Swarajists and chose an obscure corner.

The President entered the hall punctually at 3 and took his seat when all the members stood up to greet him. After this the two Ministers, the Hon'ble Maulvi A. K. Fazlul Huq and the Hon'ble Mr. A. K. Ghuznavi were sworn in, followed by the official members. The Secretary then called the other Members one by one. All proceeded to the President's table and took the oath, the ceremony ending with a shake of hands with the President. When Mr. C. R. Das was taking the oath, he, an avowed destroyer of the King's constitution to swear allegiance to the King, was cheered with derisive clappings coming from the Independent group. Babu Satkaripati with bare feet and Babu Anil Baran in his loincloth attracted much attention.

Of the 47 elected Swarajist members, 44 attended and took the oath, of whom 24 were Hindu out of a total of 25 Hindu Swarajists, and 20 Mussulmans out of a total of 22 Mussulman Swarajists. The Council was then adjourned till the next day.

The Governor's Opening Speech.

On the 23rd January, the Governor, H. E. Lord Lytton, formally opened the Council and in doing so delivered a long speech surveying the political situation, specially dwelling on the political crisis which has arisen on the entry of the Swarajists in the field, and justifying the arbitrary action of his Government in arresting people right and left under the old hateful Regulation III of 1818. Said His Excellency:—

My power to help forward the attainment of responsible Government in this country is proportioned to the support which I can receive from this Council, and the support which gentlemen are likely to give me will be determined by the conception you entertain of the proper functions of this Council. Under such a constitution as you aspire to possess it is not the function of the Legislature to govern. That is the function of the Executive. The primary function of the Legislature is to determine the character, not the personnel but the character, of the executive and having determined it to support it so long as it preserves that character. That form of constitution can only work so

long as the political opinion of the country is organised into clearly defined groups or parties. A general election then becomes a contest between the different groups for the right to determine the character of the executive.

The obstacle to complete responsible Government in India to-day is not so much the defective form of the existing constitution as the defective formation and mobilisation of political opinion. So long as the voters and the candidates for election regard themselves as individual units free to vote according to the dictates of their personal consciences and in the absence of recognised leaders who can count on the support of their followers, responsible Government on the representative principle cannot be established. It was that condition which made the selection of the first Ministers so difficult and which rendered it equally difficult for the Ministers when selected to serve the Legislature to which they were responsible. The work of the late Ministers in partially organising their followers and the arrival on the scene during the last election of a definitely organised political party with an acknowledged leader have carried us a long way forward along the road to the desired goal. It will be your task, gentlemen, in the Council which I am opening to-day by still further consolidating the political groups to which you belong to improve the working of our representative machinery.

Election of Ministers.

When the results of the recent election in Bengal became known it was apparent that the party which had secured the majority of the elected seats was not a party which acknowledged the leadership of the existing Ministers and it was for this reason and this reason alone that I accepted their resignations. As you know, I then invited the leader of what appeared to be the largest party to accept responsibility for the transferred departments. That invitation was declined, because it is at present a principle of that party to accept no responsibility and to oppose all Governments until the form of the constitution has been altered. I shall not on this occasion say anything about the merits of that policy. I am only now concerned with the consequences of it. Since I could not secure Ministers from that party, and since Government by opposition is the very negation of responsible Government, I selected my new Ministers from among those who believed that the best way of achieving the end which is desired by all is not to refuse but to accept responsibility, not to destroy the foundations but to build upon them, not to obstruct but to construct. That will be the policy of the Ministers who accepted office, as it was the policy of my late Ministers, and it is those who believe in that policy will sink their personal differences and subordinate their disagreements on minor matters to the service of this one great principle which they have in common, the present Government will have sufficient votes in this Council to carry out its policy during the next 3 years, and to advance in that time appreciably nearer to the goal which we all desire to reach. But without organisation, without party discipline, without loyalty to party leaders, there will be no progress.

Throughout the sessions of this Council there will be only one main issue before you, namely, whether you will side with the party of obstruction or whether you will side with the party of construction. If the object of both is the same, namely, the attainment of full responsible Government, their methods of obtaining it are fundamentally different. One proposes to show that within existing limits partially responsible Government can be made to work so successfully that there will be no danger in removing the limits, the other proposes to show that partially responsible Government is unworkable but can unfortunately by that means alone convince no one that full responsible Government will work any better. It is for you to choose which is likely to be the more successful, but do not forget that whatever may be the immediate subject on which you will vote, every division will in reality be taken on that issue.

Revival of Revolutionary Conspiracy.

Gentlemen, there is one other subject to which you will probably expect me to refer because it is one on which this Council is entitled to some explanation from the Head of the Executive Government. When proroguing the last Council I made an announcement which probably surprised the members as well as the general public. I reminded them of the bitter experience which this Province had had of political crime in the past; I warned them that Government possessed evidence of the revival of a revolutionary conspiracy and that young men were again being trained to commit robbery and murder in the belief that they were thereby serving their country. I announced that the Government would take whatever steps might be necessary to suppress this dangerous movement, and I appealed for public support in the measures we might adopt. That was all I was able to say at that time and in the absence of definite evidence many

persons may have found it difficult to believe that the recent atrocities which had been committed had any political motive or had been inspired by any revolutionary organisation. Recent events have unhappily proved the justification of the warning and must have convinced every thinking man and woman that there are still in Bengal misguided individuals who believe that political aspirations can best be realised by means of assassination and who consider it an act of patriotism to murder prominent officials. No sane person is likely to believe that the authors of these crimes are isolated fanatics who have conceived a personal hatred of their intended victim and have acquired their foreign weapons without the aid of associates. Everyone in Bengal knows only too well the kind of influence which is brought to bear on these impressionable young students, the kind of literature by which their minds are inflamed, the kind of organisation which supplies them with the weapons which they possess and trains them in their use.

Regulation III and Arrests.

Now, it is the universal experience of all Governments that are confronted with organised and revolutionary conspiracies of this character that they cannot be suppressed by means of the ordinary law. It is not peculiar to India. Almost every European country has at one time or another had this experience. Every Executive Government so situated is obliged to obtain the sanction of its Legislature to the use of emergency measures. That was the experience of the Government of Bengal in the past. When they had to rely on the ordinary law the revolutionary movements flourished; when they were armed with the emergency powers of the Defence of India Act it was effectively suppressed. If any doubt could exist on this point it has recently been removed by the publication of the reminiscences of the older revolutionaries who openly boasted of the helplessness of the Government when it had only the ordinary law to rely upon. The power of internment suppressed the movement and this very significant fact should be remembered that though over 1,200 men so interned have been subsequently released no allegation has ever been made that any man had been detained who was not in fact connected with the revolutionary movement.

That the movement has been revived within the last year no one can now doubt, and the only question to be considered is how it is to be dealt with. It is no party question. All parties in this Council, I am convinced, are equally anxious to save Bengal from another outbreak of violent revolutionary crime. The suggestion that Government are trying to hamper the activities of the Congress Party or the Swarajya Party, was arresting their members, is of course entirely without foundation and statements to that effect do not deceive any one. The Government has no quarrel with those parties. Violence is, I believe, equally condemned by both of them and in the suppression of organised violence Government is as much entitled to their support as to that of any other party. There are as I have explained only two alternatives open to us, one is to allow the revolutionary conspiracy to continue, to permit robbery and murder to be planned and content ourselves with the punishment of those who commit them when they can be captured, to allow the minds of impressionable young men fresh from college with eager impulsive natures and hearts aflame with righteous patriotic fervour to be poisoned by the revolutionary virus, to risk the lives of our servants and even those of innocent men in the street, to send the assassins to the gallows and allow those who have perverted them, trained them, armed them and sent them out upon their butcher's work to lurk in the background, unscathed, and to prepare lists of fresh victims—that is one policy, that is what is euphemistically described as relying on judicial proceedings. It is a policy which we have unhesitatingly rejected. The other policy is to employ emergency measures, to strike swiftly and unhesitatingly at the leaders, to stop the poison at its source, to use exceptional powers never intended for normal conditions to such men only as have placed themselves beyond the pale of the ordinary law. I told the members of the last Council that we would not hesitate to employ such measures—the only ones that have proved effective in the past—if the occasion should arise. The occasion has arisen and we have dealt with it promptly without waiting for the poison to spread. If any member of this Council can suggest a better method than the one we have adopted for dealing with the situation, we shall be glad to hear it. Looking at the resolutions which have been tabled however for this session, the only contribution to our difficulties which I can discover is a proposal that we should release the men who hatch the plots and content ourselves with hanging the men who carry them out.

I have not the slightest doubt that the whole public opinion of Bengal would support us in the action we have taken if only they knew all the facts which are known to us. Unfortunately we cannot place them in possession of that knowledge but they are entitled to some guarantee that we have made no mistakes in the individuals whom we have selected. After all it is only human to err and we do not claim to be immune from the possibility of error. With the best intentions in the world and with the best informations, we are not infallible and where our mistake would mean depriving an innocent man of his liberty some check on our own judgment is required. I do not believe that any member of this Council would ask for the release of the men, whom we have arrested and interned, if he believed that they were guilty of organising robbery and murder. Remember these men are not detained for their political opinions. We are in no way concerned with their opinions but only with the methods they employ to attain their object. In order, therefore, to safeguard ourselves against error and to provide the public with some guarantee that we have not abused the powers we possess, we have submitted the whole of our case to the impartial examination of two Judges. These Judges have examined the material we have put before them and have informed us, (1) that the existence of a revolutionary conspiracy is clearly established, (2) that the evidence is sufficient to prove active participation in that conspiracy in the case of every man whom we have detained by the use of Regulation III of 1918.

I trust that the Council will seriously consider the information that I have given them and will support the Government in their efforts to save Bengal from reverting to the horrible experiences of 1912-1916 and incurring the reproach of the whole civilised world that the cause of Indian nationalism is stained with blood.

This speech only aggravated the impending crisis, and it showed how much Lord Lytton was in the hollow of the hands of his Executive which was fighting for dear life to strangle and stifle the rising voice of nationalism in Bengal. His Excellency then ended with a long-winded peroration on "Law and Order" to which he wanted the Council's support.

Election of Deputy President.

After His Excellency had left the Council the election of the Deputy President of the Council took place. Major Hassan Suhrawardy was declared elected by a majority of 51 votes against his two rivals Mr. Surendra Nath Roy (29) and Khan Bahadur Musharuff Hossain (4). Major Suhrawardy received the congratulations of the President. The Council then adjourned till the next day.

On the Council meeting on the 24th, after Mr. J. M. Sen Gupta had taken his oath of allegiance, the President announced that His Excellency the Governor had approved of the election of Major Hassan Suhrawardy as the Deputy President of the Council. The following panel was next formed to preside at meetings of the Council in the absence of the President and the Deputy President:—

Kumar Shib Shekhareeswar Roy, Sir W. Carey and Messrs. S. N. Roy and J. N. Basu. Mr. S. N. Roy expressed his inability to serve.

Amendment of Standing Order.

Maulvi Emdadul Huq (Swarajist) asked for leave to move a resolution for the amendment of Standing Order 60. He said that under that Standing Order no member could ask more than 12 questions at one session of the Council. This rule did not prevail in the Legislative Assembly or in any other Provincial Council. The motion was carried with the support of Swarajist members.

Release of Regulation III. Prisoners

Mr. J. M. Sen Gupta (Swarajist) then moved the following resolution:—
"This Council recommends to the Government that all political

prisoners of and belonging to Bengal, detained under Bengal Regulation III 1818, be forthwith released." He said:—

It did not require many words to tell people, particularly the persons who belonged to a free country, (referring to his English friends), that it was against all principles of a free and democratic State to keep persons imprisoned without placing them before a court of law and allowing them to cross-examine the witnesses who were produced against them to test whether they were actually telling the truth or not. In England during the war even the German spies had the benefit of a trial even though before a court-martial. They had the right to be represented by counsel, the right to cross-examine the witnesses and they had even the right to be acquitted by that court if after cross-examination it was found that there was not sufficient evidence against them.

What I would ask the members of this House and particularly my English friends: what would they think of any British Government, however strong it might be, if they imprison 15 or 17 Englishmen and keep them in detention without trial? Do they think that such a Government would be worth a moment's purchase or would last even for 24 hours? We have been told repeatedly that the beginnings of a free and democratic Government have been made in India, and we have a taste of it by the imprisonment of these 17 Bengalis without a trial! There was a Government of India resolution of the 19th September 1921 which said that Bengal Regulation III of 1818 should not be applied to Bengal or in any other province and that its application should be limited to that particular tract of India—the inflammable Frontier. As early as March 1922 after a resolution which the speaker understood was carried in the Council of State moved by the Right Hon'ble Srinivasa Sastri, a Committee with Dr. Tej Bahadur Sapru as Chairman was appointed to consider the repressive laws and make recommendations as to their repeal or amendment. That Committee considered the repressive laws and submitted its report. At the end of that report the Committee definitely said that the application of the Bengal Regulation III of 1818 should be confined only to the inflammable part of the Frontier of India and that it should never be applied to Bengal or any other Province. These recommendations were accepted by the Government of India, Home Department. That being so, could the Government of Bengal or for the matter of that report that times had changed, the beginnings of responsible Government had been made in this country and these old laws or Regulations must not be applied.

Mr. Nurul Huq Chowdhury (Swarajist) supporting the resolution said that they were told that the country was living under a civilised Government, and if that be so why a regulation which was more than a century old should hang on the people of India? It was most unjust and inhuman to detain these men without trial.

Kumar Shib Shekhareswar Ray said that in no other civilised country would a responsible executive ever think of adopting such risky measures. The people of Bengal had a bitter experience of them when a few years back men in their thousands, on the merest suggestions of contemptible spies, were snatched away from their homes and made to rot and die in unhealthy places and snake-infested quarters.

Rai Harendra Nath Chowdhury supporting the resolution quoted extracts from a publication by Professor Rushbrook Williams to show that anarchical crimes were extinct.

Babu Surendra Nath Roy who also supported the resolution spoke from his own experience to the worthlessness of uncross-examined evidence. They could not, said Mr. Roy, spirit away people which was against the elements of British justice and fair-play. Some sixteen years ago the Government deported nine respectable gentlemen including Babu Krishna Kumar Mitter who was now a pillar of strength to the Govt.

Mr. Travers, an Anglo-Indian, said that the effect of the resolution would be to let loose upon society a number of men who had

already committed serious crimes!! (Cries of Question). It would mean that they would be given opportunity to commit further crimes against law-abiding citizens. Bengal at the present moment required all the capital for exploitation that she could get hold of for the development of her industries, agriculture etc! He would say that during the past four years non-co-operation agitation in the province had seriously increased the poverty of the people (Cries of 'no', 'no', 'order', 'order.')

This stupid speech was followed by another from Mr. M. E. Villiers, another Anglo-Indian, who had attained notoriety by calling Mahatma Gandhi as a homicidal maniac. In opposing the motion he said that he considered the arguments of the supporters of the motion to be positively beneath contempt.

(Cries of unparliamentary expression.)

The President remarked that those arguments were beyond Mr. Villiers' comprehension (laughter). Mr. Villiers then made haste to withdraw the expression.

Continuing, Mr. Villiers observed that the report of the Repressive Laws Committee referred to by Mr. Sen Gupta said that in cases of emergency emergent laws were necessary.

Mr. Campbell Forrester who opposed the resolution said that if these persons were set at liberty, he would not be surprised if the police force resigned in a body! This remark was met by derision.

The Hon'ble the Maharajadhiraj of Burdwan said that it was an inopportune time to bring the resolution, a day after the Governor's speech and ten days after the murder of a law-abiding European citizen in broad day light in Calcutta. (This referred to the Day Murder, See Vol. I, p. 8). The Govt. could not, in face of the facts it possessed, possibly give any effect to any of the recommendations made in these resolutions, for it would mean abdication of the Government and a negation of all guarantee of law and order. This as well as other remarks of the Maharaja was taken by the members as an intimidation. On this point, however, he was met by Mr. C. R. Das later.

The results of divisions on these resolutions, the Maharaja said, might be a foregone conclusion but that would never go to prove to be a true index of the political situation (hear, hear) and if they conveyed the true mentality of educated Bengal it would go to prove, without any manouvering on the part of co-operating or no-co-operating agents, of men bent upon obstruction and destruction, that Bengal was not yet fit for self-government. (Cries of question, question, hear, hear.) The Maharaja further said that questions might arise of strengthening the hands of the executive instead of weakening it by those methods under the Defence of India Act which had previously made it possible for the Government of Bengal to paralyse the revolutionary movement in Bengal.

At this stage Mr. C. R. Das moved that the debate be continued till 9 p.m. or such time till it was not finished.

The President said that he would allow the debate to continue till a quarter past seven as usual and would not prolong it. Eventually the discussion was adjourned to the next day.

Next day, January 25th, on the resumption of the debate Mr. S. C. Mukherjee, the nominated member for the Indian Christians, who, it was alleged, had been angling from sometime previous for official favour, and

though repudiated by his community had been posing as their representative in the Council, rose and spoke against the motion. He created a diversion in the House by quoting some unauthorised statements from newspapers and was after a good deal of heckling made to sit down.

He was followed by two Mahomedan gentlemen, one of whom characterised Regulation III of 1818 as a necessary evil. This gentleman had apparently a dread of newspapers and had a cheap fling at Nationalist newspapers specially and remarked that "sometimes speeches and writings in newspapers may do greater harm than Maxim guns."

Sir H. STEPHENSON on behalf of the Govt. entered into a lengthy and carefully prepared defence of the measure. He gave a connected history of "revolutionary crimes" in Bengal and made an impassioned appeal to the House to throw out the resolution. His speech was received with cheers from the official and European benches. The Nationalists appeared, however, to be quite unconvinced by his specious reasonings. Sir H. Stephenson displayed, however, great tact and moderation in his utterances and tried his best to avoid wounding the susceptibilities of the Nationalist members.

After Sir H. Stephenson had stated the Government views Mr. C. R. Das rose to support the resolution. With great force and eloquence Mr. DAS refuted the arguments of the officials and other supporters of the obnoxious measure. "We have done it, trust us, was the whole argument of the bureaucracy in support of the deportations", said Mr. Das. He emphasized the fact that the Indian National Congress was pledged to a policy of non-violence for the attainment of "Swaraj." It was impossible therefore, said Mr. Das, that one belonging to the Congress should countenance the murders and other measures of violence. But some of the deportees, said Mr. Das, were his associates and he could give his word of honour that they preached non-violence wherever they went. The Government declared "that it would not be coerced by the tactics of the Swarajists." "If the government is not to be coerced", declared Mr. Das with great warmth amidst the applause of the Nationalist members of the House, "the people of this country are not also to be coerced." Pin-drop silence prevailed in the House when Mr. Das was on his legs and his remarks were heard with bated breath by the whole House. He said:—

It is not our grievance that the Government has put these men under arrest without any information at all. But our grievance is that this information is not properly tested. As regards this grievance we have not heard one word in answer (hear, hear). We have been told that there are statements made by several persons; we have been told that reports have been made and that they have been considered by the Government. What I want to ask is how any Government official, however gifted he might be, is in a position to test the truth of a statement, unless the man who makes that statement is brought before him and questions are put to him. I submit, it is impossible. What is usually done and I take it, the report is made, the report is read, of course the report contains the information which would be sufficient in the opinion of the officials concerned for the application of the act. And then I take it, that information is counter-signed; it is sent up to the Government of India and it is sent up before two Judges. The wonder is that Judges can be found to report as to the guilt or innocence of persons upon what we call dead records!

The Judges make their report (hear, hear). The report is confidential. We have however been favoured with extracts from that report. To prove what? Not one single sentence has been placed before this House. Not one argument is placed before it. The only reason is—“We have done this, we have done that. You must trust

was?" I can assure the Hon'ble Member in charge, the whole country is definitely of opinion that these persons who have been arrested lately ought not to be detained any longer (hear, hear). Is that opinion wrong? I venture to think, no. The Hon'ble Member in charge has given you certain specific instances without names and other description. I am not complaining against that. But let me give you what has happened in my own personal experience and my experience is as good as that of any body else in this House. It has been my endeavour for the last few years to approach these youngmen who for sometime or other belonged to revolutionary societies to bring them over to the Congress and prove to them that we cannot win our liberty by the application of violence. And I say I have succeeded in persuading many of them. But to my horror, what do I find? They were pounced upon by the police within a few days and lodged in jail. For what offence? We could not ascertain that at the time. Afterwards we were told that they were detained under Regulation III of 1918.

I will give you a few interesting details. Questions were put in this House as to whether any definite charges were made against them.—I want to draw your attention, Sir, and the attention of this House to that—to say what were the definite charges brought against them? What is the reply? The answer is "charges have been put to the prisoners." Is it with regard to definite offences? The answer is *vide* the previous answer, Sir, the previous answer is "charges were put to them". Every body understands the distinction between 'charges' and 'definite charges'. And I declare in this House that no definite charges were put against any of them. We investigated the case. If the Hon'ble Member has quoted an extract from a report of judges, let me quote to him extracts from my report. We obtained permission to visit these persons. We sent our friends to them. They were asked specifically with regard to what had happened. And they were told this.

These are the charges: "You are a Bolshevik agent." That is charge No. 1, "Was any definite proof placed before you"? No. What did you say? "I said it was an abominable lie." I am quoting from my report. I ask you to consider supposing any one of you is charged like this, how can you prove that you are not a Bolshevik agent? Suppose I am charged like this, how can I prove that I am not a Bolshevik agent? Because some one reported some thing—a spy somewhere has said something that so and so has done such and such thing which is untested—am I to be charged like that? The man who has made the statement must be brought before some responsible officer. He should be cross-examined to show the utter hollowness and falsity of his statement. With regard to these men I cannot believe for one single moment that they are Bolshevik agents.

Then there is another charge—"You are privy to murder of a police officer." Which police officers?—they asked. The information was denied. When did the murder or murders take place?—they asked. This information, too, they were denied. I ask you, in all seriousness, how is it possible for a man to answer a charge like this—"You are privy to murder of a police officer." They can only say that it is a lie, an abominable lie. That is what they said.

Then the third charge is "You are an associate of so and so." These associates are also detained persons. Of course it is possible to be associated with these men without being guilty of murder. If that charge is preferred against me, I am afraid, I have to plead guilty to that charge. Some of these interned were my associates—they are men with whom I have worked. They have worked with me and preached the doctrine of non-violence. I am proud of them.

Another question was put to them:—"You were preaching sedition and publishing inflammatory literature." Of course the inflammatory literature is before the Government. If it is seditious according to law, then why they are not put upon their trial? These are the kinds of charges that are brought against them.

My grievance is, either there is evidence before the Government which the Government believes is sufficient to prove their guilt in a court of law or, if the Government does not believe it, the Government has no right to detain them (hear, hear). If the Government has in its possession evidence which it believes to be true, let them be produced for trial. The Government dare not produce them for trial. I say there is no evidence against them.

There is another side of the question. It is with regard to the question of policy. It is a question which is more important than the question of guilt or innocence of these men. And that is the question to which I shall refer to before I have done. I ask the Government to seriously consider, can the application of these lawless laws, as I call them—these repressive orders, executive decrees—can it

possibly put an end to revolutionary movement? I do not deny that in Bengal there was revolutionary movement, and I say unfortunately for us, for those who belong to the Indian National Congress, this revolutionary movement exists and will exist as long as wisdom does not prevail in the Council Chamber of your administrators. I ask this question solemnly:—in the history of the world has revolutionary movement been checked at any time by repressive legislation? It has never been checked. It can never check revolutionary movement. It can never suppress it. I am told that when these internments took place the revolutionary movement was suppressed. It was not suppressed. If it was suppressed why has it raised its head again? It was not suppressed. It buried its head underground. Every time you apply these regulations, every time you send people to jail without trial, it creates disaffection. I will ask you to seriously consider—can revolutionary crimes cease if disaffection increases? The revolutionaries may be temporarily suppressed but only for the time. Remember, the man who throws the bomb is not the only terrorist. He is a terrorist undoubtedly. The man who shoots innocent fellow-citizens is a terrorist. He is a terrorist no doubt. But he is not the only terrorist. There are unconscious terrorists. These terrorists are those who practise upon the fear of the people. Let me quote this from an extract I made from an English newspaper a few years ago:—

“Every one who talks of the need of law and order while ignoring the still greater need for justice is a terrorist. The terrorist is a man in terror trying to strike terror in some body else. Thus any one of us is liable to become a terrorist on occasions of panic and excitement.”

If the Government has any reason to suppose that revolutionary movement will increase in strength, then the only thing they have got to consider is how to satisfy the people of this country. It is admitted that these revolutionaries are patriots. It was stated by His Excellency the other day that these revolutionaries are patriots. They are out to secure the liberty of their country.

Change Of Heart—the Only Solution.

We are told that the Government will never be coerced. If by coercion is meant the application of physical force, I agree. But if that statement means that the Government is not to yield to the wishes of the people, I differ entirely (hear, hear). *If it is stated that Government is not to be coerced, may I not make this declaration on behalf of the people of this country that the people of this country will not be coerced either.* (Hear, hear). Therefore what is wanted is a change of heart. That is the only peaceful solution of the question. And I ask you seriously to consider this. I ask you to pass this resolution and I appeal to the Government to accept this resolution as a proof of that change of heart upon which and upon which alone depends the peaceful solution of this problem. (Hear, hear).

Just one word, and I have done. His Excellency—I beg your pardon—I mean the Maharajahdiraj Bahadur of Burdwan yesterday made use of an argument which sounds very much like intimidation. It was certainly not his intention, I admit. But what the Hon'ble Member said was this that the Government will never accept this. He was asking you not to accept this resolution and one of the reasons upon which he relied was that the Government would never accept our recommendation. Because the Government would not accept the resolution, you were told you should not pass it. That sounds like intimidation. Let me assure the Hon'ble Member that *this House will not be intimidated either, and that in spite of what he has said this House will pass the Resolution.*

After Mr. Das had sat down, a European gentleman rose and made the astounding statement that none of the internees or deportees ever seriously questioned the illegality of the action of the Government against them. This gratuitous observation met with a crushing retort from Babu Satyendra Charitra Mitra who was himself interned under the Defence of India Act. Mr. Sen Gupta was asked to reply to the debate but he preferred to waive his right and the resolution was put to the vote and declared lost.

A division was demanded and the result showed that 76 members voted for and 45 against it and it was received with ringing applause by the Swarajists.

The President declared the resolution carried. The resolution ran :—

“This Council recommends to the Government that the Government of India be approached for the immediate release of the persons belonging to Bengal who have been placed under personal restraint under Bengal Regulation III of 1818, and that, if necessary, they be tried according to law in an open court of Justice.”

Of the three Ministers, Babu Surendra Nath Mullick was absent as on the two previous days. The two other Ministers, Moulvi Fazlul Huq and Mr. Ghuznavi were present but did not open their mouths but voted with the Government. The Swarajists, of course, voted solid for Mr. Sen Gupta's resolution. The Independents also followed suit and all of them voted for the motion. Besides the Moslem Swarajists there were a few other Independent Mahomedan members who also went to the right lobby along with the Swarajists and other Nationalists.

The Second Resolution on Political Prisoners.

Another motion of Mr. J. M. Sen Gupta that :—

“This Council recommends to the Government that all political prisoners of and belonging to Bengal namely :—

(a) those convicted for offences committed with a political motive before the Royal Amnesty granted in the Royal Proclamation issued by His Gracious Majesty, the King-Emperor, on the 23rd of December, 1919;

(b) those convicted under the Criminal Law Amendment Act (XIV of 1908), during 1921 and 1922; and

(c) those convicted for sedition, and those bound down and imprisoned under Section 108 of the Criminal Procedure Code for delivering seditious speeches during 1921, 1922, and 1923 be forthwith released.”

was carried by a majority of 31 votes, 41 voting against and 72 for the resolution.

The Third Resolution on Repressive Laws.

Another resolution moved by Babu B. K. Bose on repressive laws ran thus :—

III. “This Council recommends to the Government to request the Government of India for the immediate repeal or withdrawal in regard to Bengal of the following laws ;

- (1) the Prevention of Seditious Meetings Act, 1911 (X of 1911) ;
- (2) the Indian Criminal Law Amendment Act, 1908 (XIV of 1908) ;
- (3) Sections 15 and 15 A and other sections so far as they relate to Sections 15 and 15 A of the Police Act, 1861 (V of 1861) ; and
- (4) Bengal Regulation III of 1818”

The motion was being discussed when the Council adjourned till the 28th January.

Interpellation on Reg. III. Prisoners

At question time Mr. J. M. SEN GUPTA had asked : (a) Will the Hon'ble the Member in charge of the Political Department be pleased to lay on the table a statement giving the following information with reference to the persons arrested and detained in Bengal under Regulation III of 1818 :—

- (1) the names of the persons arrested ;

- (ii) the dates on which each of these persons was arrested ;
 (iii) the charges, if any, which were brought against each of these persons before arrest ; (iv) the allowances, if any, which have been granted to each of these persons ;
 (v) the place of detention of each of these persons ; and
 (vi) the present daily or monthly expenditure on each of these persons for food.
- (b) Will the Hon'ble the Member be pleased to state :—
 (i) whether the said persons were charged with definite offences ;
 (ii) whether they were allowed sufficient opportunity to answer such charges in writing ; and (iii) whether these cases were placed before Judges ?
- (c) Will the Hon'ble the Member be pleased to state whether the persons or any of them were asked by the police if they were members of the Swarajya Party before arrest ?

The Hon'ble SIR HUGH STEPHENSON replied :—

- (a) (i) and (ii) A statement is laid on the table.
 (iii) Charges have been put to all the prisoners. In the public interest, however, Government do not consider it desirable to publish them.
 (iv) and (v) Government do not consider it desirable to publish this information.
 (vi) Rupee one and annas four.
- (b) (i) Vide answer to (a) (iii). (ii) Yes.
 (iii) With the exception of two of the prisoners who were arrested at the instance of the Government of India, the cases of all were placed before the Judges.
- (c) The answer is in the negative.

Statement referred to in the reply to clauses (a) (i) and (ii) of the question showing the names, etc., of the State prisoners confined under Regulation III of 1818 :—

NAMEs OF STATE PRISONERS AND DATES OF ARREST.

- (1) Amrita Lal Sarkar—25th September, 1923.
- (2) Rabindra Mohan Sen Gupta—25th September, 1923.
- (3) Satish Chandra Pakrashi (Satish Bhattacharjya)—25th September, 1923.
- (4) Manmohan Bhattacharjya—25th September, 1923.
- (5) Upendra Nath Banerji—25th September, 1923.
- (6) Kali Prasad Banerji—26th September, 1923.
- (7) Jiban Lal Chatterji—2nd October, 1923.
- (8) Bhupati Mazumdar—25th September, 1923.
- (9) Ramesh Chandra Datta Chaudhuri—25th September, 1923.
- (10) Monoranjan Gupta—25th September, 1923.
- (11) Muzaffar Ahmed—17th May, 1923.
- (12) Jyotish Chandra Ghosh—25th September, 1923.
- (13) Atindra Mohan Roy Chaudhuri—6th October, 1923.
- (14) Nalini Nath Gupta—20th December, 1923.
- (15) Bhupendra Kumar Dutta—25th September, 1923.
- (16) Amarendra Nath Chatterji—25th September, 1923.
- (17) Jadu Gopal Mukherjee—25th September, 1923.

On the Council assembling on the 28th January the adjourned debate on Mr. B. K. Bose's Resolution was taken up. Mr. B. CHAKRAVARTY, the leader of the Nationalist party, first rose in support of the resolution and spoke as follows :—

I for one concede that the first duty of a civilized Government is the maintenance of law and order—there is no doubt about that. But at the same time I utter my emphatic protest against the statement that the expression 'law and order' should include repressive measures. If I may be permitted, I may read a passage from the great English Jurist, Blackstone : "To bereave a life by violence and confiscate his states without accusation and trial would be so gross and atrocious an act of despotism as must at once convey an alarm throughout the kingdom. But confinement of persons by secretly hurrying them to jail where their sufferings are unknown is a less public, less striking thing and therefore a more dangerous engine of — arbitrary Government." As I have the honour of addressing the members of the House, English gentlemen, I hope, will bear in mind what was said by their own great jurist. Now I come to more recent times. Members are aware that there were troubles at the time when Lord Morley was Secretary of State for

India and Lord Minto was the Viceroy. Members are aware also that some deportations took place then. I am told that one of the deportees is a pillar of strength to the present Government. However that may be in 1909 Lord Morley wrote to Lord Minto as follows: "I won't follow you in deportations. You state your case with remarkable force, I admit. But then I comfort myself in my disquiet of differing from you by the reflection that perhaps the Spanish Viceroy in the Netherlands, the Austrian Viceroy in Vienna, the Bourbons in the Sicilies and Governors in the old American colonies used reasonings not wholly dissimilar and not much less forceful."

And I venture to think, however atrocious a measure might be, however it may infringe the liberties of the citizens, reasons have been found, and it has been in the mouth of every one from time immemorial, that for the sake of 'law and order' it is necessary to resort to repressive measures. When the greatest of the Bourbons, Louis XIV had to defend his conduct, his answer was—"You speak of Government, you speak of administration, it is me" and the Bourbon defended his conduct on the ground of law and order. However that may be, let us come to more recent times. The members of this House have heard the name of Dr. Masaryk who is now the respected President of the Republic of Czecho-Slovakia. When the Austrian Government was in power he was condemned to death in the name of law and order. He had to flee from his country and take shelter in England. The Siberian exiles were defended on the ground of law and order. Therefore when the expression 'law and order' is trotted out it does not in the slightest degree interfere with my point that it has been the cry from time immemorial of every irresponsible authority. Science has shown that even mineral matter or inorganic matter is capable of responding to external stimuli. But I have not yet found any irresponsible authority responding to the stimulus of public opinion (hear, hear). It seems to me that irresponsible government is synonymous with government incapable of appreciating the opinion of the people governed by them.

"Century Old Regulation Still Young"

The measures against which we are complaining so far as my resolution is concerned are three. In the first place let us take Bengal Regulation III of 1818. It is more than a century old. The members of this House are aware that conditions in India in 1818 were such that it was necessary to pass that regulation. It was intended for the purpose of preventing interlopers from foreign countries coming into this country to create difficulties, amongst others, in the Feudatory States. This hoary good old friend of ours, although more than hundred years old, seems to me as young as ever. Age does not seem to have affected its vitality. There was a solemn Committee appointed for the purpose of saying good-bye to this particular regulation. They said it was an archaic piece of legislation and ought not to be on the statute book. They further said, that they were not going to apply it except in the inflammable Frontier Provinces. That was the finding of the Committee. It was followed by a resolution of the Government of India accepting the recommendation of the Committee. But can there be any justification in the year of grace 1923, about 12 months after the publication of that report, for the recourse that had to be had to the use of that regulation for the purpose of hurrying into jail some 17 persons of His Gracious Majesty's subjects? How can we, who have to deal with the people of this country, justify this action after the most solemn declaration, not by the Local Government, but by the Central Government of India which has been referred to above?

The Hon'ble Sir ABDUR RAHIM said that these measures were preventive laws and necessary for the prevention of crime. The Criminal Procedure Code was full of measures for the purpose of prevention of Crime. These three measures were all measures of that kind. Not a single cogent argument had been advanced to show that they were unnecessary. After referring to the report of the Repressive Laws Committee, Sir Abdur Rahim said that if they found the Bengal Regulation necessary here they were perfectly justified in applying it. The object of the Seditious Meetings Act was to prevent sedition and the Criminal Law Amendment Act aimed at suppressing unlawful associations. A law of this character was liable to be misused but was that a good ground for repealing such an Act? The passing of the Goonda Act showed

that the people wanted a more drastic measure than these laws. The difference between the Goonda Act and the Bengal Regulation was that the Goonda Act did not refer to the Bhadralog class. They could not say that there should be one law for the Bhadralog and another for the poorer classes.

Mr. Chakravarty.— We are all Goondas! (laughter).

Mr. C. R. Das in reply to the Govt. members said :—

I have to reply to certain observations made by Sir Abdur Rahim, otherwise I would not have thought it necessary to get up and speak at all. At the very outset I wish to make one thing perfectly clear. Sir Abdur Rahim in referring to some of us said that we gentlemen who want to have the statutes repealed would not take up the responsibility of Government; that statement is absolutely incorrect. We are, as you are all aware, prepared to take up the responsibility of the Government (hear, hear,) of this province and our only objection is that the Government is not made responsible to the people of this country (hear, hear), and the moment the Government is made responsible to the people of this country Sir Abdur Rahim will find every one of us ready to take up the responsibility of the Government. But what was offered to us is not the responsibility of the entire Government, but only part of it, and that part cannot be dissociated from the whole. It is a kind of responsibility which is not responsible to anybody. Certainly we refused to shoulder that kind of responsibility.

Necessity of Preventive Laws.

To make our position clear I shall proceed to deal with one or two arguments put forward by Sir Abdur Rahim. The Hon'ble Member was angry because Mr. Chakrabarti did not put forward facts. Sir Abdur Rahim said that these are preventive laws which are necessary for the maintenance of Law and Order. Therefore those laws must remain on the Statute Book. But the whole question is whether preventive laws have any safeguards. We are told in season and out of season that every civilised country some time or other have reasons for emergency legislation. But may I remind the House of one fact, that is also proved by history, viz., that there is hardly any civilised Government which is not responsible to the people? The whole difference is there. That is the point in a nutshell. If the Government of this country had been responsible to the people and if it had been thought necessary to enact repressive legislation for the time being, the people would have agreed to that because they knew that the moment these measures were misapplied and people were misgoverned on account of this enactment they would have the right to run that Government out. India to-day has not got that right. Therefore we have to be very careful in allowing these repressive legislations to be kept in the Statute. Members of the Government are after all human beings. They cannot help taking side on a particular question. They are human and there is this danger of applying the repressive statutes in putting down political freedom. It is from that point of view that we have the greatest objection to the continuance of these repressive laws on the Statute Book.

There is another argument put forward by Sir Abdur Rahim. He says that there are sections in the Criminal Procedure Code which contain preventive laws and that therefore this House ought not to get rid of preventive laws. I cannot understand that kind of argument.—There are preventive laws and preventive laws. There are many preventive laws in the Criminal Procedure Code which are considered necessary. But it does not follow from that that every legislation which is put forward as a preventive legislation must be kept up. I cannot understand that argument at all.

Unpopularity Of the Regulation.

Then the Hon'ble Sir Abdur Rahim went on to say with regard to Regulation III of 1818 that there was the Goonda Act and the people were very anxious for the Goonda Act. The Goonda Act is something like Regulation III of 1818 and therefore people are anxious to have the Regulation III of 1818 retained on the Statute Book! I must say I was struck with the perfect syllogism put forward by Sir Abdur Rahim. I do not know whether the Goonda Act is popular or not. But the kind of Goonda Act passed here last year is certainly very objectionable. I have not consulted the public with reference to that question but I would point out to Sir Abdur Rahim that Bengal Regulation III of 1818 is most unpopular. It is a fact. Ask any countryman of ours, ask anybody who is responsible to the people of this country, whom the people look

upon as their leader, ask any one of them and you will find that Bengal Regulation III of 1818 is not wanted by the people. Let me read to you a passage from what was said by the poet Rabindra Nath Tagore. He said: "The policy of secret condemnation and punishment hitherto pursued has led a very large number of my countrymen, including a great many of those punished who are innocent, into imprisonment. This savours more of vengeance than of precaution." That is why we object to the continuance of this regulation on the Statute Book.

Babu BIJOY KRISHNA BOSE in replying to the debate said that the Hon'ble Sir Hugh Stephenson wanted a guarantee from Messrs. Das and Chakravarty that if these laws were abrogated and if the prisoners were released there would be no murder and no dacoity. In reply to that he would ask the Hon'ble Mr. Stephenson and the Government to give them a guarantee that if the continuance of these preventive laws were allowed and if they went on in the way as they were going on now, the Government would be able to bring peace, law and order in the country (hear, hear). Change of heart was not one-sided. But would the Government give them the guarantee that there would be absolute peace by keeping these laws unrepealed and by keeping these men in jail without trial? He thought that the strongest argument for the repeal of the laws had been given by the Hon'ble Member himself when he said that the Seditious Meetings Act was never extended to Bengal, that the Criminal Law Amendment Act was a dead letter and that Section 15A of the Police Act was very rarely used. If so, then what was the harm in abrogating these laws? Sir Abdur Rahim had said that the Goonda Act was more drastic than the Bengal Regulation III of 1818. Then why did they not repeal the Regulation and apply the Goonda Act?

After quoting some extracts from the 'Recollections of Lord Morley', the speaker said that repressive laws did not save Russia from the Duma. Responsible Government was sure to come and if the Government went on in that way that would not prevent another Duma in India.

After the Hon'ble Sir Hugh Stephenson had made a brief reply the resolution was put to vote and the President declared in favour of the 'Noes' when a division was demanded.

At this stage Mr. S. Suhrawardy said—"Mr. President, Sir, we understand some European members."—President—"Who is this 'we'?"

As the heckling continued Mr. Suhrawardy remarked that he was quite willing to obey the chair but he refused to be coerced by the members in front of him. Mr. S. Suhrawardy said that he and some other members wanted ruling from the chair as to whether Major Suhrawardy, the Deputy Chairman, could vote on the resolution.

The President remarked that when a controversial matter was being discussed and the Deputy Speaker had occupied the chair, he should think seriously before he voted. He further said that the Deputy Speaker of the House of Commons never dreamt of voting.

The President here informed the House that he had received notices from several members that they had been inconvenienced by members while proceeding to the lobbies on the 25th instant. It was not in order for a member to canvas for votes after the division had been declared. The paths leading to the lobby must therefore be kept entirely clear.

Maulvi Nurul Huq and the President

When the members of the House were retiring to the division lobby

Moulvi Nurul Huq Chowdhry drew the attention of the President to the fact that a member of the House (who it transpired was Moulvi Rajibuddin Tarafdar) was being forcibly taken to the "No" lobby. The President tried to snub him whereupon Moulvi Nurul Huq repeated his complaint. The President then lost his temper and said that if Moulvi Huq did not obey the chair he would have to be turned out. Nothing daunted the Moulvi retorted that if it was his ruling that he would be turned out, he was prepared to be turned out.

The Resolution Carried

Then the division was over, and the President announced the following result:

For the Resolution—63.

Against the Resolution—43.

There were loud cheers from the opposition benches and the President then adjourned the meeting.

The following list will indicate the manner in which the members voted:—

For the Motion

Moulvi Azimuddin Ahmad, Moulvi Rafiuddin Ahmad, Moulvi Zayebuddin Ahmad, Moulvi Zanoor Ahmad, Moulvi Syed Sultan Ali, Mr. Altaf Ali, Babu Ramesh Ch. Bagchi, Dr. Pramathanath Banerjee, Babu Satyaktishore Banerjee, Babu Jalindranath Banerji, Babu Saratchandra Basu, Babu Bejoy Krishna Bose, Mr. B. Chakravarty, Babu Jogendrachandra Chakravarty, Babu Sudarsan Chakravarty, Babu Umesh Ch. Chatterjee, Rai Harendra Nath Chaudhuri, Moulvi Muhammad Nurul Haq Chaudhuri, Moulvi Syed Abdur Rauf Choudhury, Mr. N. C. Chunder, Babu Mohinimohan Das, Mr. C. R. Das, Dr. J. M. Das Gupta, Babu Baradapravai De, Moulvi Abdul Gaffur, Babu Khagendranath Ganguli, Shah Syed Emdadul Huq, Moulvi Syedul Huq, Moulvi Wahed Hossain, Moulvi Mahabubul Huq, Moulvi Aftab Hossain Jorjari, Moulvi Abdur Baseev Khan, Moulvi Amanat Khan, Moulvi Mabiuddin Khan, Moulvi Raver Mahomad, Babu Mahendranath Maiti, Babu Satyendrachandra Mitra, Babu Taraknath Mukherjee, Babu Hemchandra Naskar, Babu Monomohan Neogi, Moulvi Abdul Kader, Mr. Prasanna Dev Raikat, Babu Abinash Chandra Rai, Babu Nagendranarayan Rai, Babu Surendranath Rai, Dr. Kumud Sankar Rai, Kumar Shibhekaraswar Rai, Babu Anilbaran Rai, Babu Manmathanath Rai, Dr. Bidhanchandra Rai, Mr. D. N. Rai, Mr. Kiransankar Rai, Mr. Satcoowripati Rai, Babu Sailajauath Rai Chaudhuri, Rai Bahadur Satyendranath Rai Chaudhuri, Babu Hemantakumar Sarkar, Babu Naliniranjan Sarkar, Mr. B. N. Sasmal, Mr. N. C. Sen, Mr. J. M. Sen, Mr. Gupta, Dr. A. Subrawardy, Mr. H. S. Subrawardy and Moulvi Muhammad Yasin.

Against the Motion.

Mr. H. Barton, Nawab Syed Nawab Ali Chaudhuri, Khan Bahadur Moulvi Muhammad Chaiuddin, Mr. C. G. Cooper, Mr. J. Cottle, Mr. T. Crawford, Babu Charuchandra Das, Major General R. H. Deane, Mr. G. Dey, Hon. Mr. J. Donald, Mr. J. T. Donovan, Dr. T. O. D. Dunn, Mr. G. S. Dutt, Mr. T. Emerson, Mr. J. Campbell Forester, The Hon. Mr. A. K. Ghose, Sir George Godfrey, Mr. P. N. Gupta, Mr. N. P. Gupta, Khan Bahadur Kazir Zahirul Huq, Hon. Mr. A. Fazlul Huq, Khan Bahadur Moulvi Musarat Hossain, Mr. G. T. Huntingford, Moulvi Ekramul Huq, Mr. J. A. Jones, Mr. D. H. Lees, The Hon. Maharaja of Burdwan, Mr. A. Marr, Mr. McAlpin, Mr. A. N. Moberley, Dr. H. W. B. Moten, Khan Bahadur M. A. Nasiruddin, Mr. J. T. Phillip, Hon. Sir Abdur Rahim, Mr. G. F. Rose, Moulvi Allahkub Sircar, Hon. Sir Hugh Stephenson, Mr. S. C. Stuart Williams, Mr. J. A. L. Swan, Moulvi Rajibuddin Tarafdar, Mr. W. L. Travers, Mr. Villiers and Mr. H. S. Wilson.

The Council was then adjourned till the 18th February.

Swarajist Activities

Following these great victories in the Council the Swaraj party made an extensive propaganda throughout Bengal so as to create an atmosphere favourable to them and antagonistic to Government. The following circular letter was issued to all leading public men of all the district and subdivisional towns of Bengal by Mr. J. M. Sen Gupta and Hazi Abdur Raschid Khan, Secretaries, Bengal Swaraj Party:—

“Dear Sir,—You must have read in the Press that the Swarajya Party and the Nationalist Party by an overwhelming majority have carried the following three resolutions:—

[Here follows the Text of the resolutions as passed.]

“As you are a leading public man, we have been asked by our party to bring to your notice the necessity of convening public meetings supporting the three resolutions passed by the Council. We would also ask you to pass another resolution directing your representatives in the Council to oppose all Government measures with a view to put an end to this system of Government which is not responsible to the people (if the Government do not accept the resolutions).

“If any member of your district voted against any of the resolutions in the Council, will you also pass another resolution, the form of which is given below? The resolutions may take the following form:—

“This meeting of the people of.....approves of the resolutions on the release of political prisoners and the repeal of repressive laws passed by the Bengal Legislative Council and calls upon the Government to give effect to the said resolution as voicing the opinion of the electorates of Bengal.”

“This meeting of the electorate of.....disapproves of the conduct of Mr.....M.L.C., in voting against the resolution on the release of political prisoners and the repeal of repressive laws in the Bengal Council and calls upon him to resign his membership in as much as he does not enjoy the confidence of the electorate any more.”

“This meeting further urges on the representatives of the district in the Legislative Council to oppose all Government measures with a view to put an end to the present system of Government which is not at all responsible to the people if immediate effect be not given to the Resolutions passed by the people's representatives inside and outside the Council”.

The Budget Session--Feb.-March 1924

The Council reassembled after the recess on the 18th February on which date it sat only for an hour. The only work was the presentation of the Budget estimate for 1924-25 by the Hon. Mr. J. Donald, the finance member. Attendance was thin. Proceedings opened with a few members taking their oath and then the Hon. the President made a long statement setting forth his reasons for disallowing the no-confidence motion on the Ministers.

The President said :—

"I received during the recess from a member of the Council a notice of the two following motions which was submitted under the provisions of Standing Order 72 (Sec. 102 of Pt. IV of the Bengal Legislative Council Rules and Standing Orders).

I. That a formal address be presented to His Excellency the Governor of Bengal submitting that His Excellency's present Ministers do not enjoy the confidence of the Council.

II. That a message be sent to His Excellency the Governor through the Hon'ble the President of the Bengal Legislative Council submitting that His Excellency's present Ministers do not enjoy the confidence of the Council.

I informed the Hon'ble Member in reply that in my opinion these two motions do not fall within the scope of the Standing Order in question and I disallowed them accordingly. At the same time I intimated to him that in view of a contrary ruling by the Hon'ble the President of the Madras Legislative Council I would take the opportunity to-day of stating to the House the reasons for my ruling.

There are only certain matters which may be discussed in the Council under the Act and rules framed under the Act, namely, motions in regard to Legislation and the Budget, voting on such matters as the salaries of Council Secretaries and other matters provided in the Act itself, and the discussion of subjects of general public interests and definite matters of urgent public importance which last can be raised only by recommendatory resolutions and by motions for adjournment respectively.

The section which is relied upon is a Standing Order. As such it cannot run counter to the rules framed under the Government of India Act. That Act (Sec. 72) (5) lays down that rules may be framed under this Act for the discussion of any subject specified in the rules and rules so made cannot be amended by the Indian Legislature or by any Local Legislature (sec. 129A). Under rule 22 made under the Act (Sec. 71 (1) of Part IV of the Bengal Legislative Council Rules and Standing Orders) the Governor is empowered to disallow any resolution or any part of a resolution on the grounds therein stated. This power of disallowance by His Excellency is conferred by Statute and cannot therefore be abrogated or avoided by any Standing Order. The scope of Standing Order 72 cannot be extended to cover an address which deals with matters of a controversial character, for in that case, any matter of public controversy could be discussed by the Council under cover of a formal address or a message through the President without His Excellency being able to make use of his constitutional power under Rule 22.

No question is involved in the present case of observance of or departure from Parliamentary traditions. This Council discharges its functions under a written constitution and it is the primary duty of the President to administer and interpret the statutory rules upon which that constitution is based, and which, as I have already stated, cannot be altered or amended by the Indian Legislature or by any Local Legislature. Subject to that primary obligation, it has always been my endeavour and it will continue to be my endeavour, to act in accordance with Parliamentary traditions.

Proper and adequate occasions are provided by the constitution for the attainment of the object of the member. These arise in various ways. It is always open to the Council to defeat any Bill which Ministers may introduce or any proposals or requests for money which they may bring forward. Likewise, it is in order to have a reduction or rejection of the vote for their salary which will form part of the demands for grants and will be taken up next month.

Another form of action is provided by a motion for adjournment of the House to call attention to any specific action taken by Ministers which can be held to constitute a definite matter of urgent public importance of recent occurrence. Lastly

when the Ministers have placed themselves within the control of the House by their action a resolution may be tabled and, if admitted, will be balloted for at the commencement of a session in the usual way in company with other resolutions of which notice has been given. Such a resolution must be in the form of recommendation to the Government and not to His Excellency direct.

Council Debate in Bengali

A petition has also been received by me signed by 26 members of the Council praying that arrangements may be made for recording verbatim speeches delivered in the Council in Bengali and stating that, as they are not as fluent in English as in their own vernacular, they prefer to speak in Bengali in the Legislative Council. All the signatories to the petition took the oath in English and it is, therefore, a fair assumption that they are able to understand English language to be able to understand

TO BE READ

speeches during the present session. The matter, however, stands upon a statutory basis. Rule 14 of the Government of India Act and, therefore, a statutory rule reproduced in Act II of the Bengal Legislative Council Manual, runs as follows:—"The business of the Council shall be transacted in English, but any member who is not fluent in English may address the Council in any recognised vernacular of the province, provided that the President may call on any member to speak in any language in which he is known to be proficient."

I shall always be willing as in the past to assist any member who is really unable to speak fluently in English, but in accordance with the discretion which Parliament has conferred upon me I shall continue to call upon members to speak in the English language when I know them to be proficient in that tongue. As matters stand, in view of the excellent knowledge of English possessed by almost all the members of the Council and the facilities already afforded to the two or three members who are not able to speak so fluently in English, I am not satisfied that sufficient grounds exist for the alteration of the existing practice.

THE BENGAL BUDGET 1924-25

The Hon. Mr. Donald then presented the Budget of which the following is a summary of the main items.—

	Budge: Esti- mate 1923-24. Rs.	Revised Esti- mate 1923-24 Rs.	Budget Esti- mate 1924-25. Rs.
Opening balance ..	60,83,000	90,92,000	1,21,73,000
Receipts	10,20,18,000	10,22,01,000	10,32,28,000
Recoveries of Provincial loans	12,56,000	11,47,000	10,39,000
Loans from the Central Government .. ..	..	1,61,000	..
Famine Insurance Fund ..	1,75,000	1,75,000	1,90,000
TOTAL ..	10,95,32,000	11,27,76,000	11,66,30,000
Expenditure from Ordinary revenue	10,14,65,000	9,86,75,000	10,31,79,000
Repayment of loans taken from the Central Government	4,35,000	4,35,000	4,64,000
Payment of loans by Local Government	11,84,000	6,79,000	9,59,000
Expenditure out of loans grant	2,50,000	8,11,000	2,95,000
TOTAL ..	10,33,34,000	10,06,03,000	10,43,06,000
Closing balance	61,98,000	1,21,73,000	1,23,24,000

In presenting the Budget the Finance Member first made some observations on the general financial position since the reformed constitution came into being, and said in the course of his speech:—

The Year 1921-22

When Sir John Kerr presented the financial statement of the year 1921-22 in Council, he estimated an opening balance of Rs. 2,48,21,000 (after redemption of our provincial loans), receipts of Rs. 10,81,68,000 and an expenditure of Rs. 12,89,82,000; in other words, in the first year of the reforms, it was estimated that a sum of Rs. 2,08,00,000 would have to be drawn from the balances to carry on the administration. There was, however, a very substantial decrease in receipts due to the general dullness of trade and in part to a disturbed political situation, but against this, substantial measures of retrenchment were taken and the net result was a deficit of Rs. 1,70,58,000.

The Year 1922-23

In the following year, we secured some benefit by the agreement of the Central Government to waive for a period of three years the provincial contribution of Rs. 65 lakhs, but even then it was anticipated that the working of 1922-23 would result in a deficit of Rs. 1,20,00,000. As a consequence Government had resort to new taxation. Three Taxation Bills—two of them amending the Stamp and the Court-Fees Acts and a third imposing a tax on amusements and betting—were introduced in the Council and became law in 1922-23. It was anticipated that this new taxation would bring in Rs. 10,00,000, and thus wipe out the deficit of Rs. 1,20,00,000 and allow a surplus of Rs. 20,00,000. Raising out Lopes on this additional income, supplementary estimates were presented to the Council for the utilisation of this surplus and a certain amount from the balances. But, later on in the year, it became evident that our anticipations from the new taxation would not be realised and retrenchment had to be given effect to. Savings were anticipated to the extent of Rs. 49,00,000; and when I presented the Budget last year I estimated that we should close the year 1922-23 with a deficit of Rs. 16-half lakhs.

Voting of Grants

Later on, on the 16th March 1923, before the voting of grants, I revised the estimate of receipts and placed the figure at Rs. 10 lakhs in excess of my original estimate, thus reducing the deficit to Rs. 6'69. But we were slightly out in our calculations and things turned out better in actuality. The stamp revenue just realised our expectations but we obtained Rs. three and one-fourth lakhs more from land revenue and a large increase in miscellaneous receipts, and in all, our actual income for the year was nearly Rs. 8-half lakhs over the revised estimate—so that even from the revenue side the anticipated deficit was wiped out and there was a surplus. But this was not all. As I explained to the Council last year, we had taken measures to enforce every possible economy in view of the anticipated fall in our revenues, and we anticipated as a result of this economy—all done on the initiative of Government before the Retrenchment Committee was appointed—that our expenditure would amount to Rs. 9,82,50,000 or about 41 lakhs of rupees below the sanctioned estimates. I am afraid, however, we did not give our officers sufficient credit for their efforts to meet our directions in the matter of economy. In practically every department, the expenditure fell short of our estimate and in the total we were out in our revised estimate of expenditure by as much as Rs. 23 lakhs—our expenditure was Rs. 9,59,64,000 as against an anticipated expenditure of Rs. 9,82,00,000, and an original budget estimate of Rs. 10,24,20,000. These figures related solely to the Revenue Account. In place of the anticipated deficit of 6-half lakhs, we thus had, on the 31st March, 1923, a surplus on the Revenue Account of Rs. 25,75,000. Taking everything into account, *ie.*, including loan operations, we closed the year with a surplus of Rs. 23,41,000. Our closing balance was Rs. 90,92,000 or just about a lakh over the anticipations when the budget for 1922-23 was originally prepared. We had, in other words, practically retrenched as much as we had failed to realise in revenue.

This is a brief record of the first two years' working under the Reforms. We had Rs. 2,48,21,000 at our credit on the 1st April 1921—on the same day two years later we had Rs. 90,92,000, a figure which would have been much lower but for the remission of our provincial contribution in 1922-23. In 1921-22 expendi-

ture exceeded income by Rs. 1,70,58,000, in the following years, thanks to taxation, retrenchment and the relief from our payment to the Central Government, income exceeded expenditure, but we should still have had a deficit, had we not secured this temporary relief.

The Current Year

The budget provided for receipts amounting to Rs. 10,20,18,000, and an expenditure of Rs. 10,14,65,000. In the supplementary estimates of July and August last, there was added a sum of Rs. 10,05,000 to the expenditure total, bringing the total expenditure estimate to Rs. 10,24,70,000 and the margin between income and expenditure to a deficit of about Rs. 4-half lakhs. This represented really a draw on our balances and did not affect the position as regards recurring receipts and charges.

As to Receipts they have on the whole been satisfactory. The *Stamp Revenue* has not altogether realised our expectations. I did not last year see the return to a normal condition of affairs in the economic world but with some indications of better trade and industry which had then appeared, I had hoped that some improvement would result. That improvement has materialised but not to the extent I anticipated, and instead of the expected Rs. 3,35,00,000 we must be content, I am afraid, with Rs. 3,20,00,000—a reduction of Rs. 15,00,000 in our estimate. The receipts from other sources have been, however, better and on the whole we have more than secured our estimate for the year. *Excise revenue* has been coming in well with the improvements in administration, and from this source we anticipate Rs. 2,10,00,000, as against the budget figure of Rs. 2,06,00,000. The amusement tax, which now appears under a separate head in the budget, "IX A.—Scheduled Taxes," will give us a few lakhs more than we estimated. With a few small variations under other heads and an adjustment as between Irrigation and Public Health, our revenues on the whole for the year will be about Rs. 2 and quarter lakhs above our original estimate.

Retrenchment and its Effects

Expenditure.—The economies effected in 1922-23 naturally had a bearing on the disbursement of the current year; and further retrenchments that have been made in consequence of the recommendations of the Retrenchment Committee have helped materially to reduce expenditure. Under several heads, the expenditure on the pay of officers is likely to fall far short of the estimate. With the new time-scales of pay, the adjustment of arrears and so forth it has been a difficult matter to get down to estimates with any accuracy. It has been largely a matter of guess-work, which we hope in future to put on a more accurate basis. There has also been a similar difficulty in estimating the expenditure on the pay of establishment. These facts account for the estimated drop in expenditure under 'General Administration of Justice and Education'. Retrenchment had a large say in the savings of about Rs. 2 lakhs each under 'Agriculture and Public Health', but nowhere has economy so manifested itself as under police, where expenditure is as much as about Rs. 12 lakhs below the estimate. Reductions of the force in accordance with the recommendations of the Retrenchment Committee, an under-proportion of vacancies in the cadre, and measures of economy in allowances and contingencies, economy which seems to have been pressed to the detriment of the administration—all combined to reduce expenditure. I do not propose to go into all the details—they are set out in the explanations under the various heads—but the net result is a diminution of expenditure by about Rs. 38 lakhs as compared with the total of the original and supplementary estimates. The total expenditure we now estimate at Rs. 9,86,78,000 or Rs. 35 lakhs less than our revenue. This is expenditure on the revenue account so.ely. Bringing into account loan operations, in regard to which I may observe that with good agricultural conditions not more than Rs. 5,80,000 are likely to be required in the shape of loans as against the estimate of Rs. 11,84,000, the total working of the year as now estimated is an opening balance of Rs. 90,92,000, Receipts Rs. 10,36,84,000, Expenditure Rs. 10,06,03,000 and a closing balance of Rs. 1,31,72,000.

The Next Year: A Surplus Budget

With a considerable surplus in 1922-23, further large anticipated surplus in the current year and the measures of retrenchment that have been effected, this Council will perhaps conclude that the budget for 1924-25 must be a surplus one. And they might also be of the opinion that with the large amount at our credit in the

balances, there is surely a possibility of doing something in the way of development, and that Government, and particularly the Ministers, can now hardly plead that the financial position is such as to prevent any progress. If members have gathered such an impression from what I have already said, let me hasten to tell them that the budget for 1924-25 is not a deficit one and that we have made provision for expenditure which will consume a large amount from our balances. Let me proceed to the examination of the budget as I now present it.

I estimate our revenue for next year at Rs. 10,32,28,000 while the provision for expenditure is Rs. 10,31,79,000, i. e., our expenditure falls just short of our income. The margin is not great, but it is the result of our making provision for new schemes to the extent of Rs. 35,89,000. As we have a large sum in our balances, we feel justified in embarking on new schemes—chiefly of a non-recurring character, (the reason for this I shall explain after) schemes which are urgent and important in administration and for development and progress. We have already ear-marked Rs. 88 lakhs of our balances for this purpose, to be spent in the next and following years, and the Rs. 36 lakhs in the budget represents the first instalment of this expenditure. It is the addition of this sum to the normal expenditure of administration which accounts for the fact that we are going to spend in 1924-25 practically all our income.

Receipts.

Before indicating the character and the schemes in contemplation, let me first refer briefly to the estimate of receipts for the year 1924-25. There are even better indications of improved trade than there were at this time last year, but it is even now premature to be too sanguine and I hesitate therefore to predict any great improvement in our stamp revenues. I may possibly be erring too much on the moderate side in fixing the receipts from this source at a lower figure than that which I had budgeted for the current year, but, under present conditions, I think an increase of Rs. 10 lakhs over the revised estimate is perhaps as much as can be justified, and the figure of Rs. 330 lakhs has therefore been adopted. Under Land Revenue, in the absence of floods and eye ones during the current year, we expect a return to more normal conditions in the collections from Government Estates, and with increased recoveries from settlement operations, the total Land Revenue receipts should increase. Excise should, under present conditions and with the improved means of administration, still further increase, and we anticipate a further increase of six lakhs under this head. The increase under these three heads, which are our main sources of income, account principally for our anticipation of a total increase of Rs. 10 lakhs in revenue next year over that of the current year.

Expenditure.

Turning to expenditure, we have budgeted for an estimate of Rs. 45,01,000 over the revised estimate for the current year. This includes provisions for ordinary development and for the completion of schemes already initiated, as well as for the new expenditure to which I have already referred. The details are set out in the explanation of the variations attached to the financial statement, but it will facilitate consideration of the budget if I refer briefly to the various new features and schemes and to the more important variations. In the explanations of the financial statement, these items are mixed up with minor details of deviations and modifications in the existing expenditure and they may be better understood if detached from these details. I will take up the various major heads in order, but the head 'Civil Works' covers items which are the concern of all departments. I propose to mention under the departmental head that portion of the Civil Works Budget which appertains to the particular department, e. g., I shall refer to Police buildings not under Civil Works but under Police.

Revenue Department Expenditure.

Under 'Land Revenue' there is little variation calling for mention, except under Survey and Settlement. Here there is a considerable increase in expenditure which is fully explained in the financial statement. The only item of importance calling for mention is a provision of Rs. 2 lakhs for settlement operations in the Chitlang district. It is imperative that this work be started this next cold weather, so that a new settlement may be ready before the present settlement comes to an end. The Forest Department has suffered from want of funds in the past few

years and development, which is remunerative, has been greatly retarded. A few schemes of seemingly little importance in themselves and of no great cost, but of great value in the returns they will afford, have been provided for. They are measures for the better working of the forests and timber extraction. The increased expenditure in 1924-25 should prove very remunerative and pay for itself in a very short time. We have provided under Registration money for record-room racks, etc., and under the Civil Works head for two Sub-Registrars' offices in the 24 Parganas district. The Irrigation charges include the clearance of the Soodighi, Ganga Khali and Joygopal Khals, provision for the Dum Dum Bridge and the Kaorapukur Khal and the Government share of the cost of the Bidyadhari river operations. The Bidyadhari is very largely a question for the Corporation of Calcutta, the drainage of which is affected by the deterioration of the river, but the interests of the neighbouring country and suburban municipalities are also of importance and for that reason Government has agreed to co-operate with the Corporation in the scheme and share in the expenditure. The dredging of the Lower Kumar River at the entrance of the Madaripur Bhil route has also been provided for, in addition to the necessary charges for the maintenance of irrigation, navigation and embankment works.

General Administration.

Coming to General Administration a perusal of the financial statement will show that only a small increase in expenditure over the revised estimate has been allowed. The increase in the provision for the Administration of Justice is due merely to normal causes, increments of pay, and provision for the administration of the Workmen's Compensation Act which comes into force on 1st July, 1924. The wants of the Judicial Department in the matter of buildings have not, however, been overlooked, and under Civil Works a provision of about Rs. 2 lakhs has been made for the expenditure in 1924-25 to acquire land for new Civil Court buildings at Serampore and to construct double munsifs at Chikandi and Gopaganj and a quadruple munsif at Pirojpur.

Police.

As I have explained, there has been a considerable reduction in the expenditure on the Police during the current year due to economies consequent on retrenchment, to vacancies in the cadres left unfilled, and to an undue proportion of officers and men being on leave. We have had to provide for the usual increments of pay and for improved recruitment to fill vacancies, but we cannot contemplate so great a measure of economy as has been exercised in the matter of allowances and contingencies during the present year. There has been undue curtailment in this direction and the efficiency of the force has suffered in the absence of effective supervision. We have therefore had to allow for increased supervision charges under some of these heads. We have added, too, a provision of one lakh of rupees for the supply of iron cots and mosquito nets. These various items have increased the provision under this head, but the total provision is less than that which the Council passed for the current year.

The Civil Works budget further provides for the three new police schemes—the sanitary improvement of the police lines at Burdwan, the construction of a new section-house at Kalighat, in connection with the operations of the Calcutta Corporation in the neighbourhood of the Kalighat temple, and a new section-house at Bhowanipur to replace the buildings taken over by the Calcutta Improvement Trust in connection with their operations in that locality.

Port and Pilotage.

The Ports and Pilotage budget shows a large increase. This has followed on our acceptance of the recommendation of the Retrenchment Committee in favour of a system of floating Government launches. All these launches, with the exception of the River Police and the Calcutta Port Police launches, have been taken under the administration of the Marine Department, and the provision for upkeep, repairs, etc., of these launches has been consolidated under the main head of Ports and Pilotage and excluded from the departmental budget under which they have hitherto appeared. The increased provision under this head is therefore accompanied by corresponding deductions under the departmental heads. This increase tends to economy and we hope that after a year or two this provision may be even less than that which we have made for 1924-25.

So far the heads with which I have been dealing, with the exception of Registration, appertain to the Reserved side of Government.

Transferred Department.

I now come to the Transferred side and I have no doubt Hon'ble Members will be keenly interested in knowing what provision we have made to meet the wants of what are often called the nation-building departments whose activities have been so far circumscribed by our financial difficulties.

Education.

The expenditure on Education has increased steadily. From Rs. 1,07,59,000 in 1920-21 it has risen to Rs. 1,24,21,000 in the current year. Next year the provision is Rs. 1,22,86,000. This is somewhat less than that of the current year and the decrease is the result of two factors—one, the non-repetition of the grant of Rs. 3 lakhs to the Calcutta University during the current year; the other retrenchment effected in Government secondary and primary schools. With these exceptions, the provision for 1924-25 is in almost every minor head in excess of that of the current year. From our surpluses we have made grants on the reserved side of the budget to St. Scholastica's School, to the La Martiniere School and the Dow Hill Girls' School, while under Civil Works we have provided for a new building for the Darjeeling High School, for minor works at the Victoria Boys' School and Dow Hill Girls' School at Kurseong, and a new boarding house attached to the school at Rangamati in the Chittagong Hill Tracts.

On the Transferred side, we have made provision for a capital grant to the Diocesan College, for the duplication of classes in the Ashanullah School of Engineering, and for a playing field for the same school. Under the Civil Works head, money had been allotted for new Guru training schools of an improved type—on the completion of which many of the existing unsatisfactory schools will be abolished—and for additional accommodation for the Rajshahi College. The scheme for the establishment of the David Hare Training College at Ballyganj will be proceeded with and the Muhammadan members of the Council will doubtless be glad to hear that in the coming year the establishment of the Muhammadan Arts College will be put in hand.

Medical shows increased expenditure. One of the main items of interest under this head is the Mymensingh Medical School, and we have made provision so that this school may be opened on the 1st July next. For the extension of medical relief to rural areas a sum of Rs. 1,15,000 has been included. This is a lakh over the sum which has been made available in the last two years for this purpose. In the Civil Works budget provision has been made for improvements in the Dacca Mitford Hospital and for the construction of nurses' quarters in the Presidency General Hospital.

Public Health.

Public Health has also shared in the distribution of the available resources. It is intended to make grants to the Berhampore, Midnapore and Suri municipalities to enable them to improve their water-supply, while a sum of Rs. 50,000—which will be recurring—has been allotted towards schemes for improvement in rural water supplies. A further item of a recurring character is that of Rs. 25,000 for maternity and child-welfare work. A special provision of Rs. 25,000 has been made for vaccination work in view of the possibility of an outbreak of small-pox next cold weather and Rs. 33,000 has been budgeted for the sinking of tube wells. Half a lakh of rupees has been included for anti-malarial measures and a similar sum for an anti-kala-azar campaign and sixteen thousand rupees for anti-choera work, while the provision for quinine grants to local bodies has been increased from Rs. 60,000 to Rs. 1,20,000.

The adoption of certain of the recommendations of the retrenchment Committee in regard to agriculture account for the reduced expenditure under this head, but there is provision under Civil Works for further development. Two new district farms, one at Mainaguri in the Jalpaiguri district and one at Dinajpur, and a veterinary hospital at Dacca, constitute the main schemes of the Agriculture Department for the next year.

In the Industries Department there are two new schemes: the erection of a small demonstration factory in the Sreerampur Weaving Institute, and the construction of a permanent building for the Survey School at Mainamati in the Tippera district.

Civil Works.

Under Civil Works, the only scheme peculiar to the Public Works Department is the construction of a bridge over the Balasun River on the Matigara Naxa-bari

Road. Since I addressed the Council last year, we have completed the removal of our Press from Writers' Building to Chetla, and the Press is now in full working order. If any member desire to see an up-to-date Press of the finest type, he will be welcome by the Superintendent and shown round.

The matter which we now have under consideration is the shifting of the Book Depot to the Press. Meanwhile the Controller of Printing and Stationery, Government of India is overhauling the whole procedure and system in the Stationery Office and we are awaiting developments before pushing on with our proposed scheme of separation. But even as it is, our Stationery and Printing budget shows a decrease in 1924-25 as compared with that of the current year.

By the move of our Press to Chetla, a lot of space has been set free for our offices in Writers' Buildings and offices which have hitherto been occupying rented buildings, are now accommodated in Writers' Buildings. By this move we expect to save an annual charge of about Rs. 75,000.

New Scheme

Such is a brief outline of the proposed new schemes and of some of the more noticeable variations in the budget as compared with the current year. This new expenditure amounts, as I have said, to Rs. 85,89,000, and we have managed to include this in the budget without the necessity of drawing on our advances. By this new expenditure, we are committed, however, to drawing on our balances in the future, since many of the schemes will only be begun in the coming year and further expenditure will be necessary on them in future years. As I have already mentioned, we have embarked on a programme of new works estimated to cost Rs. 88 lakhs, so that about 50 lakhs or about half our surplus balances will be required for expenditure in later year. That we have been able to incur this expenditure without drawing on our balances next year is due to two causes: firstly, the improvement in our revenues; and, secondly, reduction in expenditure. I have already shown how our revenues are increasing. The excise revenue is increasing and we are securing, though gradually, the benefit of our new taxation. Leaving out of account loan and capital transactions, our revenue which was Rs. 8,94,51,000 in 1921-2, and Rs. 9,85,39,000 in 1922-23, is estimated to be Rs. 10,22,01,000 in the current year and Rs. 10,39,28,000 in 1924-25. Of the difference between the figures of 1921-22 and 1924-25, Rs. 56 lakhs represent the increase in our stamp revenues and Rs. 12 lakhs the receipts from the Amusements Tax. It is not so easy to compare the progress of expenditure as the figures are complicated by adjustments as between capital and revenue. Thus there was a large expenditure in 1921-22 on dredgers which was subsequently adjusted to capital, while there was an adjustment as regards income-tax and there was of course the contribution to Central Revenues. In 1922-23, the expenditure amounted to Rs. 9,51,64,000 but this again included a large adjustment as between Capital and Revenue, by which the revenue expenditure received a large credit from the capital account. It will be seen, however, from a comparison of the revised estimate of the current year with those of 1922-23—leaving aside the irrigation heads in which these adjustments have been made—that there has been during the current year a general increase in expenditure. Education is a noticeable exception. This indicates to what extent retrenchment has been made. I do not propose to deal now with the recommendations of the Retrenchment Committee. The decisions of Government on these recommendations were placed before the Council, and I propose to place in a few days before the Council an up-to-date statement of these decisions. It is difficult, however, to refer to any particular head and say how much represent actual retrenchment in the current or even in the coming year. The difficulty arises from the fact that retrenchments could not be given effect to all at once—in many cases it will take time to give full effect to the recommendations, particularly in the case of establishments.

On February 19th. the Council met to discuss non-official resolutions.

Dr. H. W. B. MORENO moved that the Calcutta Rent Amendment Bill 1924, to prolong the old Act, be referred to a Select Committee. This was intended to perpetuate the benefit which tenants enjoyed under the last Rent Act passed for 3 years which was shortly to expire. He remarked that it affected Europeans, Anglo-Indians and Indians alike. He understood that among his Swarajist and Nationalist friends the intention was that if the scope of the Bill was reduced so as to include only rents from Rs. 300 or Rs. 250 or 200 downwards, they would have no serious objection to the Bill.

Mr. H. Burton, Mr. C. Forester and others strongly supported the motion.

The Hon'ble Mr. FAZLUL HUQ sympathised with the difficulties of the tenants. The Government were aware that there had been sufficient activity on the part of landlords to build houses which would go a great deal towards the solution of the problem. Besides the Committee which had already reported, other Committees would be appointed to deal with the problem and in the end the problem would be solved. In the meantime the law of supply and demand should adjust itself. In the circumstances the Government did not think that the mere continuation of the existing Act on the lines suggested would very much serve the purpose in view. Therefore Government felt constrained to oppose the motion.

Babu Sailaja Nath Rai Chowdhury moved as an amendment to add five more names moved by Dr. Moreno for the Select Committee.

Dr. Moreno accepted the amendment which was carried.

The motion was declared carried against the Govt. A division was demanded, the result showing that 90 voted for and 25 against the motion.

Abolition of the post of D. P. I.

Babu J. N. BASU moved: "This Council recommends to the Government that the post of the Director of Public Instruction, Bengal, be not filled on the post becoming vacant by reason of Mr. Hornell's retirement or departure on leave."

Mr. Fazlul Haq, the Education Minister, in opposing the motion said that the post had already been filled up. Mr. N. C. Chunder, Dr. B. C. Roy and Moul. Nurul Huq supported the motion, while the European members opposed it. The motion on a division was declared carried, 70 voting for and 50 against, Govt. being again defeated.

The Meston Award.

Babu S. N. ROY moved that the proper authorities be approached with a view to the readjustment of the financial relations between the Central Government and this Government on a proper and equitable basis. He referred to the Hon. Mr. Doland's remarks in this connection in introducing the Budget, and said that since 1920 they had been fighting against the Meston award. The attempts of the Govt. of Bengal to see justice done to it had no doubt met with some consideration. That was, however, temporary. The result of the Meston award, as modified by the Joint Parliamentary Committee, had been that Bengal with an income of over 30 crores had got only about 10 crores to itself while a minor province like Behar had a good surplus to carry on

improvements in the Transferred Departments. It was, therefore, necessary that they should agitate till justice was done to Bengal.

Hon' Mr. J. DONALD said that the attitude of Government towards this question was well-known. They had been fighting the Meston settlement ever since it came into being and they were going to fight it until justice is done to Bengal. It was only by temporary relief from their contribution that they had been able to keep their heads above water. Year after next they would have to pay their contribution of 63 lakhs and unless this settlement was revised they would not be able to progress. Even then the taxation they imposed three years ago would all be swallowed up in paying their contribution. It was never intended that their taxation should be merely to make up the difference between their revenue and expenditure. It was intended and hoped that this taxation should be for development and progress. He had under preparation a note on the subject and as soon as it was printed he would be able to put all members in possession of the history of this question. He had much pleasure in accepting the resolution.

The resolution was unanimously adopted.

Amendment of Devolution Rules

Dr. PRAMATHA NATH BANERJEE moved that "early steps be taken to move the proper authorities to amend Rule 6 and Schedule 11 of the Devolution Rules so as to include, in the list of Provincial subjects for Transfer in Bengal, all subjects except Land Revenue Administration, European and Anglo-Indian Education and Local Fund Audit."

Dr. BANERJEE said that the essential feature of the administrative system which had been established by the Reforms Act was that the Government was divided into two halves and these two halves were responsible to two different sets of authorities, one half being responsible to the Governor-General in Council, the Secretary of State in Council, the British Parliament and ultimately to the British people, and the other half through the local legislature to the local electorate. It was this hybrid character of the constitution that was answerable for many defects and anomalies. One of the serious defects of diarchy was that there was no unity of purpose in the Executive and this defect led on to another anomaly, namely, want of harmony, for how could there be harmony in a system in which the two halves pulled in different directions and where there was conflict of aims and ideas and violent clash of principles? Diarchy or dualism was an artificial system, a system which was not to be found anywhere else in the world, a system unknown to history and it was this artificial character of the system which created a situation that was at once full of complexities and difficulties. Ministers in diarchy were in the very outset of their career placed on the horns of a dilemma. Were they to discharge their duties according to the dictates of their conscience and interest of the country or follow the lines of least resistance? If they chose the former alternative, that would conduce to neither welfare nor peace. If on the other hand they preferred the other alternative, they would fail in their stewardship and were liable to be dismissed by their masters at the earliest opportunity. The plight of the late Ministers was an example to the point.

The Government of a province was one and indissoluble, the different parts being closely interrelated. Under the present system they had a division into water-tight compartments and the division was so illogical that one failed to understand the motive of this division. Neither the members of the Executive Council nor the Ministers found themselves strong enough to adopt a bold line of policy. In Bengal, it was stated, that an attempt had been made to work diarchy as a united system but with what measure of success they all know. The fault lay in the system and the only way to remove it was to change it.

Another defect of the present constitution was that it hampered the growth of a sense of responsibility. The powers of the Legislative Councils had been circumscribed in various ways with the object of safeguarding the interest of the reserved subjects. There was even less scope for a sense of responsibility being developed in the Ministers. The position of the Ministers under the present circumstances was unenviable. They were neither of the people nor of the Government. They were to look both ways and as a result they were distrusted by the Government and looked upon with suspicion by the people.

Diarchy—Its Demoralising Effect.

The worst effect of the present system was that it ended to demoralise the public life of the country. It might happen that the Ministers who did not enjoy the confidence of the Council might seek to maintain themselves in office by the undue exercise of patronage by pampering to the prejudices of the reactionary element of the Council. Responsible Government under such circumstances became a Government by intrigue. In this connection Dr. Banerjee referred to the experiences of Mr. Madhusudhan Das in Bihar and Orissa, Mr. Chintamani in the U. P. and Dr. Paranjpye in Bombay.

Proceeding Dr. Banerjee said that when the Reforms Scheme was in the Legislative anvil, it was condemned by the Congress but the Moderates pledged themselves to support it and in order to do it they broke away from the Congress. And what was the opinion of these gentlemen after three years of experience? The Right Hon'ble Mr. Srinivas Sastri and Sir Tej Bahadur Sapru condemned the system of diarchy as only productive of friction. The cry that diarchy was unworkable came not only from a particular quarter but from all quarters. The question was what would be the substitute. Some suggested return to the old order of things, and if he were given the choice of evils, he would prefer honest autocracy and pure and unalloyed bureaucracy to the present system.

But India had already started on the road to Swaraj and it was not possible for the Government to stem the tide of Indian nationalism. They must go forward. In other words diarchy must give place to a more advanced system. How was this to be done? By a revision of the Act of 1919. It was provided in the Act that the Devolution Rules could be altered by the Governor-General-in-Council with the consent of the Secretary of State. What he wanted was the amendment or amplification of the Schedule. He wanted the transference of all provincial subjects to the Ministers excepting the three mentioned in the Resolution.

Police—An Engine of Oppression

The most important subjects being Police, Administration of Justice, Prison and Prisoner, Control of Newspaper, Development of Industrial

matters etc. These subjects were intimately connected with the people. Indian public generally regarded the police as an instrument in the hands of the Government to oppress the people. This view might be right or wrong, but the feeling was there. It would be only when the department of police was made over to the Ministers that the distrust would cease and the antagonism between the police and people would disappear. If this resolution was accepted and given effect to, the Executive Council might be entirely dispensed with. The Government would no longer be divided into two halves and the Ministers would be less hampered in their work. They would feel the responsibility of their position and there would be little scope on the part of the Governor to exercise the power of certification. Without the Executive Councillors the Governor would become a real constitutional ruler.

The House then adjourned till the next day.

Next day, FEBRUARY 20TH, on the Council reassembling, the discussion on Dr. Pramathanath Banerjee's motion was resumed.

Babu AKHIL CHUNDER DUTT who wanted to move an amendment did not do so on second consideration. He said that although he supported the resolution he did not do so with much pleasure because it fell far short of the demand of the nation. Only the other day they passed a resolution in the Legislative Assembly which showed that they wanted Swaraj, absolute autonomy or complete responsible government. That resolution was supported by Swarajists, Independents, Nationalists and Moderates. This showed that the nation wanted a change of the constitution. This resolution proposed to proceed very slowly within the Act. There was, said the speaker, much difference in the demand formulated in the Assembly and that made by Dr. Banerjee. In the Assembly they wanted a change in the Act, but here they wanted a change in the Rule. He wanted to move an amendment, otherwise they would be misconstrued by others. He did not know why Dr. Banerjee selected 49 subjects and not 52. It was doubtful whether, under the existing Act, all the subjects could be transferred or not. As it was not free from doubt he supported Dr. Banerjee's resolution.

Continuing Mr. Dutt said that there had been confidence in the Ministers with a vengeance. So far as Government was concerned the Ministers had co-operated. It was only proper that some more departments should be given to the Ministers. If, on the other hand, the Government had no confidence in the Ministers, the way open to them was to support the vote of no-confidence. It was natural for Government to object to parting with powers. It was equally painful for the Indians to part with their powers.

Khan Bahadur M. MASHARRAF HOSSAIN, in opposing the motion, referred to some appointments given to the Hindus by the Hon. Sir Abdur Rahim. The Khan Bahadur then made some insipid remarks as to the resolution being inspired by personal and racial feeling.

The PRESIDENT remarked that he could not help feeling that the hon. member was reading out parts of his speech intended for another resolution!

Khan Bahadur Maulvi CHAINUDDIN could not very well praise the wisdom of Dr. Banerjee in moving the resolution. Diarchy could

neither be ended or mended without altering the Act or the rules made thereunder and that could only be done by the Secretary of State and the British Parliament.

Mr. A. C. BANERJEE in supporting the resolution remarked that it was their inalienable right to govern themselves in all departments.

Messrs. Debiprosad Khaitan, S. N. Roy, Nural Huq Chowdhury & Rai Harendra Nath Chowdhury then further supported the motion after which

Sir Hugh STEPHENSON on behalf of Govt. rose to oppose it. He made a long tirade on rules under the Reforms Act which Government had done their best to put into action but the Service men who had done so much for them had not got that trust in that Council which would enable them to face the change contemplated in the resolution! If given effect to, it would mean complete dislocation of the Govt. and, he asked, was the country united? Were they trained enough to shoulder self-government immediately? Would not there be a tyrannical oligarchy or autocracy? And so on.

The Voting

Eventually the motion was put to the vote and on a division declared carried, 71 voting for and 49 against it.

THE NO-CONFIDENCE MOTION.

Great interest was created in the Bengal Council on the 20th February when what was in effect a "No-Confidence" motion on the Ministers was discussed. It should be remembered that notice was given of such a resolution but it was ruled out of order by the President in his communique of the 18th (see p. 393). But the opposition did not leave it there and on the Council reassembling on the 20th.—

Kumar SHIBSEKHARESWAR ROY rose and said: I move for the adjournment of the business of the Council for the purpose of discussion of a definite matter of public importance, namely, the recent action of the Ministers as evinced by their disagreement with 76 members of the Council in the matter of the resolution passed by the Council in January 25, 1924, regarding the release of political prisoners detained under Regulation III of 1818.

The PRESIDENT observed that he had given his written consent to the motion for the adjournment of the House and His Excellency was pleased to give his consent to it. But they must have the consent of the House. The President then asked the members who were in favour of the motion to stand. After counting the number of those standing on one side of the House the President said that the requisite number of members having risen the motion was carried and he fixed 5 o'clock for the discussion of the motion.

The Ministerialists tried to exploit this affair by rousing Hindu-Muslim communal antagonism as in the Punjab. Shortly before the Council began its proceedings, a number of Mahomedan boys came in a procession at the Town Hall with placards containing warning to the Mahomedan members not to run the risk of falling in with the endeavours

of some of the Hindu members of the Council to break the Ministry composed of Mahomedan gentlemen. During the course of the proceedings a large number of leaflets containing a similar appeal was freely distributed amongst the Mahomedan members asking them "to save the Mahomedan Ministry and not to be wiled away by the camouflage and guise of their bitterest enemies." At the same time there was going on a vigorous canvassing in the lobby in which a Mahomedan gentleman said to be a high Govt. Official took a prominent part. Kumar Shibeekharieswar launched his motion in a more or less apparently tranquil atmosphere and a lively and interesting debate followed, in the House sitting on adjournment at 5 P.M., after Mr. Banerji's resolution had been disposed of, in which the Oppositionists had the greatest part to play. The Hon'ble Mr. A. K. Ghuznavi, the first Minister to speak, questioned the fairness of such a resolution when they had not been yet given the chance of winning the confidence of the members but was met with a prompt retort from Mr. J. M. Sen Gupta. The Hon'ble the Maharajadhiraj of Burdwan believed that underneath the resolution was the beginning of a programme of obstruction of everything, but this too was met by cries of "no no, absolutely false, etc." Then came the turn of the Hon'ble Mr. Fazlul Huq who showed a great deal of fight and was heckled at every sentence by Swarajists and Independents alike and had to sit before he could finish. The Hon'ble Minister boasted of his courage of conviction in opposing the resolutions regarding the release of political prisoners and repeal of repressive laws and was only greeted with cries of 'shame, shame' in return. He questioned the representative character of the Swarajists because he thought the Congress was not at their back and because he felt that Swarajists had abandoned Non-co-operation.

Kumar SHIB SHEKHARESWAR ROY said that it was positively painful to him when he felt called upon to condemn those for whom personally he cherished the warmest friendship and from whom, in view of their past achievements, their countrymen were expecting so much. And it was still more sad that the very first public performance of the honourable Ministers should have left them discredited before those in the Council whose confidence they were enjoined to have, and the fate of one of them at the recent polls (referring to Mr. S. N. Mallick, Minister, defeated at a bye-election) sufficiently declared the feelings of their countrymen. He then referred to the Royal Instrument of Instructions which required the Governor to encourage the habit of joint deliberation so that the knowledge of the Ministers as to the wishes of the people might be at the disposal of the Executive Councillors, and which further required that in considering the Ministers' advice due regard should be paid to their relations with the Legislative Council and to the wishes of the people as expressed by their representatives therein. By the attitude of the Government during the discussion on the release of Regulation III prisoners, it was clear that the Government had arrived at a distinct conclusion after a joint deliberation. In the circumstances they must either conclude that his Excellency's Ministers' advice had not been followed or that they had agreed *in toto* with the ~~advice~~ half of the Government, and, in the latter event, had either failed in expressing or were wrong in expressing the wishes of the people. The last surmise was proved correct and became a certainty in the attitude of the two Ministers present who openly walked into the "Nay" lobby

with only five Indian elected members to keep them company, while the rest, namely 76 voted the other way.

In the circumstances, how could they with any or least semblance of reason, aspire to do their primary duty, namely, to express the wishes of the people? Continuing, the mover said that just as the ordinary members in the Council had no right to their individual conscience, but must enthrone the wishes of their electors in its stead, so the Ministers could not have any individual will but must bow down to the wishes of the majority of the members, and if they did not, the members could no longer have any confidence in them. To them the Ministers stood dismissed and discredited, stick though they might during his Excellency's pleasure, if to his Excellency it did not appear as a negation of all responsible Government.

The Hon. Mr. GHUZZAVI in the course of a lengthy speech said :— We have been entrusted with the administration of certain Transferred Subjects. We have scarcely have time to unfold our policy, much less to show by working out that policy whether we are able to discharge our duties to the satisfaction of the House when without a hearing, without a trial, it is proposed that a vote of censure should be passed on us. Or is it because suspicion lurks in the minds of my friend opposite that we do not share their views as regards the attainment of 'Swaraj'? Speaking for myself I can say that I yield to none in my desire to see my country occupy her rightful place in the Valhalla of Nations. The only difference is the methods we are pursuing to achieve that end. It seems to me at present that three methods are being employed to gain that object. There is evidently a section whose methods tend rather towards the disturbance of this country's tranquility than the restoration of this country's liberty. They are so microscopically small that we can leave them out of consideration. Then there is a section who are so impatient that they wish to reach the top of the roof by one long jump without caring to pause whether in that process they would run the risk of coming to grief. Lastly, there is a third section who are equally desirous of reaching the roof as fast as they can but are convinced that it can only be done safely and surely by going up the steps. The Hon. speaker was of the last section, and evidently he wanted to go slowly up the steps!

The Hon'ble Mr. FAZLUL HUQ then rose amidst the applause of the House and from the very beginning made a fighting speech denouncing his opponents at every turn. He congratulated the mover of the resolution for the notoriety that he had attained by the launching of such a resolution. He offered the mover his further congratulation because he found that in this case the promptings of patriotism had miraculously coincided with intense selfish interest (cries of order, order). He agreed with the mover that they should pause and consider the grave situation not because some Ministers or members had voted in a particular way but because there were indications on all sides of a huge conspiracy to stifle liberty of every kind (question, question). It was neither the time nor the occasion to dilate on that but God willing, although he might not remain a Minister, he would remain a member of the House and so long as he was there he would challenge any one of the other side to say to the contrary when he said—and he would prove it to the

hilt—that terrorism of the worst type was rampant. They wanted of majority votes. But they all knew how that majority was obtained. Let there be a vote by ballot and he would resign the very moment if by vote by ballots it coincided with what had happened.

Mr. Das—We accept it. We accept the challenge.

Proceeding, the Hon'ble Minister said in all seriousness that if such a state of things were to continue in place of a white bureaucracy which they were out to turn out they would have an autocracy which would stifle away their liberty. Referring then to the position the Ministers took in connection with the resolutions regarding the repeal of the repressive laws and the release of political prisoners, the speaker said that after all that was a matter of expression of opinion. It was an expression of opinion that they held.

Mr. Bejoy Krishna Bose—Since when?

To which there was no reply. Continuing, the Hon'ble Minister said that they voted with the Government because they thought that the course they adopted was right (*cries of hear, hear*). They voted in that particular way because they had the boldness and the courage of their conviction (*cries of hear, hear*). They knew what it would cost them. (A voice—Rs. 64,000)!

They knew, continued Mr. Huq, that such a resolution was coming. They knew that their position would be threatened. He said he was exhibiting his candour all the time of which he need not be ashamed of (*cries of shame, shame*.) They voted because they considered the case proved. According to the Evidence Act a thing is said to be proved when a man considered a thing to have existed—he would act in the supposition that it existed.

Mr. Das—May I point out that it is not a correct quotation. Has the Hon'ble Minister the right to quote a section of the Evidence Act incorrectly? He has left out the word "prudent."

Mr. Huq—It is 25 years that I have handled that Section.

Mr. A. C. Banerji—He is citing a section of the Evidence Act and giving illustration from his own opinion.

How often had not they heard, went on Mr. Huq, that unless a verdict was given in a particular way, that was characterized as a sham—that the judgment should be flouted, unless the decision was in a particular way. (Mr. Das—Beautiful)!

Another reason, continued the Hon'ble speaker, why he voted against those resolutions was that they were a part of an elaborate programme with which he did not agree. That was meant to be a signal for direct action. Since he did not agree with that programme he thought justified in withholding his assent and approval to it in the initial stage. He realised that there was a sinister background looming large behind.

Mr. Das—Is the Hon'ble Minister entitled to use that expression 'sinister'?

The President—The word "sinister background" is particularly a parliamentary expression.

Continuing, the speaker said the Swarajists said that they were in the right. The speaker would say that they the majority were in the right. The Swarajists were actually in a minority in entering the Council.

Mr. Das—Who says that? I rise to a point of order. Has the Hon'ble Minister the right to misquote facts?

The President—What are the facts?

Mr. Das—The fact is that we are in a majority.

The President—You must not expect me to discuss matters about election. I know nothing about it.

The Hon'ble Mr. Huq then continued. He was glad that the great 'leader of the Swaraj movement' had pointed out to him the question of votes and on that the speaker was willing to meet him. There were on the electoral rolls, said he, 1,44,754 votes, out of which the total number of votes polled was 35,754 which was only a fraction of the whole electorate.

Mr. Palwan—How much you scored?

The President :—Order, order; the Minister must get a hearing. Resuming, Mr. Huq said, surely even in a law court a prisoner is heard.

A voice—Is the Minister a prisoner?

The Hon'ble Minister continued that even in the "Satanic" Court of the "Satanic" Government, Gopinath Saha was given the liberty to be heard and to enter into his defence in a regular trial! He said that the Swarajists did not represent the views of the Congress.

A Swarajist member—I have got newspapers to contradict him.

Mr. Huq said that they had at least ceased to become Non-co-operators. Babu Anil Baran Roy admitted the other day, he said, that they had suspended non-co-operation and therefore they had ceased to represent the people of this country. (*derisive cries of hear, hear.*)

The Voting

The heckling now became intense. At 7-17 P.M. it was moved that the question be now put. The President declared the motion lost but a division was demanded and taken with the result that 63 voted for and 64 against the motion.

The President: The motion is therefore lost. The period of two hours having lapsed the debate automatically closes.

The result was that by a stray majority of 1 vote the original motion, which was virtually one of "No-confidence" on the Ministers, was defeated. On an examination of the members who voted for and against the closure motion some interesting facts come out. Out of the 64 members who voted against the motion all the nominated officials and non-officials together with 4 members of the Executive Council making the full total of 27 were present and voted against the motion. Only 38 elected members voted against the motion; of these 15 were Europeans, 17 were Mahomedans and 4 were Hindus. One elected European member was absent. So that a majority of the Indian elected members voted for the motion, the Swarajists and Independents voting solid for it.

Bengal Budget—General Discussion.

On February 26th the Council met for a general discussion on the Budget for the year 1924-25. The proceedings began in a very thin House which became thinner till after about two hours' discussion. Babu Hemanta Kumar Sarkar pointed out to the President that the proceedings could not go on any further as the members present hardly formed a quorum. The president counted the number and the members present were found to barely form the quorum and the discussion continued for a few minutes. But again when the members had re-assembled after the fifteen minutes' adjournment for *Namaj*, Babu Bejoykrishna Bose drew the President's attention to the extremely thin attendance and the President adjourned the Council for want of a quorum till 3 P.M. the next day. Most of the non-official Europeans, a few of the officials and some of the Nationalists were absent, and even of the members present very few took part in the discussion. In all about fourteen non-official members participated in the discussion, the officials remaining silent or indifferent all the while. All the speakers condemned the budget as defective and the Swarajists condemned it wholesale. Babu Sudarsan Chackerverty was the first to speak. Next rose Rai Bahadur S. N. Roy, followed by Mr. W. L. Travers who speaking on the Police grant deplored that the travelling allowances of officers had been cut down to such an extent that it interfered with the prevention of crimes! Despite the Finance Members ingenuity, observed Babu Barada Prasad Dey, in showing a surplus budget, closer scrutiny showed it to be a deficit one. Mr. Nurul Haq Choudhury characterised the revenue accruing from *Excise* as "blood money"; yet another condemned the expected increase in the revenue from *Stamp* and *Excise* as leading to the demoralization and decay of the people. But the chorus of complaint was that the Government did not find sufficient money for *medical aid*, *drinking water* and *primary* and *secondary* education. Mr. (now Sir) P. C. Mitter made a frank confession of how he was foiled in his attempt to improve matters educational while he was in office as the Education Minister. But what could the 'poor Minister' do, wailed he, without money! Without divulging official secrets he gave out that he tried his level best but the irresponsible Secretary of State and his local agent, the Finance Member, "stood in his way." He found not a rupee to spend on any urgent necessities of the Province. And if this state of things were to continue, the threat he held out was that there would "hardly be any co-operators left which could but lead to one result—obstruction, obstruction, obstruction." And if there be obstruction followed by revolution, who would be responsible, asked he. Certainly the responsibility would be of the Secretary of State. But amid peals of laughter in which the whole House joined, the ex-Minister refused with an emphatic 'No' the invitation of an audacious Swarajist to come over to their side. Mr. Nurul Haq Chowdhury following him wanted to know what the ex-Minister had done in regard to the recommendations of the Retrenchment Committee which had provided for more cuts in the Education Department than in any other. This apparently non-plussed the ex-Minister. Babu Umesh Chandra Chatterjee, the grand old member from Bishrupur (Bankura), requested the members to refuse the budget wholesale as he was

opposed to any grant for the police or the army because they were not meant for the protection of the people but for their exploitation and for the protection of British trade and commerce. Continuing, Mr. P. C. Mitter said that finance was a reserved subject and he was afraid he could not congratulate the Hon. the Finance Member, more so to whom he was responsible, the Government of India and the Secretary of State. He proposed to prove the irresponsibility of the Secretary of State and the Government of India and their local agent, the Finance Member. It seemed to him that this irresponsibility ran not merely in this budget but in the budget of the last two years and it was time that this irresponsibility should cease now. The Finance Member and the Government of India should take a wider view of things than that of merely Rs. Aa. P. There must be statesmanship and if that failed there was no doubt that the Finance Member could not but expect exasperation from all sections of people of the province, seeing that according to his own figures during the last three years this province had increased its resources by 2½ crores of rupees, and yet, what was the position? Not a rupee to spend on the necessity of the province. To his own mind there was not real difference between the Transferred Department and the Reserved Department. He laid down one rule for expenditure, namely, public good.

Mr. Mitter then went on to quote figures to show the increase in revenue from the last three new taxations and other resources and said that yet they were threatened with an imposition of sixty-three lakhs. If that was so, the responsibility would be the responsibility of the Secretary of State, the Government of India and their local agent were the Finance Member. If they wanted to run the province smoothly, then the Finance Member should protest against it. He might have protested from inside the Government, but that would not do. The Finance Member should take the Council into his confidence in this matter. The Finance Member was no doubt responsible to the Secretary of State, but as a member of the Executive Government of Bengal he had a duty to the House and to the people of Bengal, if he did not pay more attention to the real needs of the people. Education was one of the most vital subjects of the country and whatever the politics of the different people might be, all sections of the community, co-operator or non-co-operator, demanded more money for education (*hear, hear*). There might be difference in the method also how the money would be utilised, but there was no difference in the object. Referring to the question of primary education, Mr. Mitter said that the present expenditure of the Govt. for primary education was a crying shame (*hear, hear*). When he was a member of the Govt. he protested against it but his voice was a cry in the wilderness (*cries of hear, and laughter from Swarajist benches*). On the question of secondary education and better pay of the poor teachers he tried his level best to improve the existing conditions, but the irresponsibility of the Secretary of State stood in the way and he could not succeed in doing much in this direction. There was no province in India, he might say, there was no country in the world, where in the question of secondary education people had shown more self-help than Bengal. In this direction the contribution of the Government per head was Rs. 4-12 whereas the contribution from private sources was Rs. 24-5. In this connection Mr. Mitter quoted figures to show that in other provinces the contribution of the respective Governments was higher than that of

Bengal. The bulk of the teachers in the schools of Bengal received salaries which varied between Rs. 22 and 24. One could not keep a decent *cheprasi* on that salary. How could they solve the problem of secondary education of a province if they paid graduate teachers at the rate of Rs. 24 a month? So long as the Finance Member was to look to Parliament for guidance, it was his duty to convey to Parliament that this kind of things would not do. If they (Government) went on in this way, hardly any co-operator would be left. Speaking for himself he would go on co-operating because he considered from the point of view of the interest of the country that it was more important to be on good terms with Great Britain, because he believed in Dominion form of Self-Government, and Dominion Self-Government required good will between Great Britain and India. But at the same time he would never spare criticising those who would act in an irresponsible manner, however high their position might be. If this state of things continued, it would lead to only one result, namely, obstruction (*hear, hear*). If there be obstruction followed by revolution the responsibility would be the responsibility of the Secretary of State.

Next day, February 27th., the adjourned discussion on the Bengal Budget was resumed. The attendance was again thin. But the Nationalists presented themselves in numbers larger than on the previous day, the non-official European block remaining almost empty. The House again had to adjourn for want of a quorum half an hour before the usual time. Of the fourteen speakers that took part in the day's discussion, more than a dozen represented the Swarajists and the Independents. The officials looked a little bit alert and even the Hon'ble the Maharajadhiraj of Burdwan who felt sleepy in the early part of the proceedings tried to shake it off and look awake.

The proceedings had a dull beginning but no sooner had the first speaker Syed Sultan Ali, who was in possession of the House when the Council adjourned the last day, had finished his say the interest of the House, especially of the Swarajya members rose to the highest pitch when Professor (now simple Mr.) S. C. Mukerji, the Govt.-made representative of the Indian Christian community went out of his way and made some uncalled for remarks against the Nationalists. Some of his stupid remarks denouncing his countrymen gave occasion to considerable heckling and amusement, and amidst the derisive laughter of the House, he had to sit down. Babu Bejoy Krishna Bose following close congratulated himself on the advantage he had over Mr. Mukerji because (Mr. Bose) would not have to speak on the Budget with an expression of "continued fidelity" to the Government. "Not until the Budget was made the people's Budget," said Mr. Bose, "it was their clear duty to throw out the whole of it," and not even the "covert threats of the Maharajadhiraj Bahadur of Burdwan or the wild and passionate outbursts of the Ministers" swerve them a hair's breadth from obeying the mandate of the country. Joining in chorus, Rai Harendra Nath Chowdhury observed that no "hackneyed plea of maintaining law and order, no jejune arguments of efficiency" could absolve the Government from their supreme duty of making the nation live and thrive first. Perhaps the most powerful speech of the day was that of Babu Akhil Chandra Dutta. It seemed to him that probably the principle underlying the Budget was the maximum of good to the minimum of people. That was, he said, the story told by the Budget. But, he maintained, that was inevitable "whenever a stranger

plays in the roll of a guardian". But the great panacea of all these evils, he said with great emphasis, was Swaraj. Babu Satkaripati Roy however struck a different note to the many and various criticisms advanced against the Budget. He went straight into the root of the source of revenue and pointed out that about half the estimated total income came from sources the existence of which depended on the vice of the country, viz., *stamp duty* and *excise*, in other words, *litigation* and *wine*. And he asked in all seriousness : would they like to educate their children by intoxicating their fathers and by introducing quarrels among their fellow-countrymen? He could not but ask his countrymen to throw out the Budget altogether.

After a few more aimless speeches the Council adjourned half an hour before time for want of a quorum as before.

Next day, February 28th, the discussion was continued. The most effective speeches of the day were those of Babus Hemanta K. Sarkar, Nirmal Ch. Chunder and Nalini R. Sarkar, who denounced the foreign character of the administration in unmeasured terms amidst the applause of the House. Most of the prominent nationalist members, Dr. P. N. Banerjee, Kumar Shib Sekhaheswara, Major Suhrawardy, Maharajkumar Nardy, Babu S. N. Roy, and the ex-Minister Nawab Nawab Ali Chowdhury spoke. The latter, in a weighty pronouncement, said that when he compared the amounts granted for some of the items of the Police Department with those of the Transferred Departments, he could not but feel a sort of astonishment as to how the Nation-building departments on which the welfare of the people mainly depended could be shown so much in difference. If this sort of thing continued, he said, it would only make it a point of paramount necessity of having a joint Financial Secretary to look after the interest of the Transferred Departments. There could be no surer way of making the Ministers unpopular than by limiting the scope of their usefulness by withholding money for schemes likely to benefit the masses. The whole of the agriculture development programme had been held up for want of funds and he must say that their work of years would go for nothing if funds were not found to proceed with the projects of the development programme.

On February 29th, the general discussion on the Budget came to a close. The most important speech on this day was of Mr. C. R. Das, the leader of the Opposition, who laid down a definite constructive programme in reply to a challenge of the Government that the Swarajists and Independents had no programme of their own.

Mr. C. R. DAS said in the course of his speech :—

Sir, It had been said that I am the high priest of destruction in Indian politics. I ask my critics to point out one single instance where there has been a real constructive work without some destruction somewhere. If I am destructive, it is because I want to construct. If I am a non-co-operator, I can assure my friends, it is because I believe in co-operation and I believe that no co-operation is possible in this country unless you start with non-co-operation (*hear, hear*). What kind of co-operation do you expect between masters and slaves? Is such a co-operation possible? My friend, Mr. P. C. Mitter has always been a stout champion of co-operation, but what did we hear from him the other day? He said that at the time when he was seeking co-operation his voice was not heard, he was 'crying in the wilderness'. Well, I do not know whether he realised this fact then or he has realised it now.

It is abundantly clear that if the Government really desires for the co-operation of the people they must respond to the demands of the people (*hear, hear, and applause*). We are not prepared to co-operate where our rights are disregarded and our finances are played with in the manner in which it has been done

for the last one hundred and sixty years. We are charged with mistrust in the Government. But my answer is, it is because the Government has always mistrusted the people. Was it not pointed out by Mr. Surendra Nath Banerji, as he then was, that the 'history of Anglo-Indian administration is strewn broadcast with fragments of broken pledges'? Since the Declaration of 1857—I refer to the Queen's Proclamation—down to the Reforms Act, for our part the history of Anglo-Indian administration has been the history of dead hopes and crushed aspirations. And yet we are asked to co-operate with the Government.

What about the Budget speech to which we listened the other day? We are told that there was a surplus—I am speaking from memory—of about one crore twenty-four or twenty-five lakhs from the new taxes. Dr. Roy pointed out that the Government is promise-bound to show that for the Transferred Department. He has pointed out promise after promise, promises of even His Excellency the Governor and of those who come under him. But those promises have been wholly disregarded. And the other day we were told that this money is not for the Transferred Department—it is reserved for something else.

A Constructive Suggestion

Sir, I will put a constructive suggestion before the Government for the last time. Now, out of this 1 crore 24 thousands—I cannot think of crores and lakhs (laughter)—out of this if you want to waste, waste two thirds of it and leave one third for the Transferred Department. Surely, this is a modest request. Do have it in this way. Borrow five crores at six per cent interest and arrange for a sinking fund with two and half per cent. I think I worked it out in this way. If you spend thirteen and half lakhs for a sinking fund and 18 lakhs to pay the interest, you will clear the whole debt in twenty years; and with the five crores what is there that you cannot do? Spend one crore for technical education in Bengal, spend one crore for primary education, spend thirty lakhs for special Mahomedan institutions (*hear, hear*). Spend thirty lakhs for those who are called the depressed classes—I do not believe that they are depressed classes—they are oppressed classes—oppressed by the Government and the higher classes alike (*cries of hear, hear and applause*). Spend one crore for the development of cottage industry. Spend one crore for weeding out Malaria and Kala-azar, spend forty lakhs for the development of agriculture. You can do this with five crores without any special efforts. You have to borrow this money at 6 per cent and spend one-third—a sum of money the whole of which you are promise-bound to pay towards the Transferred Department—and one-third to pay the interest and one third towards the sinking fund. And I am sure you can better the condition of the people of this Province. But will this be done? I for one hardly hope it will be done. I speak bitterly because we in Bengal feel that our case is a case of lost opportunity and broken promises and disregarded interests.

I make this constructive suggestion for the last time and I want to see how the Government deals with it. You are always referring to the Nation-building departments. I have often been told—"why, you have got Responsible Government, the Nation-building departments." But these so called Nation-building departments were instituted to be starved, the Nation-building departments which are put forward as a pretence of Self-Government, the Nation-building departments which never at any time intended to be worked in the spirit of the Reforms Act. If you are sincere—are you sincere?—I make this constructive suggestion. Let us see how you deal with it.

The Government members then rose to reply. Messrs Ghuznavi and Fazl-ulHuq made lengthy speeches in support of their departments. Sir Hugh Stephenson spoke in great length supporting the Police budget and extolling the services of the Police and how beautifully they maintain 'law and order!'

The Hon'ble Sir ABDUR RAHIM criticised in strong terms the action of Mr. Das and the Swarajists. It had been said by Mr. C. R. Das, he complained, that it was not possible to place faith on Government promises and thus justified himself in rejecting the whole budget. In spite of Mr. Das's sweeping denunciation of the Government, could he frankly say, whatever be the demerits of the administration, that India did not

owe a great debt to the British Administration! But for the British there would have been no peace in India. The British had protected India from internal aggression and external invasion which was an inestimable blessing and so on and so forth!

(At this stage Sir Abdur Rahim was considerably heckled by the Swarajists because of some unparliamentary expressions of his which were highly resented. The Swarajists in protest then withdrew from the Council, leaving a few Govt. members and their supporters to continue.)

The Hon'ble the MAHARAJADHIRAJ OF BURDWAN said that his seven years' experience in the Bengal Council had taught him this lesson that the academic discussion of the budget was getting more and more dreary in view of the fact that the same things were repeated every year. The Maharaja then explained certain items of expenditure in the department in his charge. It had been said that they were spending large sums of money for European education though the proportion of Europeans and Anglo-Indians was very small compared to the population of the Province. It was fallacious and unjust, said the Maharaja, to put the population test in this matter. Their case was special. The majority of these institutions which would be benefitted by the grant were founded and maintained by non-official Europeans and Government was supporting them because it thought it fair and just to do so. Continuing the Maharaja said that certain members had expressed a desire to throw out the budget as a whole. He hoped that in view of what Mr. Das called a constructive scheme they would reconsider it. But Messrs. C. R. Dass and Bjoy Krishna Bose thought that he (the Maharaja) had a natural tendency for intimidation (referring to his threatening speech on the 20 January—see page 400). He pointed out that if any body hated intimidation it was himself. He cherished no idea of intimidation or of assuming the role of a superior person. He had a right as a patriotic Indian to claim for India emancipation step by step and he had no doubt that every Indian and every honest and right-minded European would be willing to help them in it.

After Mr. Donald, the Finance Member, had replied the Council adjourned till the 12th March.

On March 12th the Council met for non-official resolutions. The attendance was full, especially because of a very peculiar and amusing resolution moved by Khan Bahadur Musharaff Hossain proposing 80% of Govt. posts to be reserved for Mahomedans. The resolution was believed to be inspired by the Ministerialists-cum-European clique who wanted to baffle the Swarajists and discredit them in the eyes of Moslems in general and to fan the flame of Hindu-Moslem discussions. After question time,—

Khan Bahadur MUSHARAFF HOSSAIN moved that out of the total number of appointments referred to in the undermentioned table and to be made hereafter by the Government of Bengal, 80 per cent. be given to the Mahomedans of Bengal till the number of Mahomedan officials in each class in the employ of the Government of Bengal becomes 55 per cent of the whole:—(1) appointments carrying a maximum of Rs. 1,000 and over, (2) appointments carrying a pay between Rs. 500 and Rs. 1,000, (3) appointments carrying a pay between Rs. 40 and Rs. 100 and (5) appointments carrying a pay of less than Rs. 40.

A very heated and interesting debate followed in which the Minis-

terialists had ample opportunity of throwing mud at the Swarajist Hindu-Moslem Pact. Some of the Independents too gave vent to their opposition to the pact. For instance.—

Mr. DEVIPRASAD KHAITAN failed to appreciate what really impelled Khan Bahadur Musharaff Hossain to bring forward this matter for the decision by the Council at that stage. So far as the speaker had been able to understand, the Pact was made in order to keep the Swaraj party in a compact form to induce the Mahomedan members of that party not to go out of it (*cries of "Question, question"*). It might be questioned but that was the speaker's firm conviction. That was the basis, he thought, on which the Pact was made. His objection to that Pact was that such a Pact did no good to any party. It was not honest to make a bait like that. It would simply mean that if the Mahomedans were offered better bait by Government they would go over to their side. In that view of the matter he had always thought that such Pacts, whether they be formed inside a Party or inside the Council Chamber, would do no good to any person whomsoever. But so far as the appointment of Mahomedans to Government posts was concerned, they had his fullest sympathy (Hear, hear). He himself belonged to a minority party—a community which he considered to be an oppressed community.

The speaker was interrupted several times by the Swarajists who resented deprecation of the Hindu-Moslem Pact.

Next day, the 13th March, the discussion was resumed. Mr. Nurul Huq Chowdhury, Swarajist, made a humorous speech exposing the hidden hand that was behind the motion. Mr. Jones, the Editor of *The Statesman*, shed a lot of 'crocodile tears', as the Swarajists said, and showed great concern for the Moslems and his special pleading for them evoked the heartiest contempt from the Nationalists. After a few more speeches Mr. C. R. Das moved an amendment.

Mr. DAS in moving his amendment that the motion be adjourned *sine die*, said :—

It seems to me that there is some misapprehension somewhere. On the last occasion when the same resolution was about to be taken up, Khan Bahadur Musharaff Hossain spoke to me and asked me whether I would have any objection to take to any of the general words. I said certainly not. And an amendment was written out then and there and I was told by Babu Jatindra Nath Basu that he had taken it to the President and the President objected to it because a definite percentage was not mentioned.

For those who are ignorant of the Pact, may I read the fundamental proposition and preamble to it :—“It is resolved that in order to establish a real foundation of self-government in this Province it is necessary to bring about a Pact between the Hindu and Mohamedans of Bengal dealing with the rights of each community when the foundation of self-government is secured.” The fundamental idea is to secure the foundation and in order that no misapprehension—no doubts—may arise as to whether it is going to be a Hindu Raj or a Moslem Raj, we lay down in this Pact the share of each community in the self-government which is to come. I think the idea is perfectly clear. As Swarajists we have always been opposed to the way in which the Government deals with our rights. I never for a moment say that the Government is pro-Mohamedan nor are they pro-Hindu. Neither are they anti-Mohamedan nor anti-Hindu. But they are either pro-Mohamedan or pro-Hindu whenever occasion requires it. (Hear, hear) and they do that part of the work with exquisite impartiality (continued cries of Hear, hear). And this is what has been sought to be done. I object to anything to be taken from the Government now either by the Hindus or by the Mohamedans. If we have any self-respect in us I will say this—we will sacrifice everything—we shall stand still until our rights are recognised. One Mohamedan friend of mine observed just a few minutes ago that the

rights of the Mohamedans are to be recognised by the Hindus. May I point out to him—neither the Hindus nor the Mohamedans enjoy anything which may be called a right in this country (Hear, hear). We have no rights. We want to secure our rights.

The Bait

Then, Sir, it has been said that I offered this bait to lure some people. May I point out to those who might have by chance followed my speeches in the newspapers that for the last five years I have been thinking of this great idea and have expressed it and have pointed it out to the country—almost in every province—that the only foundation for self-government is the federation of Hindus and Mohamedans (Hear, hear). And on this occasion the Swaraj members were elected before one word was said about this Pact (Hear, hear). They were all elected as Swaraj members.

I will just read to you what Mr. Abdul Karim wrote. I think the Hon. Members know this gentlemen. He said: "It will be further seen that it was not Mr. C. R. Das who first moved in the matter with a view, as supposed, to court the support of the Mussalman members of the Bengal Legislative Council. On the contrary, the proposal in its inception came from the other party concerned and was developed into its final form after careful deliberations on both sides." Later on: "On my return to Calcutta I had an interview with Mr. C. R. Das at which Mr. Nasim Ali and Srijat Bijoy Krishan Bose were present. I was glad to find that Mr. Das inclined, unlike many of his short-sighted co-religionists, to take a long view of the situation. I called at Mr. Das's house with a draft of the proposed pact, drawn up in consultation with some of the leading Mussalmans. Maulana Abul Kalam Azad, Moulvis Nasim Ali, Wahed Hossain and others took part in the discussion which ensued and lasted for over two hours. As a result certain definite terms were agreed upon." Therefore I think this answers the somewhat foul charge brought against me, that I have had recourse to a pretence in order to get the Mohamedan members of this Council to my side. In the whole history of my political life I have never resorted to any pretence whatsoever. I believed in it and I believe in it as firmly as I believed in any article of my faith. I know that when you come to the arena of practical politics you are likely to be branded in that fashion. But I hope that in the fulness of time I shall stand vindicated before the country and I believe that my countrymen will then see that I have been striving for a great idea—the real federation between the communities which alone can be the basis of our greatness.

The Hon. Mr. FAZL-UL HUQ then spoke against the Bengal Pact and narrated what a 'member from Jessore' had told him, which evoked much sarcastic merriment. After members on behalf of Govt. had spoken opposing the amendment, it was put to vote and declared carried by 66 votes to 48, the Swarajists being in the overwhelming majority.

The original motion was thus postponed sine die.

On March 14th the Council met for non-official resolutions:—

Mr. J. CAMPBELL FORRESTER moved that action be taken under sub-section (2) of section 8 of the Bengal Amusements Tax Act of 1922 to exempt theatres, cinemas and other forms of entertainment, such as dances, exhibitions, etc., from the liability of the Entertainment Tax, restricting the operation of that tax to race-courses and betting transactions on race-courses. The resolution was negatived, 13 voting for and 43 against it. The Swarajists did not vote.

Major H. SUHRAWARDY moved that the proper authorities be approached to take the necessary steps to re-open the Port of Calcutta for Muslim pilgrims to Mecca and other holy places in the Hedjaz as soon as practicable. Govt. accepting the resolution, it was carried.

Mr. D. P. KHAITAN moved:—"This Council recommends to the Government that early steps be taken to give effect to a complete separation of judicial and executive functions in Bengal."

The resolution was in the end withdrawn by the mover on Govt. assuring the House that the matter was under consideration.

Mr. B. N. SASMAL moved that the proper authorities be moved for a change of Rule 5, Sub-rule 2 of the Bengal Electoral Rules so as to qualify for election to the Bengal Legislative Council persons against whom a conviction by a Criminal Court involving a sentence of transportation or imprisonment for more than six months was subsisting unless such conviction involved moral turpitude. Govt. did not oppose.

The resolution was put to vote and carried without any "Noes."

Mr. J. N. BOSE moved that the post of the Principal of the Bethune College, Calcutta, be filled by an Indian lady.

The Hon. Mr. FAZL-UL HUQ assured Mr. Bose that on the retirement of the present incumbent, an European lady, the post would be given to an Indian lady. In view of this assurance Mr. Bose asked the leave of the House to withdraw his resolution. A Swarajist member having objected to it, the resolution was put to vote and declared carried, 56 voting for and 20 against it.

The Rent Act

The Rent Act Amendment Bill was next taken up. Mr. G. S. Dutt presented the report of the Select Committee. Dr. Moreno moved for its consideration and then followed an animated debate after which the Bill was passed. It extended the life of the old Act for 3 years more, from April 1, 1924 to March 31, 1927.

Voting on the Budget

On the 18th March, the Council re-assembling, the Budget for the year 1924-25 came up for discussion. Government members made demands for various grants. In all 20 such motions stood in their names. Notices of motions refusing each demand for grant were overwhelming and the Swarajists and Independents were responsible for no less than 1069. Keeness for reducing grants seemed to be the feature of the notices of motions sent in by the Nationalists and other Independent members. The Police Budget figured most prominently in this respect and no less than 145 motions for reduction of grants had been tabled. Grants for general administration came as a good second and as many as 180 motions for reduction in this branch of the demands had been detailed. Last came Land Revenue which had been honoured with 11 motions for reduction.

The Nationalist Party had held a meeting the night before and resolved that the members of their Party, who were members of the Bengal Legislative Council, were authorised by the Party in view of the situation created by the Government to throw out the Budget in its entirety.

The Governor's Sudden Appearance.

As on every demand there was a motion for the refusal of the grant by the Swarajists and Nationalists, apprehension was felt at the fate of these motions and His Excellency THE GOVERNOR being informed of the situation suddenly came to the Council without notice and lectured to the House on the possible effects of refusal of demands, and the constitutional issues involved therein.

HIS EXCELLENCY said in the course of his speech:—There is a section of this Council which for reasons of policy desires to reject "in toto" the budget. I am anxious that when you vote you should be in no uncertainty as to what the consequence of your vote will be. I have come to state what will or what can happen if the Budget is rejected.

The first thing that would happen is that not only would the present Ministers have to resign, but no other Ministers could be appointed in their place because there would be no funds from which to pay their salaries.

I should then have to declare an emergency to have arisen in which it was not possible for me to appoint any Ministers, and by virtue of the Transferred Subjects Rules take charge myself of the Transferred Departments.

No expenditure can be incurred except on my authority. I have not come to tell you what I am going to do, but what I can do.

First, then, in regard to Reserved Subjects I have power to restore every single grant in the Budget which has been rejected. No interest therefore on the reserved side of Government need suffer by the rejection of the Budget.

With regard to the Transferred Subjects however I have no power to restore a single grant. Even though I may be temporarily in charge of the Transferred Departments, they do not thereby become Reserved Departments and my power of certifying does not apply to them. Whereas in the case of Reserved Subjects I have power to restore everything, in the case of Transferred Subjects I can "restore" nothing though I can "authorise" expenditure within very strict limits.

No loans, no grants-in-aid could be "authorised by me." Both the Universities at Calcutta and Dacca would be deprived of all Government assistance, and the Dacca University, being without any other source of revenue, would have to close down at once. Government aid to all local institutions would cease, 18 lakhs to local bodies for primary education would be withdrawn; 5 lakhs of loans to Municipalities and District Boards would cease; 19 lakhs to Municipalities and District Boards for Public Health and water-supply, and 3 lakhs of grants to hospitals and dispensaries would also be lost. Generally speaking, the nation-building departments would be completely starved and no Government assistance of any kind could be given in mofussil districts.

Education, Public Health, Medical, Agriculture and Industries would be deprived of all assistance from Government. They would be starved and crippled, and a serious injury would be inflicted not on the Government, which would remain unaffected, but upon the people whose interest you are here to represent.

It may be thought perhaps that Government would not dare to face such a situation. Let there be no illusions on this point—my Government would not be embarrassed by such a situation which was not of our creation, and from which we would in no way suffer while it lasted.

After His Excellency had left the Council after creating the scene, the discussion of the demands for grants commenced. There was a lengthy and lively debate but none of the speakers referred to the merits of the demand made but considered the *pros* and *cons* of the situation that would be created in case the demand was refused. The Swarajists and Nationalists referred to the situation created by the Governor and explained their action in taking this drastic step as that was the only means left to them. Those who were opposed to creating a dead-lock thought this procedure to be dangerous and risky while some went even further and denounced the obstructionist policy of the Swarajists.

Land Revenue

The first demand made was by the Hon. the MAHARAJA BAHADUR of BURDWAN asking for a grant of Rs. 33,66,000 for expenditure under Land Revenue. There were 112 motions for the reduction of this grant which were all withdrawn in favour of the motion for the total refusal of the grant moved by—

Mr. J. M. SEN GUPTA who said in the course of his speech:—
 'I oppose this demand because I say that the Government have refused the demand in the Assembly. I ask this House to throw out this demand, because I say the Government have refused to listen to the public opinion of Bengal. I ask this House to throw out this

demand because I say that the Government have refused to release the political prisoners whom the House wanted to release. I ask this House to throw out this demand because I say the Legislature—this Council, has no control over the expenditure, nor has it any control over the Hon'ble Member who is asking for the demand. These are the grounds on which I ask this House to reject this demand.

'Before I sit down, may I appeal to the House in the language of our great leader Deshbandhu C. R. Das:—

"Delhi has rallied. C. P. has done its duty. Will Bengal fail? The Councillors are to reply by their votes on the budget. How can the Nation's condemnation of the present system of government be clearly, emphatically and effectively expressed? It is by rejecting the demands for grants in their entirety. Here there is no question of the merits of this or that item. But the supreme question, the only question, the question of questions is—should Diarchy live a moment longer? Should the people's wishes be flouted as they are being flouted? Let Bengal's representatives in the Council reply."

Swarajists Walk Out.

And 'Bengal's representatives' replied. The debate dragged on till a great commotion arose at the fag end when the Swarajists and the Independents in a body walked out of the hall as a protest against what they called objectionable remarks made by the Hon'ble Mr. Fazl-ul Huq. In vain did the President try to restore order and all his cries of 'order, order' were drowned by the cries of 'shame, shame' in return by the retiring members of the Nationalist Party. This seemed to be the signal and the whole of the Western block occupied by the Nationalists and the major portion of the Eastern block and the over-crowded galleries were emptied in no time leaving the President and the rest of the members, the few supporters and nominees of the Government, in a huff. The President asked the Hon'ble Minister to resume his speech which he did and finished in a single sentence. In the lobby, till sometime after the meeting was adjourned, the members indulged in indignant and angry protests. Some of the Government members were seen to approach the leaders of the Nationalists and tried to pacify them by apologies and excuses. The Hon'ble Mr. Huq himself approached Mr. Das and sought to be excused.

The trouble arose in this way. When at the very commencement of his speech Mr. Huq remarked that they should discuss the motion in an 'atmosphere free from passion and with calmness and sobriety', little did he think it was an atmosphere just the opposite that his remarks would create. And in spite of his 'best to restrain himself' the constant side-remarks and questionings of some of his oppositionists unnerved him. He was drawing a picture from imagination as to how, if a dead-lock was created, the Deputy and Sub-Deputy Collectors, the School masters and the peons would be without their salary and how that particular portion of the administration would be brought to a stand-still, when a member cried out 'what a pity!' This added fuel to the smouldering fire. But still Mr. Huq pleaded patience to which a still more audacious member retorted 'we have had enough of it'. Mr. Huq could hold himself no longer. "Is it good breeding to be laughing at me?" (derisive laughter and cries of no, no)—thundered Mr. Huq. "Is it good sense?" (cries of

no. no). "Is it good manners" (cries of no, no). This set the ball rolling and several members objected to the Minister's remarks and Mr. C. R. Das asked for the President's ruling and the ruling that he gave resulted in the withdrawal of the members—Swarajists and Independents together.

On March 19th, on the Council re-assembling Mr. Huq offered apology for his offensive remarks of the previous day, and he was followed by the President who then made up for previous lapses.

When the discussion on the demand for grant for expenditure under Land Revenue was resumed, the members spoke on the motion moved by Mr. J. M. Sen Gupta that the whole demand be refused. After a full drows debate lasting over six hours, the President put the motion to vote, and after keeping the House in anxious suspense for over 15 minutes, announced the result of the division amidst boisterous cheering of the Nationalists.

The motion for refusal was carried by 65 votes to 63.

Though it was a narrow majority of two votes, the Swarajists considered it to be their greatest victory. The House was almost full with only five absentees and all the three galleries were overcrowded. The announcement of the result created much excitement in the House, the Swarajists and the Nationalists cheered and clapped, while cries of "Bande Mataram" were heard from the public gallery.

Excise Grant Passed.—Stamps Rejected

The Hon. Mr. A. K. GUZNAVI moved that a sum of Rs. 11,97,000 be granted for expenditure under head "Excise."

There were about 23 resolutions for the reduction or the refusal of the different items of the demand which were withdrawn in favour of the resolution of Dr. Kumud Sankar Roy asking for the refusal of the whole demand. The motion was put to the vote and lost, 64 voting for and 65 against it.

The Hon. Mr. J. DONALD moved that a sum of Rs. 9,62,000 be granted for expenditure under head "Stamps." Maulvi Abdul Zabbar Pahlwan moved that the demand be refused.

The motion was carried by 64 to 63 votes. The Council then adjourned.

On March 20th, the Council re-assembling, no fewer than six demands for grants were considered. Five were disposed of while the last one was under discussion when the Council adjourned.

The five demands dealt with were in respect of (1) Forests, (2) Registration, (3) Scheduled Taxes, (4) Irrigation, Navigation, Embankments and other drainage works and (5) General Administration.

Of these the demands in connection with Forests, Scheduled Taxes, Irrigation, etc., and General Administration were refused, the voting being as follows:—Forests, 63 for and 66 against; Scheduled Taxes, 63 for and 66 against; Irrigation, etc., 64 for and 68 against; General Administration, 63 for and 65 against. The only demand carried was that for Registration, 66 voting for and 62 against.

During the last two days no other motion excepting the total refusal of the demand was discussed, but when Sir HUGH STEPHENSON moved for a sum of Rs. 96,23,000 for expenditure under General Administration the Swarajists and Nationalists began to press for all the amendments that were on the agenda. On this demand there were 179 motions for reduction or refusal of which only seven were discussed.

While the motion for refusal of the whole grant under head 'Irrigation' was voted upon, it was found lost, 65 voting for and 67 voting against. But to the amusement of all and to the surprise of the Government members when the original motion was put to vote it was declared lost, 64 voting for and 65 against, resulting in the end in the defeat of the Government and in the refusal of the whole grant. The next motion for refusal of the whole demand under head "Construction of Irrigation" etc. was lost by the casting vote of the President, votes being 64 against 64. An amendment moved by Rai Harendra Nath Choudhuri for reducing the demand under this head by Rs. 1,35,000 was carried by 67 to 59 votes. But the original motion as amended was lost by 64 to 66 votes. Under head "General Administration", of the three amendments for reduction of demands for Hill and Dacca allowances, one was lost by 63 to 65 votes, another by the casting vote of the President and the last was carried, 67 voting for and 63 against.

Monday, March 24th, is a red-letter day in the annals of the reformed Bengal Council. On this day, the whole force of the Nationalist parties were directed against the Ministers, to break down, as they said, the sham of a Diarchy.

Ministers' Salary—Motion for Refusal.

On the re-assembling of the Council, after the interpellations, Maulvi SAYEDUL HUQ moved that the demand of Rs. 1,92,000 under 'General Administration, Ministers' pay,' be refused. A number of other cuts were moved on the same head by some of the Swarajists. Mr. Romesh Bagchi moved for reduction of Rs. 1,91,997, Mr. Akhil Dutt for Rs. 1,56,000, and Mr. Nurul Huq for the whole salary. After a long debate the motion was put. It was carried by 63 votes to 62. The result was hailed with deafening applause by the Swarajist Party and cries of "Resign," "Resign".

Babu Romesh Chandra Bagchi next moved that the demand of Rs. 9,683,000 under the head "General Administration" as amended in Council be refused.

The Hon. Sir Hugh Stephenson had nothing to say to this further move in the path of obstruction. The resolution was carried by 65 votes to 61 votes.

Administration of Justice.

The Hon. Sir ABDUR RAHIM moved that a sum of Rs. 94,73,000 be granted under the head "Administration of Justice".

Maulvi Wahed Hossain moved that the demand for Rs. 35,940 for the preparation of paper books in the Appellate Side of the High Court be refused. The motion was carried by 67 to 56 votes.

Dr. Kumud Sankar Roy moved that the whole demand of Rs. 94,73,000 under the head "Administration of Justice" as amended in Council be totally refused. The resolution was carried by 66 votes to 56.

On March 26th. an unfortunate incident somewhat marred the dignity of the proceedings of the Council in connection with some Mahomedan members saying their *Azan* prayers when the bell rang for division, with the result that three votes could not be recorded. The Swarajists asked the President to adjourn the division for a few minutes to enable the Mahomedan members in question to finish their prayers and take part in the voting. The President, however, declined to do so on the ground that when the division was called there could be no adjournment

of the House. To this ruling strong objection was taken by Mahomedaus and Hindu Swarajists. Even the Hon. Mr. Fazi-ul Huq, Minister, thought that it was rather hard on members of the House who were already saying their prayers to be shut out from the privilege of voting. Subsequently the President, on a division being called for, requested the Swarajists to ascertain whether any member was in the prayer room before he proceeded to have the division taken.

Jails and Police Demands

Following the procedure adopted the previous day, the Swarajists by 52 votes against 47 refused the entire demand of Rs. 35,89,000 under the head "Jails and Convict Settlements".

The next demand dealt with Police expenditure for which Rs. 1,70,47,000 was asked for. Sir Hugh Stephenson in moving for it gave vent to his spleen in comparing the action of the Swarajists to the Berlin Nihilists and drew in the name of Mr. M. N. Roy, the Moscow Communist, with the sly hint that the Congress party was acting under his inspiration. There were no fewer than 145 motions for reduction or refusal in connection with this grant. Of these 52 were disposed of, the majority being withdrawn. Only 10 motions were moved, in two of which the Swarajists took no part in the voting and these two were lost, while another was negatived by the casting vote of the President and the other seven were carried.

Kumar Shib Shekharewar Roy moved that the demand for Rs. 1,65,300 under the head 'Presidency Police—Calcutta Police—Pay of Inspectors' be reduced by Rs. 41,325. This was carried.

Rai Harendra Nath Chaudhuri moved that the demand of Rs. 2,62,320 for the pay of Sergeants under the head Presidency Police be reduced by Rs. 1,31,160. Sixty-one voted for while an equal number voted against. It was however negatived by the casting vote of the President.

Kumar Shib Sekharswar Roy moved that the demand for Rs. 46,000 under the head of 'Presidency Police—Calcutta Police—for the purchase and maintenance of horses and their equipment' be refused.

Shah Syed Emdadul Huq moved that the demand of Rs. 1,09,000 under the head—'Presidency Police contract contingencies'—be reduced by Rs. 1,00,000. Both these motions were lost.

Dr. Pramathanath Banerjee moved that the demand of Rs. 1,97,500 under 'Detailed account—Superintendence' be reduced by Rs. 1,00,000. Sir Hugh Stephenson opposed the motion which was carried, 61 voting for and 59 against it.

Shah Syed Emdadul next moved that the demand of Rs. 1,55,200 under the same head be refused. The motion was carried by 61 to 58.

Shah Syed Emdadul Huq moved: That the demand of Rs. 10,800 under the head 'District Executive Force—District Police—Assistant Superintendents' be refused. The motion was carried by 61 to 58 votes.

A similar motion for the reduction of the pay of Deputy Superintendents was carried by 60 to 50 votes.

Babu Akhil Chandra Dutta moved that the demand for Rs. 53,280 for pay of European constables be reduced by Rs. 26,940.

The motion was carried by 61 to 54 votes.

On March 26th, after two day's debate on the demand of Rs. 1,70,47,000 for expenditure under the head "Police," the discussion on motions for reductions and refusal came to a close. On this debate the Swarajists were not as successful as they expected and had more defeat than victories, and the last attempt to throw out the entire demand proved abortive.

The Council began by resuming the adjourned discussion on the police demand. There were 89 motions for reduction or refusal, of which only ten were moved and the others were withdrawn. On the first three motions for reduction the Swarajists were successful after which the scales were turned and the Government became successful in almost all the remaining motions except one. This motion referred to the refusal of a grant of Rs. 1,00,000 for iron coats and mosquito curtains for policemen. This motion was carried by 68 to 39 votes. As a result of the cuts made by the Swarajists the whole demand of Rs. 1,70,47,000 was reduced by Rs. 8,56,145.

Shortly before the Council adjourned the motion for the refusal of the entire demand came up for consideration. There was no discussion and no speeches were made. Babu Hemanta Kumar Sarkar simply moved the resolution and Sir Hugh Stephenson merely said he opposed the motion, which was put to the vote and declared to be lost. On a division being taken it was found that 60 voted for and 63 against it. Thirteen members were either absent or abstained from voting. The announcement of the result was received with loud and prolonged cheers from the Government benches. Later on some younger Swarajists joined in the demonstration saying: "Let us make fun out of it." Sir Hugh Stephenson next moved that the original motion as amended by the Council be granted and it was carried.

The Council then adjourned.

On March 27th, the proceedings of the Bengal Legislative Council were comparatively dull. There was no demonstration, no passage-at-arms, no lively speeches.

Ports and Pilotage

In the first item the Swarajists were successful when they moved a resolution refusing the entire demand of Rs. 5,54,000 made by the Hon. Mr. J. Donald for expenditure under the head Ports and Pilotage.

A division was taken and the Government lost by one vote, 56 voting for the refusal of the demand and 55 for the demand.

Ministers' Position

Before the proceedings commenced, Maulvi Mahomed Nurul Huq Chaudhuri raised a constitutional point in the shape of a question enquiring into the present position of the Ministers created by the refusal of their pay. He also wanted to know whether the Ministers had resigned their posts. The President said it was not a matter for the Council but entirely a matter for his Excellency the Governor and he had no information to give.

Demands under Education

The Swarajists did not oppose the next demand of Rs. 21,000 made by the Hon. Maulvi A. K. Fazl-ul Huq for expenditure under the head Scientific Departments.

The Hon. Maulvi A. K. Fazl-ul Huq next moved that Rs. 1,15,95,000 be granted for expenditure under the head 'Education'. On this demand there were eighty-four resolutions for reduction or refusal. The first few resolutions in reference to the grant for European education were moved and speeches were made in an almost empty House but apparently no serious attempt was made to have those resolutions carried. On the first motion a division was called for with the result that it was defeated by 12 votes, and no division was demanded as regards the other resolutions. In all ten resolutions on the Education demand were moved and in one only the Swarajists succeeded in refusing a demand for Rs. 99,000 for "other grants" to non-Government primary schools for Europeans and Anglo-Indians. Govt. could not explain what these "other grants" were, and there was much merriment in the House at their discomfiture.

On March 28th. the Budget discussion was resumed. There was practically no obstruction and three demands made by the Ministers were granted without a division.

The proceedings began with the discussion of the remaining 24 resolutions on the Education grant of which only one was moved and the others were withdrawn. The Swarajists succeeded in making a cut of Rs. 6,35,400 in the original demand of Rs. 1,15,95,000 and the demand as amended was carried without opposition, the motion for refusal of the whole grant being withdrawn. The reduction of Rs. 6,35,400 was moved by Mr. Manmohun Neogy under the head 'Inspection of Schools' for which Rs. 7,46,900 was demand. Mr. Huq admitted that the inspection work could be done at a considerable less cost. Mr. Neogy's motion was carried by 57 to 51 votes.

The Council next discussed the demand made by the Hon. Mr. Fazl-ul Huq of Rs. 47,18,000 for expenditure under the head "Medical." There were 67 resolutions on this demand of which only two were moved. In the first motion the Swarajists succeeded in making a reduction of Rs. 5,88,000 in the entire demand by a majority of 1 vote. In the second motion in which they asked for a reduction of one rupee, the policy of Government was criticised but in the end nobody voted for it.

The next demand made by the Hon. Mr. A. K. Ghuznavi was in respect of Public Health and a sum of Rs. 27,61,000 was granted without opposition, Swarajists taking no part.

The Agricultural grant for Rs. 17,10,000 was made by the Hon. Minister in charge of that department and the discussion on this demand was not concluded when the Council adjourned.

On March 29th. there was not much discussion when supplementary estimates of the Govt. of Bengal came up for the approval of the Council. The estimates were placed before the Council in the form of demands for grant. In all ten demands for grant were made, five of which amounting to Rs. 3,07,000 were refused by the Nationalists inflicting defeats on the Govt. and the remaining five amounting to Rs. 1,11,35,000 were granted without opposition.

The demands refused were in respect of the following heads:—
Rs. 32,000 for stamps, Rs. 10,000 for the Governor's saloon, Rs. 30,000 for the Ballygunge police station, Rs. 73,000 for the British Empire Exhibition and Rs. 1,62,000 for excess expenditure in England.

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The demands granted consisted of Rs. 60,000 for excess expenditure over the major head, Rs. 8,39,000 for Revenue expenditure, Rs. 29,000 for Irrigation, Embankment and Drainage works, Rs. 2,25,000 for the eradication of the Water Hyacinth and Rs. 1,65,000 for expenditure in connection with the Mymensingh partition works.

The only item on which there was some discussion was in respect of a demand for Rs. 10,000 for the construction of two broad-gauge saloons for His Excellency the Governor. Sir Hugh Stephenson pointed out that this sum was required for necessary alterations in the old saloons which were very uncomfortable. In opposing the demands Mr. Akhil Chandra Dutt said he was surprised how His Excellency would accept this money from the unwilling people. He failed to understand why a saloon was necessary for the Governor of a province while the Prime Minister and Mr. Gandhi could travel third class. Babu Hemanta Kumar Sarkar observed that this demand showed the criminal disregard for properly utilising the public money and asked: could anybody blame those who liked to call this Government Satanic? This demand was refused by a majority of four votes, namely by 58 to 54.

Governor's Unconstitutional Action

On MARCH 31st a singular thing happened. The Governor invited all Government members and their supporters, some 50 in all, mainly to rally the Moslem members, at a conference in Government House where a closed-door consultation was held. What transpired in that conference is not known. Whether the Governor held forth promising rewards or threats, or whether plans were concocted to break up the Swarajist party by winning over its Moslem adherents, subsequent events clearly proved that the personal influence of the Governor was exerted to its full extent to save the Council from the Swarajist onslaught. The effect of this unconventional action of Lord Lytton was quickly seen.

Next day, APRIL 1st, amidst boisterous shouting from the opposite benches, the Swarajists and Nationalists left the House in the midst of a heated debate while the demand for a grant for expenditure under the head "Industries" was being discussed. After they had left, the rest of the demands for grants, ten in number, with 214 motions for reduction or refusal, were quickly passed, unopposed and without speeches, in about a quarter of an hour.

From the beginning of the discussion on this day the Swarajists and the Nationalists questioned the unconstitutional character of the procedure adopted by His Excellency the Governor in holding a conference to which only a certain section of the members of the Council were invited to discuss certain matters arising out of the refusal of some of the demands. This question was again and again raised in the course of the proceedings, and culminated in the refusal of the Swarajists and the Nationalists to take part in the discussion, the European and pro-Government Moslem members shouting at the top of their voice.

On the resumption of the debate on Agricultural grant, Mr. S. C. Mitter moved that a demand of 9 lakhs under that head be refused. Mr. (now Sir) P. C. Mitter, referred to an announcement made in the papers as regards the proposed dismissal of a large number of Govern-

ment servants in consequence of the refusal of some demands, and questioned the constitutional character of the proposal. In his opinion the constitution made ample safeguards against a contingency like that, and he said that His Excellency had power to take over those departments and bring in a supplementary budget. Here the President interrupted him but Mr. Mitter continued and said that if the Govt. dismissed men like that, he would vote against them. Mr. Fazl-ul Huq pointed out that it was an unauthorised statement in the newspapers and not a Government communique, and he said that the whole question was being considered by His Excellency, but he could not disclose what course of action the Governor would take. When the motion was put to vote Mr. Mitter and Mr. Khaitan who had all along been voting on the side of the Government voted with the Swarajists.

Swarajist Protest

The division on this motion resulted in a Government victory by three votes. Mr. Das examined the voting list and found some members of his party had voted with the Government and in the subsequent debate he announced in the House that the voting had been influenced by the previous night's conference at Government House.

Industries Grant.

The Hon. Mr. Gujnavi then moved for the Industries grant. Mr. Nurul Huq moved for a refusal, and then followed a long passage at arms with the President and the Swarajists as given below. Mr. Suhrawardy, Dr. Promotho Bannerji, Mr. A. C. Bannerji, and a number of other Swarajists and Nationalist members, on a point of order, interpolated the President as to whether they could refer to the action taken by his Excellency while "the spirit of constitutionalism was under discussion." Interrupting Mr. Nurul Huq the President said.—

You are now reflecting on the conduct of His Excellency. You are not entitled to do that.

M. Huq :—If His Excellency did not take part in party politics, I do not understand why His Excellency should ask a certain section of the House and discuss with them about the constitutional practice, I could have understood if instead of asking certain members—if the leader of my party was asked to go and have discussion with him and, on the other side, the leader or leaders of the other party were asked to go and have discussion with His Excellency—I could then have understood that His Excellency acted most constitutionally.

The President :—That is reflection, you must withdraw. We must treat His Excellency with respect in the Council.

Ra: H. N. Choudhury :—Are we precluded from making such remark that such and such actions of His Excellency are unconstitutional?

The President :—The rule is definite. Members while speaking must not reflect upon the conduct of His Excellency the Governor-General and Governors or a Court of Justice.

Mr. J. M. Sen Gupta :—Even if His Excellency acts against the constitution?

The President :—That is not a matter for the Council.

Mr. C. B. Das :—Is there no distinction between the personal conduct and the constitutional conduct of the Governor?—Is this House precluded from discussing questions as to whether certain steps taken by His Excellency are or are not within the limit of constitution?

The President :—This is a point of very great difficulty indeed. But I find nothing in the rules which limits the question of conduct and I am afraid the rule is so general in its terms that it excludes any conduct of His Excellency.

Boisterous Shouts.

Mr. C. R. Das :—We must obey your ruling but, it seems, under these circumstances, it is useless going on because the whole point of view that we desire to present is that the voting of to-day has been influenced by last evening's conference.

(Loud and insistent cries of "No" from the European and Indian supporters of Government).

Mr. C. R. Das :—A thousand times Yes.

There was again prolonged cries of "No No" and shouting from the other side and there was much commotion in the House. At this stage Mr. Sen Gupta proclaimed : "We can shout the loudest of all" and the shouting continued.

Babu Akhil Chunder Dutt :—What is the meaning of this shouting. Mr. Das is in possession of the House. Can they shout?

A Swarajist member :—Are they Jackals?

Mr. C. R. Das :—This shouting indicates to my mind most clearly that the voting of to-day has been influenced by last night's conference.

Again there was confusing shouts of "no, no" from the opposite benches.

With Mr. C. R. Das all the members of the Nationalist party then left the Chamber in a body while the European members kept on shouting at their loudest, the President unable to control them.

When order was restored the President put the resolution refusing the demand to vote and it was negatived by the combined strength of the Government officials, Europeans and a few elected and nominated members. The solitary voice of Mr. S. C. Bose (Burdwan), the only Nationalist member present, cried out "Aye".

The Rescued Demands.

The following demands for grant were then put without any speech and were hurriedly carried unopposed.

A demand of Rs. 4,05,000 under the head "Miscellaneous Department" moved by the Hon. Mr. J. Donald.

A demand of Rs. 83,34,000 under the head "Civil Works" moved by the Hon. Mr. Ghuznavi.

A demand of Rs. 50,000 under the head "Famine Relief and Insurance" moved by the Hon. Mr. J. Donald.

A demand of Rs. 43,68,000 under the head "Superannuation Allowance and Pensions," moved by the Hon. Mr. J. Donald.

A demand of Rs. 20,93,000 under the head "Stationary and Printing" moved by the Hon. Mr. J. Donald.

A demand of Rs. 3,52,000 under the head "Miscellaneous," moved by the Hon. Mr. J. Donald.

A demand of Rs. 12,000 under the head "Miscellaneous Adjustments" moved by Hon. Mr. J. Donald.

A demand of Rs. 20,000 under the head "Construction of Irrigation, Navigation and Drainage Works," moved by the Hon. Maharaja of Burdwan.

A demand of Rs. 8,73,000 under the head "Expenditure in England" moved by the Hon. Mr. Donald.

A demand of Rs. 9,59,000 under the head "Loans and Advances" moved by the Hon. Mr. J. Donald.

After all the demands had been granted, the President said :—

"The House stands prorogued until such date as will be notified hereafter."

The Council stood then prorogued.

Governor's Certification.

H. E. the Governor of Bengal finally certified the rejected budget grants by a communique issued on April 14th. It says:—

In the session which has just closed the Legislative Council rejected all the budget demands for "Reserved" subjects, with the exception of the demand for the Police Department and some miscellaneous items on the last day of the session. The rejected items fall into three categories:—

The first category includes the cases where a demand was rejected *in toto* not on its merits or out of any regard for economy or for the policy of the Department concerned, but in pursuit of a general policy of rejecting as much of the Budget as possible as a protest against the present form of constitution and the refusal of the Secretary of State to promise an early amendment of it. In this category must be placed the rejected demands for Land Revenue, Stamps, Forests, Scheduled Taxes, Irrigation, Administration of Justice, Jails, and Ports and Pilotage.

No one who voted for the rejection of these items can have contemplated dispensing with the departments involved and, as the merits of particular items in the grants were not discussed, His Excellency the Governor has no alternative but to restore the full amounts in each case. One exception only has been made to the certification of the amounts included in this category. Under the heading of "Navigation Embankment and Drainage Works" financial from ordinary revenues, was an item of Rs. 5,00,000 which represented the contribution that the Government had agreed to make to the Corporation of Calcutta towards the cost of the Budyadhari spill reservoir. This contribution was promised on condition that the amount was voted by the Legislative Council. The condition not having been fulfilled the Government is unable to make this contribution.

Police Items Restored.

The second category contains particular items of a departmental demand which were rejected as part of a general policy of obstruction. In this category must be placed three items in the police budget. Two of these were refused and the third cut down by more than a half in accordance with the general policy of opposing the whole budget or in the alternative of crippling the department by the refusal of essential supplies. They were:—(1) A sum of Rs. 1 lakh out of a total of Rs. 1,97,500 for Superintendents, (2) a sum of Rs. 1,55,200 for the pay of Superintendents; (3) a sum of Rs. 10,800 for the pay of Assistant Superintendents.

These three items have been restored as, in the opinion of His Excellency, they are all necessary to maintain the strength and efficiency of the police force at the minimum standard necessary for the safety of the province.

Third Category.

The third category contains a few items which were rejected on grounds either of economy, retrenchment or policy. They were:—(1) A sum of Rs. 99,000 in the Department of Education (reserved) for certain European primary schools. The position created by this cut is being examined by the Director of Public Instruction and, pending the receipt of his report, His Excellency cannot say whether or not it will be necessary for him to restore this sum. The matter is complicated and involves some correspondence with the Accountant-General.

Government House.

(2) A sum of Rs. 30,000 under the head of "General Administration" in respect of the renewal of furniture and carpets in Government House. This item in the budget appears to have been misunderstood by the Legislative Council. A fixed percentage of seven half on the block value of furniture in Government house is allotted annually under orders of the Secretary of State for the upkeep of the furniture. Out of this seven half per cent., two half per cent. is spent annually on repairs and renewals. The remaining 5 per cent. is accumulated during the term of office of a Governor and is placed at the disposal of his successor in the form of a lump grant to be spent by him on renewals at any time during his term of office. This item of Rs. 30,000 represents the portion of this grant which it is proposed to spend this year. As there is no advantage but considerable inconvenience in postponing this expenditure to next year the amount has been restored.

Mosquito Nets

(3) A sum of Rs. 1,00,000 for the provision of cots and mosquito-nets for the

Bengal police. This item was inserted in the budget as a further instalment of a policy inaugurated in 1914 which was interrupted by the war, but reaffirmed last year, of gradually providing healthy sleeping accommodation for constables in wooden huts and protection against malaria epidemics. Iron cots are in the long run cheaper and far more sanitary than wooden bunks or bamboo cots. These improvements are required for the health and not, as was asserted in the debate, for the comfort of the police force. Nevertheless in view of the strong prejudice which this demand has created His Excellency does not intend to certify the amount.

(4) A sum of Rs. 24,000 for Deputy Superintendents in the Bengal Police. This item will not be restored.

(5) A sum of Rs. 41,525 out of a total of Rs. 1,65,300 for the pay of Inspectors in the Calcutta Police. The reduction was based on certain recommendations of the Retrenchment Committee which had been fully examined by Government and found to have arisen out of a misunderstanding of the facts. This sum has been restored.

European Constables

(6) A sum of Rs. 26,940 being half the provision of Rs. 53,880 for the pay of European constables in the District Executive Force; a sum of Rs. 2,87,000 out of the provision of Rs. 69,84,518 under the head District Executive Force; a sum of Rs. 57,000 out of a total provision of Rs. 1,87,000 for the District Intelligence Staff. These reductions would seriously impair the efficiency of the police force and the amounts have therefore been restored.

(7) A sum of Rs. 50,000 out of the provision of Rs. 1,46,000 for the Police Training School. The reduction here was based on the Retrenchment Committee's report. A sum of over Rs. 1,60,000 has already been retrenched from the expenses of police training in the province and this further reduction proposed was based largely on a miscalculation on the part of the Retrenchment Committee and cannot be given effect to without seriously affecting the usefulness of the Barisal Training School. The amount has therefore been restored.

School Inspectors

In the Budgets of the "Transferred" Departments all the demands were voted with the exception of two items in the Education and Medical Budgets. In the first case the demand of Rs. 7,46,900 under the head 81E—Education—General, Inspectors' salaries, was reduced by Rs. 6,85,400. This demand comprised the pay of the following officers:—11 inspectors and inspectresses, 17 assistant inspectors and inspectresses, 350 district and sub-inspectors and 27 other inspecting officers, and only Rs. 1,11,500 has now been provided by the Council for the payment of officers of the Inspection Department.

In the second case the whole of the demand of Rs. 5,88,000 under the head 82A Medical Establishment was reduced by a majority of one.

The effect of this vote was to refuse payment of all the members of the Government Medical Establishment whose salaries are votable, namely 13 civil surgeons, 6 civil assistant surgeons stationed in District Headquarters, 2 sub-assistant surgeons stationed at district headquarters, 24 civil assistant surgeons stationed at sub-divisional headquarters, 20 sub-assistant surgeons stationed at sub-divisional headquarters, 25 civil assistant surgeons forming leave reserve, 58 sub-assistant surgeons forming leave reserve, one compounder and one dresser, ministerial and menial staff, one personal assistant to the Surgeon-General, 23 clerks in the Surgeon-General's office, 15 menials attached to the Surgeon-General and his office, 59 clerks in civil surgeon's offices and 32 menials attached to civil surgeons and their office.

The first of these two reductions was probably dictated by a desire for economy and was no doubt based on a recommendation of the Retrenchment Committee. It may therefore be placed in the third category mentioned in connection with the rejection of demands for reserved subjects. The second reduction however appears to have been dictated rather by a general policy of rejecting the Budget and belongs therefore to the second of the categories above mentioned.

D. P. I. to Report

In dealing with the rejection of demands for transferred subjects, the Governor, as he explained to the Council of March 18, has no power to restore items that have been rejected even though he may disapprove of the action of the Council in rejecting them. In connection with transferred subjects the only power the Governor has to authorise expenditure is the general one conferred by proviso (B) of Section 72D (2) of the Government of India Act, and this power can only be exercised in cases of emergency. The rejection of the total demand for a Transferred Department would

create an emergency in which some expenditure would have to be authorised for carrying on the department, but the refusal of the Legislative Council to vote the salaries of certain officers whom they regarded as redundant and whose services they desire to dispense with does not create an emergency and His Excellency has no power to deprive the Council of responsibility passed upon it by Parliament.

Action is therefore being taken to carry out the decision of the Council. The Director of Public Instruction has been directed to re-examine the recommendations of the Retrenchment Committee regarding the Inspectorate and to effect such reductions as will bring the total cost of this department within the limit imposed by the Legislative Council. In the meantime notices of discharge expiring on July 31, 1924, will be issued before the end of the current month to all the officers concerned in accordance with the usual practice in the case of reduction of establishment. When on receipt of the report of the Director, Public Instruction, the reconstitution of the Inspectorate has been determined, the notices given to the officers whom it is decided to retain will be cancelled.

As no provision was made by the Legislative Council for giving the notice to which officers are entitled under articles 436 and 453 (B) of the Civil Service Regulations a supplementary demand will be submitted to the Legislative Council at its next session for the payment of salaries to these officers up to the expiry of the period of notice.

Medical Cadre.

With regard to the reduction in the Medical Budget, action is being taken on similar lines but the position is more complicated as in order to give effect to this it will be necessary to reduce the total cadre of civil surgeons, assistant surgeons and sub-assistant surgeons by the number for which provision was made in the rejected demand, and it is impossible at once to say which individuals should be selected in making such a reduction. The members of this cadre are employed in connexion with reserved subjects such as Jails, Administration of Justice and Police. The work of the Indian Medical Service officers whose salaries are non-votable would also be affected. In some respects therefore this vote of the Council may be found to have created an emergency in which His Excellency may be obliged to exercise the power conferred by proviso (B) of section 72 D (2) in respect of the salaries of certain officers.

The whole position is being carefully examined in consultation with the Surgeon-General and, in order to give effect as far as may prove to be necessary to the decision of the Council, notice of discharge will be given as in the case of the Education Inspectorate to the officers whose salaries are covered by the vote.

General Administration.

The rejection by the Council of the demand under the head of "General Administration" has to be dealt with separately, because though the demand was made by the Hon. Member in Charge of a Reserved department, it also included the cost of the secretariat of the Transferred department. In so far as the vote of the Council affected the Reserved subjects, it belongs to the first category above mentioned and the amount will be restored by His Excellency.

In the case of the secretariat of transferred departments an emergency has been voted necessitating recourse to the power conferred by proviso (B) section 72 D (2).

Section 45 A (1) (D) of the Government of India Act and the Rules made thereunder provide for the transfer of certain subjects to the administration of the Government acting with Ministers. The Administration of such transferred subjects necessitates the appointment and payment of a civil secretariat. By the vote of the Legislative Council on March 24, 1924, the provision for the payment of this Secretariat was rejected, although by other votes provision was made for the continuance of the departments which it administers. Unless funds are provided for the continuance of this secretariat it would be impossible in any way to carry on the administration of the transferred subjects.

His Excellency has therefore authorised as a case of emergency the expenditure of Rs. 2,70,000 which is in his opinion necessary for the carrying on of the civil secretariat in those departments which administer transferred subjects.

Ministers' Salaries.

On March 24 the Legislative Council also rejected by one vote the demand for the payment of salaries to Ministers and the situation thus created remains to be dealt with. The Hon. Ministers do not regard this vote as equivalent to a vote of

on themselves necessitating their resignation, and His Excellency the Governor is of opinion that they are justified in not so regarding the matter seeing that the demand was for the pay of three Ministers, and, though only two Ministers were in office at the time, the rejection of the whole demand leaves no provision in the Budget for the payment of any Ministers, and, if it were to be regarded as a vote of censure on particular individuals, the censure would equally apply to a third Minister who had not yet been appointed, and further that on February 20 a motion which was equivalent to a vote of censure on the existing Ministers was moved in the same Council and lost.

His Excellency has accepted the view of the Ministers that the decision of the Council on March 24 did not necessarily represent the considered opinion of the Council either as regards the existing Ministers or as regard the appointment of Ministers in general. His Excellency has given the most careful attention to the constitutional position created by this vote of the Legislative Council and has taken legal advice as to his power of dealing with it. He has been advised that, in as much as the Government of India Act requires the Transferred Subjects to be administered by Ministers and provides that Ministers may be paid a salary, he would be justified in retaining the services of his existing Ministers or appointing others to administer the Transferred Subjects and in authorising the payment to them of any salary up to the statutory limit since, in the words of the Act, a smaller salary has not been provided by the vote of the Legislative Council of the Province.

At the same time the Ministers expressed their willingness if necessary to serve in an honorary capacity.

His Excellency is of opinion that, whether legal or not, it would be against the spirit of the constitution except as a purely temporary expedient, either for Ministers to serve in an honorary capacity, or for him to authorise the payment to them of salaries which have been refused by the vote of the Legislative Council. It is equally contrary to the spirit of the constitution for the Legislative Council to refuse the whole of the salaries with the object of preventing the appointment of Ministers which is clearly contemplated by the constitution.

His Excellency has therefore decided that the proper constitutional course would be to resubmit the matter for the consideration of the Legislative Council at its next session and this course was recommended by the Hon. Ministers themselves. His Excellency has discussed the matter fully with his Ministers in the light of legal opinions he has received and has pressed them to remain in office for the present. In order to maintain the constitution they have consented to continue in the discharge of their duties until at its next session the Legislative Council shall have had a further opportunity of voting their salaries. His Excellency will accordingly arrange that a supplementary demand for the payment of the salaries of Ministers for the current year shall be placed before the Legislative Council at its next session.

A. B.—It remains to be noted in this connection that the 'Ministers' Salaries' was sought to be demanded in the July session of the Council. How that ended in a fiasco resulting in innovations in the constitution, and how the Government was balked by the Calcutta High Court, are matters which are reserved for the next issue of this Quarterly.

Members of the Council

PRESIDENT :

The Hon'ble Mr. H. A. Casson, C.S.I.

EX-OFFICIO MEMBERS & MINISTERS

The Hon'ble Sir John Maynard, Finance Member.
 " S. R. Sardar Sundar Singh, Majidhis, Rev. Member.
 " K. B. Mian Fasi-i-Husain.
 " R. B. LA. Chandhri Lal Chand.

Tollinton, H. P., Financial Commissioner.

NON-OFFICIALS—NOMINATED

Ajab Khan, Honorary Captain.
 Davidson, Lieut.-Col. D. M., (Retired).
 Gopal Das Bhandari, Rai Bahadar, Sir, Kt.
 Jawahir Singh, Sardar Bahadar, Sardar.
 Maya Das, Mr. Ernest
 Mehdi Shah, Khan Bahadar, Sayad.
 Owen, Dr. C. A.

OFFICIALS—NOMINATED

E. Tydeman, Director of Pub. Instruction.
 Boyd, Mr. D. J., Home Secretary.
 Colistream, Mr. J., Legal Remembrancer and Secretary, Legislative Department.
 Craik, Mr. H. D., Chief Secretary.
 Forster, Lt. Col., Director of Public Health.
 Gibson, Mr. A. J. Chief Conservator of Forests, Punjab.
 Hard, Colonel R., Inspector-General of Civil Hospitals, Punjab.
 Irving, Mr. Miles, Secretary, Finance Dept.
 King, Mr. G. M., Financial Commissioner and Secretary, Revenue Dept.
 Lattif, Mr. A., Secretary, Transferred Dept.
 Sangster, Mr. W. P., Chief Engineer.
 Scott, Mr. R. A., Director of Industries.

ELECTED

Abdul Aziz, Mian.
 Abdul Qadir, Khan Bahadar, Shaikh.
 Afzal Haq, Chaudhri.
 Ali Akbar, Chaudhri.
 Bakhtawar Singh, Sardar. Banko Rai, Lala.
 Bhagat Ram Raisada. Budh Raj, Lala.
 Bata Singh, Sardar.
 Ohbota Ram, Rai Sahib, Chaudhri.
 Dhan Singh, Sardar.
 Dhanpat Rai, Rai Bahadar, Lala.
 Dhan Raj Bhasin, Captain.
 Diwan Chand, Lala.
 Dali Chand, Chaudhri.

Punjab Legislative Council

Jan.—March 1924

Faz Muhammad, Shaikh.
 Farman Ali Khan, Subedar-Major.
 Fazl Ali, Khan Bahadar, Chaudhri.
 Firoz Khan, Noon, Malik.
 Firoz-ud-Din Khan, Rana.
 Ganga Ram, Rai Sahib, Lala.
 Ghulam Muhammad, Chaudhri.
 Gokul Chand Narang.
 Gray, Mr. V. F.
 Gurbaksh Singh, Sardar.
 Haitat Khan, Daba, M.
 Har Chand Singh, Sardar.
 Husain Shah, Sayad. Jodh Singh, Sardar.
 Karam Habi, Khan Bahadar, Chaudhri.
 Kesar Singh, Chaudhri.
 Khan Muhammad, Khan, Wagha, Malik.
 Mangal Singh, Sardar.
 Maqbool Mahmood, M. Masbar Ali Asbar.
 Mohan Lal, Lala.
 Mohan Lal Bhatnagar, Lala.
 Mohindar Singh Sardar.
 Mohammed Abdullah Khan, Khan.
 Muhammad Hussain, Sayad.
 Mabd. Jamal Khan, Khan Bahadar, Sardar.
 Muhammad Mehr Shah, Nawab Sayad.

Muhammad Kaza Shah, Gilani, Maki-dumzada.
 Muhammad Saif Ullah Khan, Khan.
 Muhammad Shad Ali Khan, Chaudhri.
 Muhammad Shah Nawaz, Mian.
 Muhammad Sharif, Mian.
 Capt. Muntaz Muhammad, Khan, Tiwana.
 Najb-ud-Din Khan, Chaudhri.
 Nausk Chand, Pandit.
 Narain Singh, Sardar.
 Narendra Nath, Diwan Bahadar, Raja.
 Narinjan Das, Diwan.
 Nihal Chand, Sikri, Lala.
 Nur Din, Chaudhri.
 Partab Singh, Jamadar.
 Pobap Singh, Rao. Ram Singh, Chaudhri.
 Randhir Singh, Sardar, Kalawala.
 Ruchi Ram Sahni, Lala.
 Saadullah Khan, Chaudhri.
 Sahib Dad Khan, Chaudhri.
 Sangat Singh, Sardar, Kalla.
 Sewak Ram, Rai Bahadar, Lala.
 Sahab-ud-Din, Chaudhri.
 Shabadar Khan Rai, Sham Lala, Lala.
 Sikanat Hayat Khan, Lieut. Sardar.
 Tara Singh, Sardar.

Chief Events

- 2 Jan 24** Council Opened by H. E. the Governor.
2 Jan 24 Supplementary Demands under Excise refused—Demand under Stamp, Forest, Registration & General Administration granted.
5 Jan 24 Demands under Administration of Justice and Jails and Convicts sanctioned.
25 Feb 24 Govt. Resolution to amend the Punjab Courts Act rejected.—Ch. Lal Chand's motion for election of members on Advisory Committee carried—Supplementary grants voted.
26 Feb 24 S. Jodh Singh's adjournment motion on the shooting affairs at Jullundur ruled out of order.
1 Mar 24 BUDGET PRESENTED.
5 Mar 24 Mr. Muhd. Hossain's resolution on Agricultural indebtedness passed.—Ch. Afzal Huq's resolution on Arms Act modification passed.—Mr. Bodhra's resolution on Removal of Liquor Shops lost.
6 Mar 24 Official Bills referred to Select Committee.
10 Mar 24 Several motions for reduction under Land Revenue discussed & passed.
11 Mar 24 Demand under General Administration (Reserved) granted on Govt. accepting 25 per cent. reduction.—Mr. Jodh Singh's motion for reduction of two-fifths in the Staff of Commissioners passed.
13 Mar 24 Demand under General Administration (Transferred) and Justice granted.
15 Mar 24 Debate on Akali Prosecution—Demand under Jails granted after objection—Demand under Police granted.
17 Mar 24 Demands under Scientific Departments and Education (European Reserved) passed.
18 Mar 24 Demand under Education (Transferred) passed after all the motions of reduction were withdrawn or lost.
20 Mar 24 Demands under Medical and other Heads granted.
24 Mar 24 Mr. Irving's motion for a loan of Rs. 50 lakhs to the Bahawalpur Durbar and Sanjar Majithia's motion for a grant of Rs. 50,000 to the Governor in Council passed.—COUNCIL PROROGUED.

Punjab Legislative Council.

JANUARY SESSION 1924

The first meeting of the Punjab Legislative Council this year was held on Wednesday, the 2nd January at 11 a. m., the Hon. Mr. H. A. CASSON presiding. A large number of members attended, and the visitors' gallery was full. The Swarajist members were seated together and had a block to themselves. Their Gandhi caps and white khadder dress attracted a good deal of attention. The elected members were divided into the following groups:—

Swarajists	...	...	...	9
Hindu Swaraksha Sabha	...	...	...	5
"	
Muslim	...	...	...	34
Khilafatists	...	...	...	8
Muslim Leaguers	...	...	...	7
Independents	...	...	...	6
S. G. P. C. men	...	...	...	11

		Total	...	71

The proceedings began with the taking of the oath of allegiance by the members, after which His Excellency the Governor addressed the Council. Some 25 Hindu and Sikh elected members at once walked out of the Council Chamber and remained outside so long as the Governor was there. This was done as a protest against the constitution of the Ministry.

Supplementary Grants.

After the Governor's address the Council met at 2 p. m. to discuss the supplementary demands for grants.

The Hon. CHAUDHRI LAL CHAND, Minister for Agriculture, moved for a supplementary grant in respect of Excise. The demand elicited a good deal of discussion. Prof. RUCHI RAM SAHNI objected that the members had not been given sufficient time to consider the demands. He also referred to the deficit of 4 crores that had accrued during recent years, and deprecated the grant of more money to excise officials by way of travelling allowance. He further urged that a compromise had been arrived at between the Government and the Council at the time of the last budget debate but the Government wanted to disregard that promise and now proposed to restore the sum that it had consented to forego. Raja Nariindra Nath and Dr. Gokal Chand Narain and others spoke in the same strain. When the demand was put to vote after a long discussion, it was defeated by 38 votes to 34. The demand was thus refused *in toto*.

Four other demands for supplementary grants in respect of stamps, forest, registration and general administration were voted by the Council while another demand by the Finance Member in respect of administration of justice regarding fee for the special law officer for the prosecution of the case instituted against the Shiromani Gurudwara Prabbandak Committee was strongly opposed by the Sikh and some

Hindu members, and after a lengthy debate an amendment moved by Sardar Jodh Singh to reject the demand of Rs. 50,000 required for the fees of Mr. Petman, Special Law Officer appointed by the Government to prosecute the Akali Leaders' Case, was rejected by the Council by 41 to 34 votes.

On the 5TH JANUARY Khan Bahadur Sheikh Abdul Kadir (ex-Judge of the High Court, and recently Counsel for Sir Michael O'Dwyer in the famous O'Dwyer—Nair case) was elected Deputy President of the Council, and then supplementary grant for Administration of Justice, which was under discussion when the Council rose on the 2nd Jan. was sanctioned after a division, 45 members voting for the motion and 33 against. All the official and Muslim members voted together.

Sir John MAYNARD next moved a supplementary grant under 'jails and convicts' and delivered a lecture to the members on the subject of grants, warning the Council not to put the Governor in an awkward position in respect of reserved departments of having to use his powers of certification. This speech was much resented.

Dr. C. C. NAURANG (Swarajist) in reply took the Finance Member severely to task. He pointed out that the remarks were uncalled for and the arguments lacking in force. Economy in one department should not mean extravagance in another. Referring to the threat that the Govt. would be compelled to use the powers of certification, Dr. Naurang declared if the demands were not wanted by the country, let the Government certify them. It is the people's voice that should be supreme and not the voice of the executive. After further discussion and the rejection of an amendment of Sardar Tara Singh in respect of Rs. 4,000 expenditure on under-trial prisoners in the Babbar Akali case, the original motion was put and carried. The Council after passing some further grants then adjourned till the Budget session in February.

THE BUDGET SESSION

On FEB. 25th the Council reassembled to discuss Govt. business. Sir John Maynard's motion for supplementary sum of Rs. 24,000 for fees for special Public Prosecutors evoked keen discussion and the debate on the motion was ultimately adjourned. Another Govt. resolution to amend the Punjab Courts Act 1918, so as to transfer from the High Court to the Court of District Judge jurisdiction in appeals from decrees or orders of a Subordinate Judge where the value of a suit ranges from Rs. 500 to Rs. 7,500, raised a storm of protest and the resolution being put to vote was rejected.

R. B. Chaudhri Lal Chand next moved for the election of members on the various Advisory Committees which was carried.

The House next proceeded to the consideration of Supplementary Grants all of which were voted without any reduction.

The first demand that elicited some discussion related to the item of Rs. 14,000 for travelling allowance of excise officers. The Council had rejected a similar demand for Rs. 16,000 in January and the present was another attempt of the Hon. Minister for Agriculture to get the money sanctioned. It was carried by 45 votes to 16.

Next came a demand of Rs. 24,000 for public prosecutors which had been reduced in January last by Rs. 50,000. item relating

to punitive police was objected to by Prof. Ruchi Ram Sahni in a speech which was several times interrupted by the President and the Finance Member. Mr. Sahni said he had personally held enquiries and found that the excesses of the punitive police were partly responsible for the Babbar Akali movement. The tax was levied on members of the Congress, the Akalis, and in some cases even on minors. The motion however was carried by 39 votes to 29.

On FEBRUARY 26th Sardar Jodh Singh made his adjournment motion regarding the affairs at Jaito resulting in the shooting of the Akalis on the 21st February, but the President ruled it out of order and made a long statement in support of his ruling. The main plea was the same as that taken up by the Home Member in the Assembly (see p. 151), namely, that the discussion would lead members to casting reflections on the administration of a Native State which no Indian legislature could do. Some 30 members, Swarajists, S. G. P. C. members and Khilafatists, rose in a body to protest. But the subject had to be dropped there. Pt. Nanak Chand's resolution to withdraw an Educational Circular was lost by 29 to 36 votes.

On FEBRUARY 26th Sh. Faiz Muhammad moved that the new University regulation introducing Education as a professional and theoretical subject in B.A. course be not approved. It was carried.

The Council then rejected a resolution of Lala Mohan Lal which recommended the Govt. of India not to allot any further Indian Forest Service officers to the Punjab for a period of at least 10 years.

On FEBRUARY 29th Dr. Gokul Chand Naurang moved that no money sanctioned by the Council be spent on any article not produced or manufactured in India. A lively debate followed. Government was willing to accept it subject to the proviso that the "quality was good and the price reasonable"—a qualification meant merely to circumvent the resolution which was consequently withdrawn by the mover in disgust.

On MARCH 1st Sir John Maynard, the Finance Member, presented the BUDGET for 1924-25 and asked the House to take note that the figures were based upon the assumption that it would not reject three taxation bills, which he had to ask it to refer to a select committee next week. The budget showed a total revenue receipts of Rs. 1,081 lakhs and Rs. 1,075 lakhs of revenue expenditure. There was a deficit of Rs. 44 lakhs of which Rs. 25 lakhs was accounted for by a sinking fund. The Finance Member pointed out that the Government of India, this year, had expressed willingness to finance the very moderate deficit during 1924-25. In the year succeeding their equilibrium must be attained, if not by one method then by another, for the province will be left to meet its liabilities without the help of the Government of India. Compared with the Budget of 1923-24 the present budget however was distinctly a more favourable statement of the financial position of the province. Whereas last year there was a deficit of revenue account of Rs. 62,84,000 the deficit was now reduced to Rs. 44 lakhs, which was the result of the increase of Rs. 27,66,000 in revenue and of only Rs. 2,49,000 in expenditure. The new taxation bills were the same as those rejected by the Council in the previous year.

On 3RD MARCH the Council met to consider the Money Bills. The first of these proposed change in the Court Fees Act so that for purposes of Court fees land in dispute in civil cases will be valued at twenty times the land revenue payable thereon instead of ten times as was the practice heretofore. This was referred to a Select Committee.

On 5TH MARCH the Council took up non-official business. After interpellations, which mostly related to communal matters, discussion on S. Mohammad Husain's resolution regarding Agricultural indebtedness was continued. The resolution was moved on 29th Feb. and ran as follows :—

This Council recommends to the Government that a committee of three be appointed to tour the villages in the South-Western Punjab to examine the claims of money-lenders against cultivators when the parties agree to this course and to arrive at sums which they are actually able to pay within a reasonable time, such committee to consist of (a) a Judge with insolvency powers, (b) a representative of cultivators, and (c) a representative of bankers.

The motion was pressed to a division and carried by 35 votes to 22.

Chaudhri AFZAL HUQ next moved the following resolution :

This Council recommends to the Government to recommend to the Government of India that they may take early steps to exempt the SWORD from the operation in the Punjab of the ARMS ACT with regard to all the restrictions contained therein.

The resolution was after discussion put to the House and declared carried. Government members remaining neutral.

Mir MAQBUL MAHMUD moved the following resolution :—

This Council recommends to the Government the appointment of a committee with non-official majority to advise what steps the Government may reasonably take to improve the present economic and social conditions of the agriculturists of this province.

The resolution was, however, by leave of the Council withdrawn.

Chaudhuri DULI CHAND next moved the following resolution :—

This Council recommends to the Government that the rate of GRANT TO AIDED SCHOOLS per pupil reckoned on the average attendance be as follows :—

	Anglo-Vernacular.		Vernacular.	
	Agricultural	Non-Agricultural	Agricultural	Non-Agricultural
A.—In the Lower Primary Department ...	4	2	4	2
B.—In the Upper Primary Department ...	8	4	8	4
C.—In the Middle Department ...	20	10	12	6
D.—In the Higher Department ...	32	16	...	...

The present rules, he said, made no distinction between Agriculturists and non-Agriculturists. The speaker wanted to provide an incentive for increasing the number of pupils from agricultural classes. The resolution was, however, by leave withdrawn, after Sir George Anderson, the Director of Public Instruction, had pointed out that the figures relating to the number of agriculturist and non-agriculturist students were not available, and that in the absence of those figures he could not say exactly how much additional expenditure the proposal would entail.

Lala BODH RAJ then moved the following resolution :—

This Council recommends to the Government to eliminate sources of danger to the moral tone of society by (a) removing beyond the Municipal boundaries LIQUOR SHOPS already located in the various towns; (b) removing to the quarters of the Tahsil and to locate in or near the tahsil compound all liquor shops already located in the various villages.

The resolution was lost by 35 votes to 15.

On 6TH MARCH a special meeting was held to dispose of Government business.

The Hon'ble Sir John Maynard introduced the Punjab Stamp (Amendment) Bill. The operative clause of the Bill runs as follows:—

"In Schedule I-A to the Indian Stamp (Punjab Amendment) Act, 1922, in article 23, before the word 'Exemptions' the following proviso shall be inserted, namely:—

Provided that a conveyance of immovable property situated within a Municipality or Cantonment shall be chargeable with a stamp duty at double the rate hereinbefore provided."

He also moved to refer the bill to a Select Committee. He observed that Govt. expected an increase of 5 lakhs in the revenue by the proposed bill without any extra expenditure whatever. The motion was put to the House and carried.

The Hon'ble Sir John Maynard next introduced the Punjab Motor Vehicles Taxation Bill, and that it be referred to a Select Committee which was done.

Mr. MILES next moved the following resolution which was carried:—

"That this Council recommends to Government to raise during the year 1924-25 a loan of Rs. 1,50,00,000 for the purpose of providing funds for the construction of Irrigation Works—Capital Expenditure—and other productive projects approved by the Council."

The Council then resumed discussion of the motion moved on Monday, 25th February, 1924:—

That a supplementary sum be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of May 1924 in respect of Administration of Justice.

Sardar Jodh Singh referred to the Akali Leaders' case, and said that large sums of money were being wasted on it. After Sir John Maynard, Sayid Mohd. Hussain and Sir Gopal Das had spoken, the motion was put to the House and carried by 29 votes to 15. The Council then adjourned until 2 p. m., for the ordinary meeting.

Budget Discussion.

The Council reassembled at 2 p. m. for the general discussion of the Budget for 1924-25.

S. Mohd. Hussain opposed the levy of additional taxes. All the new taxes proposed were opposed to all the canons of civilized taxation. He urged for retrenchment. Mr. Magbul Mahmud also urged retrenchment and suggested various means to improve the finance of the province. Mr. Shah Newaz complained of various beneficent schemes, such as education, being neglected and starved, and wanted a more thoroughgoing retrenchment. Sirdar Jodh Singh along with the previous speakers criticised the Government for not having taken a strong attitude in the matter of the Provincial contribution. He next attacked the repressive policy of the Government on the Sikhs which was costing a lot. A further strong criticism of Government was delivered by Prof. Rachiram. The Government members then replied.

On 7TH MARCH the Council met to consider the Government's demands for grants.

The Hon'ble Mr. MAJITHIA moved that a sum not exceeding Rs. 44,07,000 be granted under head: Land Revenue. There were more than 90 motions for reduction of this demand of which about a third

were disposed of on this day, and the rest came up for consideration on the 10th when the Council re-assembled. As a result of the day's discussion cuts to the extent of more than 3 lakhs were made, the largest item being Rs. 1,70,240 which related to the settlements of 8 districts. The balance was mostly made of reductions in travelling allowances.

Sardar JODH SINGH moved that the grant be reduced by Rs. 13,000 with respect to the item of Rs. 32,030—Temporary Establishment. After some discussion the motion was carried by 34 votes to 29.

Sardar JODH SINGH then moved that the grant be reduced by Rs. 2,157 with respect to the items of Rs. 8,636—Travelling Allowance (5 A.—Land Revenue.) He said that the proposal was to make a cut of 25% in all items of travelling, and suggested that the whole question be discussed and decided once for all. On Sardar Sunder S. Majitha agreeing to it, discussion then proceeded on the question of travelling allowance as a whole, which amounted under all heads together to about 44 lakhs. Ch. Sahaluddin said that his experience was that T. A. in the Punjab was much higher than in the case of officials of the Govt. of India, sometimes double the latter. After a long debate the motion was carried without a division.

Several other minor motions for reduction were then carried

Land Settlements

Chaudhri AFZAL HUQ moved that the grant be reduced by Rs. 1,70,240 with respect to the item of Rs. 1,78,100—Survey and Settlement—Other Headquarters Establishment. He said that Zamindars were all opposed to fresh settlements and they wanted land to be permanently settled as in Bengal. After a long discussion the motion for reduction was carried by 41 votes to 22.

On MARCH 10TH the discussion on Budget grants was continued. The motions for reduction of the Land Revenue grant, which had been left over from the previous day, occupied a good deal of time. After that the grants under the heads Excise, Stamps, Forests, Registration, Irrigation and Interests on Ordinary Debt were voted. Barring a few exceptions the cuts made in the demands were again in respect of travelling allowances and the debate centred round the question of the reduction of enormous travelling allowances given freely to various officials. Practically throughout the whole day motions for reduction of other items in the grants were in most cases either not moved at all or withdrawn after a desultory discussion.

Settlements Again

S. Mohd HUSAIN moved that the grant be reduced by Rs. 4,52,900 with respect to the item of Rs. 4,52,900—Survey and Settlement Parties. After the Financial Commissioner had made a lengthy speech opposing this and other motions for reduction, some of which were never moved the motion was carried by 39 to 24 votes.

General Administration

On MARCH 11th. the Council next proceeded to discuss the demand for Rs. 84,140,00 in respect of General Administration (Reserved).

There were as many as 166 motions for reduction of this grant on the agenda paper, of which 113 only could be disposed of before

the Council adjourned. Most of these demanded a reduction of 25 per cent in the items relating to travelling allowances. But after some motions of this nature had been dealt with, Prof. Ruchi Ram Sahai again suggested that a good deal of the time of the Council would be saved if Government accepted an all-round cut of 25 per cent in the items relating to travelling allowances, contingencies, etc.

Government after some discussion agreed to a tentative reduction of 25 per cent in all items relating to travelling allowances, reserving to itself the right of asking for supplementary grants in the event of the reduced grants not being sufficient when the new rates, which would be fixed by a committee to be specially appointed for the purpose and then placed before the standing Committee of the Council, would come into force. Certain Mussalman rural members headed by K. B. Chaudhri Sahaluddin and Mr. Mir Maqbool Mahmud promised to support Government in that contingency, while Dr. Gokul Chand Naurang and Sardar Jodh Singh pointed out that they could hold out no such promise but would consider the proposals of the Finance Committee on their merits. After this there was no discussion on the motions relating to reduction in travelling allowances, and they were simply put to the Council and carried.

The other contested motions for reduction were, with one solitary exception, either not moved at all or withdrawn after a perfunctory discussion or rejected by the Council. These included the motions for reduction in hill journey and hill allowances, contingencies, temporary establishments, the staff of the Secretariat, and so forth.

Commissioners

The one contested motion which was carried in spite of Government opposition related to the staff of Commissioners.

Sardar JODH SINGH moved that the grant be reduced by Rs. 56,199 with respect to the item of Rs. 2,33,200—Total Commissioners. He said the Retrenchment Committee had recommended that the number of posts of Commissioners be reduced from 5 to 3 but that reform had not yet been carried out. He had therefore moved for reduction of two-fifths in the staff of Commissioners. The motion was pressed to a division and carried by 40 votes to 22.

Secret Press Propaganda

Of the motions that were rejected by the Council, the following amendment of Sardar Jodh Singh elicited a lively debate:—

That the grant be reduced by Rs. 2,500 with respect to the item of Rs. 2,500—Composition of Articles for Press.'

Sardar Jodh Singh strongly criticized the secret propaganda carried on by Government through articles which were written at the instance of Government on payment, but were published anonymously or as representing the views of independent men. The Chief Secretary said that twice or thrice the amount budgeted was required for secret press propaganda by the Government and he was not ashamed to admit that that was an incidence of administration. Malik Piroz Khan and Mr. Maqbool Ahmed supported him, as also a large number of other Muslim members. The motion of Sardar Jodh Singh was finally defeated by 24 votes to 41.

On 13TH. MARCH there was a lively discussion on the budget grants especially with regard to the item: special Public Prosecutors for conducting the Akali prosecutions. A large number of questions were asked on the subject to which Govt. gave cryptic replies. Discussion on the grant for general administration was then continued. After a few more cuts were rejected, the demand as already reduced was passed.

Mian Fasl-i-Hussain next moved that a sum not exceeding Rs. 1,33,000 be granted in respect of General Administration—Transferred.

There were four motions for reduction of this demand on the agenda one of which stood in the name of R. B. Lala Sewak Ram and demanded that the total pay of Ministers be reduced from Rs. 1,20,000 to Rs. 96,000. None of the motions was, however, moved and the demand was carried without any discussion or reduction.

Administration of Justice.

The Hon'ble Sir John Maynard moved that a sum not exceeding Rs. 41,71,000 be granted in respect of Administration of Justice.

The motions for reduction in the items relating to travelling allowance aggregating to Rs. 7,875 were put from the chair and carried. Sardar Gurbakhsh Singh moved that the grant be reduced to Rs. 9,000 with respect to the item of Rs. 9,000—Assistant Legal Remembrancer—English Law officers.

After the Legal Remembrancer had referred to the recent increase in the work of the Legal Remembrancer's office, the motion was withdrawn.

Special Public Prosecutors.

Lala Bodh Raj next moved that the grant be reduced by Rs. 1,00,000 with respect to the item of Rs. 1,55,000 for special public prosecutors. He said he was opposed to the appointment of special public prosecutors for special cases on principle. Instead of engaging ten special public prosecutors on heavy salaries the Government could have got the work done through the senior public prosecutors already in service and employed officiating public prosecutors at Rs. 500 a month in their place. There was a heated debate on this head.

Chaudhry Ali Akbar, opposing the motion, said dacoits spent large sums of money to secure the services of able lawyers and there was no reason why objection should be taken to Government doing the same. Sardar Tara Singh said the Finance Member had admitted in his budget speech that there was a marked decrease in crime in the province. There was, therefore, no justification for employing such a costly special prosecuting agency in criminal trials. The fee paid to special public prosecutors were too large and unnecessary. He also complained of the laxity in the choice of special prosecutors and said local lawyers should be engaged as far as possible.

The Hon'ble Sir John Maynard admitted that crime was less last year than in the preceding one, but it was all the same heavy and a large number of special cases had arisen, in which there was an enormous number of witnesses, and in some cases an enormous number of accused persons, and the hearings which were likely to go on for a long period from day to day. The speaker illustrated his point by referring to the forged notes case, and said that judging from the large number of false notes circulated, hundreds of thousands of persons must have been plundered. Some money must be spent to bring the guilty home to the account. He denied that the Special Public Prosecutors were being unnecessarily paid large sums by way of salaries; and said that one of them got only Rs. 500 a month while several got Rs. 1,000 or less. The Government was doing all it could to economise.

Mian Muhammad Shah Nawaz, supporting the motion, referred to the Akali case. He urged that the general impression among the public was that the Government

was bent on crushing the S. G. P. C. organization. The sum that was being spent on the prosecution of the Akali leaders was exorbitant.

Sardar Bahktawar Singh complained that while in the Babar Akali case, where the accused were guilty of murder, arson and other brutal acts of terrorism, only Rs. 2,100 a month was being spent on the prosecuting Counsel, in the Akali Leaders' case, where the accused persons had always been preaching non-violence, several times that amount was being spent on the prosecution.

Sardar Jodh Singh further supporting the motion said that the matter had come up before the House several times, and on every occasion the mention of dacoities and murders was made to mislead the members. The fact, however, remained that the lion's share of the grant would be swallowed up by the Akali case, and only much smaller sums were to be spent on the prosecution of dacoits. The Government ought not to create the impression that it was more anxious to get the Akali Leaders convicted than even the most dangerous dacoits and murderers. The Akali case began on the 18th October, and the investigation in it was still going on, so that it was not possible to say when the proceedings would be brought to a close. If a prosecution witness broke down in cross-examination there was further investigation and two more witnesses were forthcoming to take his place. The case could, therefore, be indefinitely lengthened out. This was by no means in the interest of the accused, who had said in the open court that they were prepared to remain in jail until the investigation was completed. The Government could appease the Sikhs only by passing satisfactory legislation. It was idle to say that the Sikh members should suggest what amendments they wanted in the existing Act. How could they do so, when the S. G. P. C. had been declared to be an unlawful association. Concluding, he observed: "If the Government insist on imprisoning us, why should it also place a heavy economic burden on us and increase taxation?"

The motion was then put to the House and lost by 21 votes to 41.

The Akali Leader's Case

Sardar Tara Singh moved that the grant be reduced by Rs. 55,00 with respect to the item of Rs. 55,000—Special Public Prosecutors' Fees.

The motion was put to the House and lost by 19 to 39 votes.

Rai Bahadur Lala Sewak Ram next moved that the grant be reduced by Re. 1. Sardar Gurbakhsh Singh said the conduct of the Akali leaders' case was not only condemnable from the point of view of economy but also to be condemned on principle. The Government had several times measured its strength against the Sikhs, but it had always failed.

At this stage, the President intervened and asked the speaker to stick to the motion under discussion.

Continuing, the Hon'ble Member observed that the Government had not properly tackled the Sikh situation. The Sikhs wanted control over their Gurdwaras and shrines.

The President again asked the member to stick to the motion.

Continuing, the speaker said the Punjab had now before it the statement of Lord Olivier.

The President, at this stage, ordered the member to discontinue his speech.

Dr. Gokal Chand Narang supporting the motion said that the only question with which they were concerned was whether it was wise or unwise to grant the amount demanded for the year 1933-34. The case had been going on for about 5 months or so, and had been costing about Rs. 20,000 a month. One of the counsel for the prosecution was being paid Rs. 600 per day. Another counsel, said the speaker, was being paid Rs. 2000 a month. It needed no explanation on the part of the speaker to show that the gentlemen who were being tried in the Akali

leaders' case were the cream of the Sikh community. Not one of the accused persons was suspected of being guilty of violence. The only charge on which they had been prosecuted was that they had done certain things which led to breaches of the peace here and there. The speaker was not concerned with the merits of any individual case, the accused might be guilty or innocent, but their trial had created a feeling, not only among the Sikhs but also amongst others, that Government was not acting wisely, and was not making the proper use of public money in prosecuting the accused, all of whom were held in the highest esteem by the Sikhs. The possible gain that the Government could derive from securing the conviction of the accused would not be commensurate with the injury that it would do to itself by persisting with the case. There should be mutual trust and good-will between the people and the Government. The Government should not by its conduct give rise to the suspicion that it was vindictive, or that it did not want to allow religious freedom. No useful object would be gained by proceeding with the case. If one set of members of the S. G. P. C. was arrested, another took its place; and as a humble student of Sikh history, the speaker could say that the Sikhs could not be repressed by such prosecutions or persecutions. And then, said the speaker, had the Government taken only an ordinary interest in the case there would perhaps not have been the same feeling of bitterness as actually prevailed. The Government had thought it necessary to engage the best or the costliest counsel for the prosecution. Concluding, the speaker advised the Government to drop the case.

Malik Firoz Khan Noon, opposing the motion, observed that had the movement of Sikhs been of a purely religious character, nobody would have supported the policy of Government to suppress it; but if there was a reasonable suspicion that the real motive of the Sikh movement was political which was detrimental to the interests of their sister communities, the policy of Government could not be held to be wrong. If the Sikh community or Sikh members of the House could offer a solution to ease the situation and make the continuance of the prosecutions which were most unwelcome to Government unnecessary, the country and the Government would be much beholden to them. The Sikhs could not expect the sympathy of the House if under the cloak of religious reform they transgressed the political rights of their sister communities.

The Council at this stage adjourned.

On 15th MARCH, the Council met and continued the last debate.

SARDAR JODE SINGH said that the S. G. P. C. was the representative body of the Sikhs in the matter of Gurdwara reform and its members had been elected by their free vote. The hold that it had on the Sikhs was amply proved by the recent Council election, inasmuch as from 80 to 90 per cent. of the Sikh votes had been cast for the nominees of the S. G. P. C. In prosecuting the office-holders of that Committee, therefore, the Government was seeking to repress the desire for Gurdwara reform in the minds of the whole community. The maintenance of law and order was meant for promoting peace and contentment. Was that object achieved by the Akali trial, asked the speaker? Referring to the remarks of Mr. Firoz Khan the speaker asked the House that the S. G. P. C. was nothing but a religious body, a fact which had been admitted by the Education Minister when he introduced his Ordinance in the Council in 1911. The speaker was prepared to put a clause in the Bill that met a plea of the Gurdwara

money would be spent on political propaganda. As to their bringing forward a non-Sikh Bill, there were two obstacles in their way. In the first place, no Bill would be acceptable to the Sikhs unless it did not transfer the control of the Gurdwaras to the H. O. P. C., and so long as it was an unlawful association they could not bring it in. The second difficulty was that they did not want merely to pass a Bill, but also to remove the prevailing antagonism between the Sikhs and the Government. Thousands of Sikhs were in jails on account of the movement, and unless they were withdrawn another agitation would arise to secure their release. The Government took pride in styling itself as the people's Government. Let it prove that claim by bowing to the wishes of the Sikhs in the matter of religious reform. The Sikhs were not after taking other people's rights.

Prof. KUCHI RAM SAHNI, supporting the motion, said a great mistake had been made in instituting these cases, especially the cases against Akali leaders. It was not merely that so much public money was being wasted, it was much worse. The magnitude of the feeling of suspicion and distrust was not fully realised. Day after day evidence was being led by the prosecution and later on similar evidence would be produced by the defence, which raked up old memories. Some of these incidents, said the speaker, might well have remained buried in the lumber, a heap of forgotten memories. The amount of unrest and discontent which the case had created was increasing. When that very morning the Government was negotiating over the present affair with the same body which the Government had declared to be unlawful, the people laughed in their sleeves and said the real object of instituting these cases was simply to put down the Akali movement. The Akali movement had taken its rise from certain serious defects in the law of the land in regard to resoning places of worship from the hands of corrupt and debauched Mahants and priests. For seven years after being awakened to the need of purifying their Gurdwaras, the Akalis had recourse to courts of law; but they found that the relief was too slow in coming. It was under those circumstances that they resorted to passive resistance. What Government should have done and what it did not do was that they should have removed those defects of the law. It would not do to say that at the back of the minds of the Akali leaders was some political object. If a movement becomes political by resorting to 'Satyagraha,' then in that sense the Akali movement was political but in no other. Concluding, he observed that the money which was being spent on the case was being spent to the disadvantage of the Government as well as of the people. The interests of both were identical, and the sooner the cases were withdrawn the better would it be. The only remedy of the present situation lay in reconciliation.

After a few more speeches the Home Member rose to reply.

Sir JOHN MAYNARD said the question had narrowed itself down to this—whether it was right or politic to continue the prosecution or not; and he would, therefore, limit himself to that question. The natural and normal course was to finish what had been begun, unless there were very good reasons for altering the course and a good and tangible alternative was put forward. It was for those who suggested the dropping of the prosecution to suggest the alternative. Many members who had supported the motion simply wanted that the prosecutions should be dropped and the Government should accept a policy of general release. When such a course was urged, it was natural to see to what results such a policy had led in the past.

The Council had received the announcement of the Birdwood Committee with satisfaction and welcomed the prospect of a termination of the trouble with the Sikh community. But experience did not justify that hope. Bands of armed Akalis began to traverse the Central Punjab and to indulge in lawless extravagance. They entered railway carriages and travelled without tickets. Their behaviour showed that they had completely lost their heads, and because they had been treated with leniency they believed they had completely triumphed and could do what they pleased. So much about the actual experience as to results of a policy of release. There was another course which had been suggested by some honorable members, a course which the Govt. had favoured for long time past and which it still favoured, viz., suitable amendment of the laws. It was wrong to say that Government had made no attempt in that direction. The speaker's own record of draft Bills showed that eight such attempts had been made. But more than once the Sikh members, to meet whose wishes the drafts had been made, altered their minds after the whole thing was complete. Finally, it was thought that it was

better to pass something which might appeal to reasonable Sikhs outside the Council; and for that reason a Bill was ultimately passed by the Council. But almost immediately afterwards, discussion was re-opened with the leaders and Government asked them to give an outline of the Bill which they themselves would like to be put before the Council. The leaders, however, declined to put forward any suggestions except on conditions which seemed to be altogether unreasonable.

S. Chakrabarti Singh :—Because the Government went on arresting people in breach of former agreements.

Continuing, the Hon'ble Member observed that if any amending legislation was to be undertaken because the Sikhs had not accepted the proposals hitherto put before them, it was evident that they must come forward and say what they precisely wanted. The Government had not ceased to persuade the Sikhs to act in that manner. It had been said that unless Government promised beforehand to release certain persons or to do certain other things, which were the conditions to be dictated to Government for the occasion, no Sikh would be prepared to bring forward a Bill. Was it not obvious, asked the speaker, that if the sole object was to achieve certain religious liberty, and if a Gardwara Bill was the means of doing so, then those Sikhs whose sole desire was the attainment of religious liberty should without any regard to other considerations be prepared to produce a Bill so that it might be known precisely what was required. Concluding, the speaker observed that the Government had made many efforts, which had been infructuous; but it had not lost its patience or hope.

Sardar TARA SINGH supporting the motion said, under the constitutions of the B. G. P. C. its funds could not be spent on any but religious purposes. Nor had the Committee had anything that could be described as political. It was simply a case of giving the dog a bad name in order to hang it that the Committee was described as political. It was not sufficient, said the speaker, to do justice; but it was also necessary to satisfy the parties that justice was being done. Was that the case in regard to the Akali trial? Obstructions were placed in the way of counsel for the defence seeing their clients or taking instructions from them. On the one hand, large sums were being spent on the prosecution, and on the other, obstructions were put in the way of the defence. That did not show the *bona fides* of Government.

The motion for reduction was then put to the House and declared lost by 24 votes to 31, those voting against being mostly official and nominated members.

After a few motions for reducing the items relating to Travelling Allowance by 25 per cent. had been put from the Chair, the demand as reduced was put to the Council and carried.

Jails.

The Hon'ble Sir John Maynard moved that a sum not exceeding Rs. 30,44,000 be granted in respect of Jails and Convict Settlement.

Vote of Censure.

After the motions for reduction of travelling allowances had been put from the chair and carried, Maulvi Maashar Ali Azhar moved that the total grant be further reduced by Re. 1.

In a lengthy speech he referred feelingly to the hardships and indignities to which prisoners were subjected in Indian jails and to the corruptions that prevailed in the department. The feeling of self-respect among the prisoners was not only not awakened or developed but absolutely deadened by the treatment that they got in goal. The dress which they had to wear was degrading, and no shoes were provided even in summer and the rainy weather. They had to sleep through out the year inside their cells. As to food it was badly cooked and composed of bad stuffs. Sometimes the same vegetable was given for the whole season, and the same *dal* for weeks and months together. Gram and other inferior grain were mixed with the wheat used for bread. Even the *dal* that was allowed by the rule did not reach the prisoners in fact, and there was speculation at every stage. After giving a vivid description of prison life, the Hon'ble Member pointed out that

the recommendations of the Jails Committee had not been carried out in the matter of providing lights, books and facilities for religious observances to the prisoners. Nor were there any arrangements for educating the prisoners, in spite of the fact that the Indian Jails Committee had recommended that education should be made compulsory for all prisoners up to the age of 25. As to the tasks to which the prisoners were put, they were most degrading and dehumanising.

Chandhri DULI CHAND opposed the motion, and said if the views of the previous speaker were to be accepted he would advise the agriculturists to go and live in the jails as life there would become much pleasanter than in the villages. Did the mover, he asked, want to turn jails into guest houses? The speaker deeply deplored the tendency to make jail life more easy and comfortable, as that led to increase in crime.

Chandhri AFZAL HAQ, supporting the motion, related what he had himself seen of life in jail during his stay there, and said if they wanted to see hell upon earth they should go to an Indian jail. He also referred to the distinction between European and Indian prisoners, and said the European *badmashes* were given comforts in jail which were denied even to Mahatma Gandhi. He also complained against not allowing the political prisoners access to newspapers and periodicals.

OTHER SPEAKERS.

Sardar Gurbaksh Singh and R. B. Lala Swak Ram further supported the motion. The latter pointed to the corruption that was rampant in the jails and complained that such persons were appointed unofficial visitors as were either illiterate or were honorary magistrates seeking higher powers, or sultans and others who had not the independence and courage to say the right thing.

Raisada BHAGAT RAM denied that suitable persons had not been appointed unofficial visitors. There was no doubt a great need for improvement in the rules; but as far as he knew there was not so much complaint about food and clothing as about the lowering of self-respect. He could not say from his experience of 4 years as an unofficial visitor of the Jailnagar Jail that any attempt had been made to improve the self-respect of the prisoners or to make them better men than when they entered the prison. The corruption of the jail staff was also an open secret. It might be urged that it was so in the other departments as well; but the jails stood on a different footing. The prisoners were in the hands of the jailor for all 24 hours, and he could abuse his powers to extort bribes. Concluding, the member suggested that the powers of the jailor should be curtailed, so that in the matter of taking disciplinary action, he should act with the unofficial visitors.

The motion was then put to the vote and carried by 26 votes to 23.

The grant as reduced was then voted.

Police.

Sir John Maynard moved that a sum not exceeding Rs. 1,04,000 be granted in respect of Police.

Chandhri Afzal Haq moved that the grant be reduced by Rs. 1. He said there was no one in the House who could be satisfied with the working of the police department; the corruption and oppression of the police was a matter of universal complaint. Ninety five per cent. of the police officials took bribes in cash and the remaining 5 per cent. took it in the shape of grass, fodder etc. The police officers who went to make investigation into a case committed 2 or 3 more offences like bribery, assault, etc. About 198 men of the police were punished and discharged every year for serious offences. The corruption was so high that the income of sub-inspector was not less than that of the Minister. He very feelingly described the torture and oppression to which police officials resorted during investigation of cases. The motion was then put to the House and carried.

The demand was then put to the House, and on being pressed to a

division there was a tie, 26 voting for and 26 against the motion. It was then carried by the casting vote of the President.

On 17th MARCH discussion on budget grants was continued.

Chaudhry Lal Chand moved that a sum not exceeding Rs. 30,800 be granted in respect of Scientific Departments. The motion was carried.

Sir John Maynard moved that a sum not exceeding Rs. 6,77,000 be granted in respect of Education (European—Reserved). The motion was carried after a reduction of Rs. 325 in respect of Travelling Allowance Education (Transferred).

Mian Fazl-i Husain moved that a sum not exceeding Rs. 1,00,16,000 be granted in respect of Education (Transferred).

Travelling Allowance.

One peculiar feature of the discussion on this demand was that the motions for the reduction of the items of travelling allowance comprised in this demand were defeated, the Hon'ble Minister pointing out that the railway allowance had already been reduced by 20 per cent. and that he would carry out any reductions carried out in other departments. While Hindu and Sikh members were not for treating this department differentially, the Muslim members generally supported the Minister. The Council divided on a motion of this kind, and it was found that 23 members voted for the reduction and 41 against Maulvi Mazhar Ali and Chaudhri Afzal Huq being the only two Mussalmans who voted for the reduction.

Intermediate Colleges.

Prof. Ruchi Ram Sahni moved that the grant be reduced by Rs. 62,320 with respect to the item of Rs. 62,320—Opening of Intermediate Colleges at Lyallpur, Cambellpur and Guzrat—Government Arts College. He wanted the money to be spent in free primary education. But if new colleges are to be opened, they should not be of the old type but of the new practical type which he proposed, teaching Agriculture, Commerce, Applied Chemistry, and so on.

The question soon became a matter of communal wrangle, Mahomedan members saying that the motion was intended to check the spread of education amongst Moslems, while Hindu members opposing the educational policy of the Minister. In the end Prof. Sahani withdrew his motion. It pained him very much, he said, to hear of all those communal jealousies which the debate had brought forth.

Next day, the 18th MARCH, the Education demand was further discussed. Dewan Narinjan Das moved that the grant be reduced by Rs. 1 with respect to Rs. 39,100—Queen Mary's College. The motion was lost.

Prof. Ruchi Ram Sahni next moved that the grant be reduced by Rs. 1,23,000 with respect to the item of Rs. 1,23,000—Provision of Board High Schools—Government Secondary Schools. In doing so the speaker said that he did not like the policy of the Education Minister in the matter of Local Bodies, and he wanted to give more power to Municipalities and District Boards, even if their constitution was defective, rather than take away whatever power they already possessed. Help the schools, he said, to grow in their own environment and under the fostering care of local men who know their needs. Help

Article XXIV.—Working Committee.

The All India Congress Committee shall, at its first meeting after the annual session of the Congress, elect nine members who shall, with the president, general secretaries and treasurers, be the Working Committee of the Congress and the executive authority responsible to the All India Congress Committee in all matters.

All proceedings of the Working Committee shall be placed before the next meeting of the All India Congress Committee.

Article XXV.—Subjects Committee.

The members of the All India Congress Committee shall constitute the Subjects Committee for the ordinary or extraordinary session following.

Article XXVI.—

The Subjects Committee shall meet at least two days before the meeting of the Congress in open session. At this meeting the president-elect shall preside, and the outgoing secretaries shall submit the draft programme of the work for the ensuing session of the Congress, including resolutions recommended by the different Provincial Congress Committees for adoption.

Article XXVII.—

The Subjects Committee shall proceed to discuss the said programme and shall frame resolutions to be submitted to the open session.

Article XXVIII.—

The Subjects Committee shall also meet from time to time, as the occasion may require, during the pendency of the Congress session.

Article XXIX.—Contentious subjects and interests of minorities.

No subject shall be passed for discussion by the Subjects Committee or allowed to be discussed at any Congress by the president thereof, to the introduction of which the Hindu or Mohammedan delegates as a body object by a majority of three fourths of their number, and if, after the discussion of any subject which had been admitted for discussion, it shall appear that the Hindu or Mohammedan delegates as a body are by a majority of three fourths of their number opposed to the resolution which it is proposed to pass thereon, such resolution shall be dropped.

Article XXX.—Order of Business.

At each sitting of the Congress, the order in which business shall be transacted shall be as follows:—

(a) The resolution recommended for adoption by the Subjects Committee.

(b) Any substantive motion and included in (a) but which does not fall under Article XXIX of the constitution and which 23 delegates request the president in writing, before the commencement of the day's sitting, to be allowed to place before the Congress; provided, however, that no such motion shall be allowed unless it has been previously discussed at a meeting of the Subjects Committee and has received the support of at least a third of the members then present.

Article XXXI.—Rule-making power.

The All-India Congress Committee shall have the power to frame rules in respect of all matters not covered by the constitution and not inconsistent with its Articles.

Article XXXII.—Election disputes panel.

The All-India Congress Committee shall, at its first meeting every year, nominate a panel of twelve members to enquire into and finally decide all election disputes coming before it. The parties to the dispute shall nominate one each out of this panel to represent the respective disputants, and the president shall choose the third.

Article XXXIII.—Language.

The proceedings of the Congress shall be conducted, as far as possible, in Hindustani. English or the language of the province may also be used.

APPENDIX A.
(VIDE ART. X OF THE CONSTITUTION.)

I hereby certify that

Full name.....
 Occupation.....
 Age.....
 Sex.....
 Religion.....
 Address.....
 is a member of the.....Congress Committee and
 has been duly elected by.....Congress Committee as
 a delegate to the Indian National Congress to be held at.....
in the month of.....

SECRETARY,
Congress Committee.

APPENDIX B.

Number of members of the All-India Congress Committee allotted to the different provinces.

<i>Province.</i>	<i>No. of members.</i>
1. Ajmer	7
2. Andhra	24
3. Assam	5
4. Behar	38
5. Bengal and Surma Valley	48
6. Berar	7
7. Burma	12
8. Central Provinces (Hindustani)	18
9. Central Provinces (Marathi)	7
10. City of Bombay	7
11. Delhi	8
12. Gujarat	12
13. Karnatak	15
14. Kerala	8
15. Maharashtra	16
16. Punjab and N. W. Frontier Province	37
17. Sind	9
18. Tamil Nadu	25
19. United Provinces	45
20. Utkal	12

The National Liberal Federation.

Lucknow, 26 December 1924

Presidential Address.

The Seventh Session of the National Liberal Federation met at Lucknow on Dec. 26th under the presidency of Dr. Paranjpye, the ex-Minister of Bombay. About 300 delegates, mainly of the U. P. and Bombay, and a large gathering of visitors including several Swarajists, landlords and others were present. On the motion of Sir Tej Bahadur Sapru seconded by Sir P. C. Mitter Dr. Paranjpye was elected President. In the course of his address Dr. Paranjpye said :—

No-Changers, Swarajists & Liberals

“There are at present various parties in India whose outlooks on political questions are widely different. The three purely political parties are the No-Changers, the Swarajists and the Liberals. Other parties are more or less on a communal basis though they are also all keen on political advance under certain conditions. These are the Moslem leaguers, the Non-Brahmins, the Sikhs, the Depressed classes, Anglo-Indians etc. Taking first the three purely political parties I do not see that they can work harmoniously on the same platform. Broadly the No-Changers are a party that looks backward, considers association with the present system of Government a sin and a trafficking with Satan, and would tolerate modern civilisation only if it cannot help it. It is content to be under the command of a single dictator and is willing to follow all his notions reasonable or otherwise. This party is reconciled only outwardly with the Swarajist party to humour their titular leader who they consider has disgracefully capitulated without a fight to their opponents. The Swarajist Party is an off-shoot of the erstwhile extremist party though the off-shoot is threatening to over-grow the parent tree. The main ideal of this party is to extirpate the present system irrespective of what is put in its place. It considers the present system so bad that a worse cannot be imagined. It will make use of any means however dangerous or shady to achieve its end. To me it appears to have hardly any realisation of practical considerations. This party has for the moment obtained the upper hand in the Congress organisation and is now the political mouth-piece of the Congress. The Liberal Party is the lineal successor of the old Congress Party and is continuing its traditions though the name has been usurped by others. It follows strictly constitutional methods and its ideal is responsible democratic Government on Dominion lines for India. It will not raise the question of the British connection, considering it on the whole a favourable circumstance in the present evolution of India. It realises that the present evils in India are due only partially to the present system of Government and that for the progress of the country a great deal of strenuous labour is required among our people irrespective of the Government. It vividly

perceives the dangers of anarchy and can conceive of many worse things than the present system. It will not give the slightest encouragement to movements of an anti-national nature simply because they serve to make trouble for Government. It does not consider popular applause as the only thing to live and strive for, but will be content to remain unpopular if it considers itself right. While wanting to preserve what is best in our civilisation it wishes to assimilate what is best in the western civilisation. It knows that the task of raising India to its full height is difficult and not to be achieved by spells or charms. It is impossible for the Liberal Party, with its ideals as I have tried to sketch them, to work in cordial co-operation with either of the other parties. It is best that they should have their own separate platforms often advocating, I hope, the same measures in the interests of the country. If all the three parties agree on any point their agreement will carry all the greater weight as each looks at the problem from different angles of vision than they would if one or other have perforce to remain always silent in order to create a semblance of unity.

The goal of the Liberals being complete responsible Government on Dominion lines, that party agreed to work the Government of India Act to the best of its ability though it fully realised from the start its limitations and inconveniences, its dangers and its deficiencies. It has always advocated a further advance in the direction of its goal. But it felt that the Act, defective and inadequate as it was, still was a move in the right direction and its opinion on it after an experience of four years is therefore worthy of every consideration. The Act was ushered in under very unfavourable auspices. The Punjab tragedy, the Treaty of Sevres, the financial stringency caused by the war, perhaps even a feeling on the part of some of our rulers that a policy of reconciling India was not so absolutely essential to the Empire at the close of a successful war as it was when military position was most critical, short-sightedness and want of far-seeing statesmanship in some of those who had to work it; all these made the position very difficult, if not impossible. The Legislative councils were not properly representatives of such electorates as there exist, for large numbers ostentatiously abstained from the elections from a fancied sense of patriotism. Thus even though within the Councils themselves there was generally a spirit of reasonableness, still the members and Ministers had always a somewhat uneasy feeling. The financial stringency and the abnormal rise of prices which required a drastic policy of retrenchment coupled with a revision of the pay of all establishments made the position of Ministers who had the work of the nation-building departments very unhappy. It is not for me to say anything about the work they did. I may refer to the address from this Chair delivered at Poona and Nagpur in the last two years, but all I can say is that they tried to do their best. If the achievements were not greater, they deserve the sympathy rather than the blame of the country. In any case I make bold to say that any doubts that may have existed as to whether Indian Ministers can administer Government in collaboration with elected Councils have been laid once for all and that it is therefore needless to continue this system in order to test this possibility.

The Reforms Enquiry Committee.

The Reforms Enquiry Committee which was appointed by the Govt. of India to report on the Govt. of India Act and the defects and difficulties discovered in its working and to suggest such remedies as can be found by a change in the rules under the Act, or by minor modifications of the Act itself without interfering with its scope and purpose, has just reported and it is not for me to divulge its conclusions until the report is officially published. But to those who have closely followed the proceedings of the Committee and the evidence, especially of the ex-Ministers given before it, it must be clear that the demand made by Dr. Sir Tej Bahadur Sapru last year at Poona that the Government of India Act requires radical alteration and not merely minor amendments has received additional force. From the Indian point of view, if this is made absolutely clear it makes the way easy for further steps. The Act itself laid down the procedure. At the end of the ten years after the passing of the Act a Royal Commission must be appointed. The Act however does not say that it shall not be appointed before the expiry of this period. In fact the late Mr. Montagu gave clear indication of his views on this point. The Liberal Federation last year demanded that this Commission should be appointed immediately without waiting till 1929. It can make the same demand this year with redoubled force in view of this Committee's deliberations.

A motion for the appointment of a Royal Commission was made in the beginning of this year in the Legislative Assembly and it is just possible that if this proposal, already recognised in the Act, had received the unanimous support of all non-officials, the Labour Government might have yielded to this demand. But the majority of the Assembly thought it right to ask for a Round Table Conference in India to determine the kind of constitution wanted by Indians for India and to formulate their other demands. With due deference to the majority of the Assembly, it may be permissible to hold the view that the amendment, while more theatrical, would have been less effective and slower in operation than a Royal Commission. If Government had conceded this demand for a Round Table Conference it was not at all unlikely that its convocation would have been preceded by a furious wrangling over its constitution and that, taught by the recent catching propaganda of non-co-operation, some sections of public opinion which considered themselves not sufficiently well represented in its personnel might have refused to work on it. We well know how personalities have a habit of assuming enormous proportions in India and some *sordid-sant* leaders fancying themselves neglected might have agitated against it. But the greatest difficulty would have been the immediate raising of the various communal claims and dissensions which may have wrecked the whole Conference. Finally, according to the Government of India Act, a Royal Commission has in any case to be appointed before it is reconsidered and hence it would have had to come in any case after the report of this Round Table Conference and the same difficulties might have had to be surmounted once more. If the original proposition had been carried, it is possible that the Labour Government

might have had the opportunity of influencing its personnel and we might have had some hope of soon getting some tangible advance from its recommendations. The high tone of the majority let slip a suitable opportunity of pressing our claims in a favourable atmosphere. If report is to be believed, a similar opportunity of a substantial political advance was lost three years ago by some of our extremist leaders pulling too hard on their side in the course of some informal negotiations when Government was keen on a settlement. It is only on rare occasions that such opportunities occur and it requires a sagacious statesman to lead the country on such occasions. A Round Table Conference can only be claimed when the other party is *in extremis* and no Government worth the name will consent to yield to such a demand when trumpeted forth as it has been except on the occasion of a dire need, though for informal conversations and an agreed and peaceful settlement many more opportunities will continually occur. But for creating and properly using such opportunities we require methods and personalities different from those now popular with the Swaraj party.

India's Demands

The demands that a united India should make before a Royal Commission would be: (1) Complete Provincial Autonomy under Ministers responsible to the Legislative Councils with a Governor acting purely as a constitutional Governor in provincial matters; (2) Responsibility in the Government of India in all departments except Defence, Foreign and Political, with a power of vote to the Viceroy; (3) As regards the department of Defence, the Governor-General would administer it, a certain fixed sum being ear-marked for it in the constitution but to any additional expenditure the Legislature must give its assent; (4) The army should be gradually placed on an Indian footing according to a definite time-table, the progress of Indianisation being continually accelerated so that at the end of a definite period, say 30 years, no new European officer may be required to be recruited for the Indian Army and the strength of the British Army in India should be then determined by the Indian Legislature; (5) All the higher Civil Services should be put definitely on an Indian footing, no new European as such being recruited after five years, the pay and emoluments of the present officers being guaranteed in the Act or by Parliament if necessary, the Legislature having full power to lay down rules for the recruitment of the future offices, the actual recruitment being made by a Public Service Commission which should be made independent of all political influences; (6) Complete financial autonomy should be granted to India as to the Dominions; (7) Foreign relations of India should continue on an Imperial basis, India being represented on any body that may be hereafter constituted from the Dominions; (8) Political relations with the Indian States should be in charge of the Viceroy unless they are ready to join the Federation of the other Indian Provinces; (9) The question of communal relations should be passed on an agreed basis, though any provisional arrangements made for the satisfaction of any specialist claims should lapse by definite steps within a fixed period after which all communities should be on equal footing; (10) Full private religious liberty should be granted to all to be so exercised that it will not trench on the similar liberty of others.

Such would be our demands. A new Government of India Act should be of a comprehensive permanent nature, not requiring amendments from time to time in any essential particulars, and making in itself provision for automatic advance. I am not very particular about the actual periods in which these successive steps are to be taken but what I wish to say is that the present hand to mouth constitution should be given up and that India should be free to achieve her own progress unhampered by perpetual agitation for change in its constitution which tends to cloud all other issues.

The Lee Commission Report.

The Lee Commission Report has been accepted by the Home Government in all its essentials and the appointment of this Commission and the subsequent disposal of its report has caused legitimate heart-burning and discontent among all classes of the people. Indians naturally object to the theory of the "Steel Frame" and it is this implication of the incapacity of Indians to man these services that is the cause of occasional criticism—sometimes even unfair criticism—of the services. The functions of the services have so far been both political as well as administrative. The new political developments that we claim and that are inevitable will take away from them their political functions of directing the policy of Government. If the services are confined to their purely administrative functions and play the role of the permanent services in England, all this criticism will disappear and the relations of Indians with European officers will be quite harmonious. Indians recognise that Europeans in the services have set before them a high standard of efficiency, discipline and general honesty and we shall be glad to learn and profit by these qualities from them. I venture to say that when the services attain their natural position as the servants of an Indian Government Europeans will even be welcomed in many positions instead of being regarded as unwelcome outsiders thrust upon us. With regard to the pay and conditions of the services themselves there would have been no difficulty. We do not wish to keep any class of our servants discontented; legitimate claims for the proper living wage of that particular class must be cheerfully met. We may even admit that in the case of a few officers the recent high increase in prices has made it impossible for them to keep up the standard of living to which they were accustomed and which they expected to maintain when they came to India. But India rightly wants to know that this reasonable consideration of the claims of existing individuals does not place upon her a burden that is irremovable and permanent like the Old man of the Sea on the back of Sindbad the Sailor.

* I should think that the only way of settling the question of the pay etc. of the services on a permanent footing is to have these matters decided on the hypothesis that all servants are to be Indians recruited in India and having the necessary qualifications. The service of Government ought to be honourable and comfortable but not too expensive for the tax-payer. It ought not to be too meagrely paid as this will diminish the efficiency and lead to the evil of corruption etc. which were rampant in India of old and are even now not unknown in some countries. These basic conditions being determined once for all on a

priory considerations a European should be given such additional allowance, pension and passage concession as would enable us to get the requisite kind of person. But the number of these should be strictly in our hands. We are prepared to give any guarantee required for the security of their pay and pension. In some cases, as in the professional posts in the educational service, it may be found desirable to recruit men on short period contract. But a general resort to the system in all cases will probably prove far too costly and will take away from India all the training and experience gained by the officers at our expense. Government would have found that if it had yielded to Indian wishes on the question of Indianisation and control, the Assembly would not have proved unreasonable in the matter of the treatment of the present members of the services and would have given them proper security of tenure and emoluments. But a question which should have been solved in a reasonable spirit gave rise to a first class conflict and has caused much bitterness of feeling in which practically all Indians are on one side and all Europeans on the other.

The Communal Relations.

Perhaps the most important and difficult question in Indian politics is that of communal relations. All others may some time or other receive their solution but this will remain a standing problem unless every Indian makes a conscious effort to solve it. The atmosphere is so fissiparous that divisions occur even when union is intended. The religious spirit which is supposed to make for peace and contentment and to lead people to think of something higher than mere material and trivial concerns has itself in India led to the greatest disturbances. Religious and communal feuds meet us at every step. Hindus and Mahomedans, Christians and Sikhs, Parsis and Buddhists and Jews all think in their own separate circles. Among these larger groups there are also divisions innumerable. Among Hindus are Brahmins and Non-Brahmins and Depressed classes; among Non-Brahmins in Bombay there are the various castes comprised among them and so on. Everybody naturally thinks of his own small separate group—the smaller the better in his opinion—and the generality think of their country last of all. In an impatient mood one wishes sometimes for a dreadful upheaval like the French or Russian revolution when the very name of religion will be forbidden and God abolished once for all. But I am afraid even this would not be effective, for the abolishers of God will soon themselves turn into Gods. The only way to get over these differences is the slow method of gradual education into a common national spirit. In the beginning even what we call education does not seem to produce much effect, for very often the leaders of bitter communal movements are well educated. But one must not yield to this mood of despair and do what one can to solve this problem.

The Lucknow Pact.

Nine years ago the first organised attempt, was made in this very city to arrive at a solution of the Hindu-Muslim question. After a great deal of heated debate a solution was arrived at which goes by the name of the Lucknow Pact. Each side considered that it had yielded a great deal, in fact more than it had gained. The

Montagu-Chelmsford report accepted this pact as a settled fact and the arrangements under the Government of India Act were in accordance with it. In six of the Indian provinces the Mahomedans got a substantially larger proportion of seats in the Councils than was justified by their numbers while in two provinces they got a smaller representation. In these latter provinces the Mahomedan population was in a majority and according to the pact they were reduced to an equality or a minority by a very small margin. These provinces have therefore raised the cry that they should give a majority to the Mahomedans. In the other provinces, it is then contended, that the Moslems should get only their share according to population. Those contentions appear to me almost sickening, for it is a very small matter indeed who has a representation more or less. I should accept almost any solution provided it is permanent. I wish to arrive at a state of things when these distinctions will be forgotten, at least in the political and public field, and religion will remain only an individual's private concern.

The ideal solution would of course be one when there are no separate electorates and the best men get elected to the Councils. The fundamental principle of representation is that the elective bodies should form a mirror of the whole country so that the feeling of the people can be correctly gauged. After such a body has been secured the majority should rule but in such a way that all reasonable claims of minorities will be scrupulously regarded. The method of proportional representation would give Councils almost accurately representatives of the whole population and if voters choose to vote according to their communal prejudices, they will secure representation by means of their own fellows. But the method will enable the large central mass of all communities which is not bitterly extremist to have its say. At present with separate electorates the tendency is for the extremist of each side to get elected while the moderate men have no chance. After getting so elected the members consider that their only duty is to their special electors and they therefore look to the narrow sectional interests rather than to the larger national interests. This tendency is, perhaps naturally, more evident in the representatives of minorities and special electorates. I do hope therefore that our leaders will examine the merits of this system and not discard it as too technical or complicated. It has been tried in countries where similar religious and racial antagonisms were rampant and has given full satisfaction. Of course the system will not make allowance for so-called political importance or special claims. But I would appeal to all communities not to insist upon these anywhere as such claims are anti-national and hinder the national progress. They are characteristic of people who are always looking backward rather than forward. It is possible by a small modification to give even larger representation to the smaller communities by a reservation of seats; but the main thing is to have a wish to come to a settlement. That wish once postulated the rest of the problem will appear quite easy of solution.

Of course we cannot go back upon the agreed solution of the Lucknow Pact without the consent of both the covenanting parties. But one thing we may always try i. e., not to allow this *virus* of communalism to spread any further. These separatist demands are getting more and more

numerous. It is claimed that similar separate representation should be given in all local bodies. If the principle is thus followed to its logical conclusion then India will never become a Nation; it will be a collection of many nations not separated into various provinces but everywhere mixed together though always remaining separate in their minutest parts.

Class Representation.

The same remarks apply to other claims of a similar character. The Non-Brahmins in Madras and the Deccan form the vast majority of the population and even a large majority of the electorate. If they wish therefore to be represented by their own men they can do so on the present common electorates. This has been actually seen in the last two elections. The reservation of seats has not generally been needed as they have secured far more seats than the minimum reserved to them. The only case for a separate and favourable consideration is that of the Depressed classes which are so lowly and undeveloped that on any practicable franchise the number of voters from among them is bound to be very small and it would therefore be difficult for them to secure representation even in large constituencies. For them I would give some special seats to be voted for by those elected from these classes who are on the general register, though with a view to keeping their interests in common with other communities I would also allow them to vote in the general elections. This special concession I would give only for a definite period until they come up to the general level. The same principle may even be utilised in the case of Mahomedans or Sikhs if it is sought to give them representation in excess of their numerical strength. To give an illustration, suppose in a province there are 10 per cent. Mahomedans and 90 per cent others and that in a Council of 150 it is desired to give them 30 seats and also 10 seats to the depressed classes. I should then elect 110 members by means of common electorates on a system of proportional representation; of these 11 would be expected to be Mahomedans if the Mahomedan voters so wish. Those of the electors on the general list who are Mahomedans will then be asked afterwards to elect 19 members from among themselves and those from the Depressed classes 10 from among themselves. It may of course happen that in the common election more than 11 Mahomedans may be returned and perhaps some depressed classes men also. But I would not object to this in the least. The main point is that at least some Mahomedan candidates will try to learn the needs of their Hindu brethren and the Hindu will have to look to the interests of the Mahomedans and the Depressed classes. The knowledge of each other that will be obtained by this process will tend to foster a common national spirit which when fully developed will render the provisional arrangements quite unnecessary. •

The principle of adequate representation of all classes of the people in the public services is accepted by everybody and Government also have made rules for this purpose. At present, however, the various communities look to favouritism in order to get appointments. I am entirely against patronage of this kind being enjoyed by Government and I wish to see all recruitment to public services made when possible by open competition and at any rate by an independent body. In order to see, however, that the backward communities do not suffer on account of

communities do not suffer on account of unrestricted competition I would reserve a certain minimum percentage to be competed for by the candidates from those communities: *inter alia*. This minimum I would gradually reduce as the communities rise to a position of equality with the advanced communities. For each class of appointment a suitable minimum qualification will of course be considered indispensable. To give a numerical illustration: suppose in a province it is necessary to protect the Mahomedans and Non-Brahmins in the recruitment for a class of posts. Of every ten posts to be filled by an open competitive examination, four may be filled up according to the list in order of merit irrespective of community of race; of those that are lower three Mahomedans will be taken in order and three Non-Brahmins in the same way, provided that these have obtained a certain minimum percentage of marks which is considered as the indispensable qualification for that class of posts. This special consideration will not be required for many years and the number of posts to be filled by absolute competition will be gradually increased and the others gradually diminished. The pace of this process will naturally be determined by seeing how many candidates from the specially favoured classes are able to hold their own and get selected in the unrestricted competition. On every occasion when new recruits are selected the Public Services Commission, or the other selection authority in special cases, should always publish a list of candidates together with reasons for any deviation from the principle of open or restricted competition if required in any special case, so that the public may be satisfied about the fairness of the appointments. The main object is to hasten the day when special concessions will be done away with altogether and all people in the country are advanced to the same pitch.

Backward Communities.

In Councils to a certain extent and in public services the first object is to get the best men and the communal consideration is comparatively subordinate though not negligible in the present state of our country. As one who wishes to bring all communities to a common level and thus do away with communal distinctions I am prepared to grant special educational facilities to the fullest extent to backward communities. Special encouragement should be given by means of scholarships or other special devices; admission to educational institutions in which demand is greater than the supply must be made easier for them by reserving a certain number of places for them if need be. The advanced communities should not grudge such concession; they should understand that they are the price they have to pay for the sins of omission and commission of their forefathers under whom these communities were allowed to remain backward and thus impede the path of national progress.

These three points viz., representation in public bodies and public services and entrance into educational institutions, mainly concern the educated classes of the various communities and cause bad blood among them. A proper solution of them will solve more than half the communal problem. For the higher classes if reasonably satisfied will use their influence with their backward brethren and do away with the other points of friction which often arise and cause violent disturbances. The three points which lead to these outbreaks are: cow slaughter, processions and music, and conversion propaganda. On the question of

cow slaughter and music I practically agree with the resolutions passed at the Unity Conference at Delhi. The Hindus should not object to the slaughter of cows if it is done in a manner not needlessly offending their susceptibilities i.e., not in public or in a place accessible to the public and not accompanied by a public procession of cows doomed to slaughter. To this the Mahomedans should have no objection. More the Hindus cannot demand as cows are slaughtered every day for the use of all Non-Hindu communities. Whether the Mahomedans will, of their own free will, go further and reduce or abolish cow slaughter of their own motion must be left to themselves. They will only do so if the general relations between the communities become permanently friendly and evince a wish to oblige each other and not stand merely on legal rights.

On the question of processions and music before mosques, I think a definite permanent settlement can easily be reached as it is more a question deliberately offending the other party rather than of religion. It is not a prescription of Hindu religion that music must be played all through the processions, neither I suppose is it ordained by the Koran that a Mahomedan should object to it during prayer. Generally I would discourage religious processions through the streets of towns as they inevitably lead to trouble. In any case at stated hours of the day and for definite intervals loud music should be stopped within a hundred yards of a mosque when the faithful are having their prayers. These times and intervals should be once for all recorded and no new right of this nature should be allowed to be created. Within a hundred yards soft music only should be allowed. Whether the Hindus should go further to please the Mahomedans would again depend on their mutual friendliness and law cannot go any further. I would only say that in every place there should be a standing committee consisting of equal numbers of leading Hindus and Moslems presided over by an influential neutral resident of the place to decide these questions of a semi-religious kind. The members of these committees may be elected by the people themselves and the representatives of the place on the Councils should be ex-officio members.

Conversions.

As regards conversion propaganda I think that no community should object to any of its members changing his faith and joining any other religion. If there are religious injunctions, to the contrary they should go, as have several other such injunctions as not consistent with the spirit of modern civilisation. But I should have some new legislation to see that this conversion is deliberate and not fraudulent or forced. I have always held that there should be a complete record of all happenings in the civil condition of every subject of the State which touch the State or become afterwards subjects of dispute. Births and deaths are at present registered more or less thoroughly; I would add to it immediately the compulsory registration of marriages, adoptions and conversions, for all these affect the civil status of a person and are not merely in the nature of private contracts. I shall leave marriage and adoption registration for the present; but I think that a law requiring the compulsory registration of every conversion from one major religion to another will bring the light of publicity to bear upon it and tend to reduce the danger attendant upon it. In that law the following conditions should be inserted;—(1) All conversions should be registered in a definite

manner, (2) no conversion of a minor should be allowed unless both his parents, if living, or the father if the only parent living, or the mother together with the legal guardian of the minor, consent to the conversion of the minor in writing; (3) if the minor is an orphan, no conversion should be allowed until he attains majority. (4) The registration should take place before a Magistrate in presence of two respectable witnesses from each community and the Magistrate should openly question him in their presence whether the conversion is voluntary and 'bona fide' before registering it, no discussion of the matter by the witness being however allowed; if any conversion is found to have taken place clandestinely without registration it should be made a cognisable offence and punishable by a fine in ordinary cases and by imprisonment in case of forcible or fraudulent conversions, the persons who brought it about and the priests or other persons who officiated on the occasion being held responsible; (5) if either the husband or wife gets converted, the wife or the husband should have the option of getting the marriage cancelled, the wife getting back all the property she had before marriage; and in the case of a Hindu wife she should get a suitable maintenance from her converted husband through the Government according to the position and status of the family in society; (6) no public procession or demonstration should be allowed in celebration of any conversion. I have given my ideas on this subject in some detail as I feel that with rising communal patriotism the light of publicity and strict legal procedure will serve to reduce the dangers necessarily attendant upon such conversions. I heartily recommend the suggestions made above to our legislators so that a private Bill may be drafted and submitted for consideration by the public and the legislature.

Anarchical Movements & the Bengal Ordinance.

The spread of anarchical movement in Bengal and the measures taken by Government for their suppression have evoked deep protests from all political classes. These protests are a symptom of the distrust in which the present Government is involved, for I believe that if there had been a general feeling of confidence in Government among the people there would have been a tendency to look at the matter from dispassionate point of view. For the want of confidence Government policy has been mainly responsible though its evil effects are felt by Government and the people alike. I shall try to view the matter as a mere layman not conversant with legal technicalities and outline the attitude which in my opinion the Liberals as a body should adopt on this question.

While some of the other parties in the country talk of non-violence and Mr. Gandhi at least is wholeheartedly devoted to it, I feel that the people as a whole have not thoroughly imbibed the idea that violent methods are absolutely futile for securing political advance, and that any advance that may conceivably be obtained through these methods is not worth making as it will necessarily be attended by evils which will be far worse than mere political disabilities. The loss of a sense of civic discipline, the spread of a reign of disorder, the consequent moral and economic loss, the outburst of sectional fanaticism; these are the necessary accompaniments of such movements. In India especially these results will be particularly harmful as these disruptive forces are always latent in the Indian polity and have not been transformed into active forces tending

to national solidarity. Hence we should not only do lip homage to law and order but should strive for it with all our might as otherwise we shall ourselves be the greatest sufferers. Do we find this enthusiastic dislike of anarchical methods among some of our leaders? We have had an exhibition of a prominent leader extolling the perpetrator of a crime and expressing his appreciation of his motives while formally disapproving of the crime itself. Uneducated people will not be able to separate the two with the analytical acumen of a leading barrister who is often apt to invent distinctions where there are none; unbalanced young men who would be useful citizens of their country if their energies are properly directed are likely to think from the generally critical and hostile attitude assumed by that leader towards Government and Europeans that the appreciation is the real thing intended for him while the disapproval is only the gloss to save appearances or a possible line of defence if faced with legal consequences. India is not fit at present for such metaphysical subtleties or hyper-critical distinctions. Unless we are absolutely clear as to our attitude towards anarchical crimes or their perpetrators our protests against the measures taken by Government will not have the least weight.

Though in the recent Bombay Conference resolution there has been some attempt to cast a doubt at the existence of the anarchical movement in Bengal, the plain and frank admission of Mr. C. R. Das that it exists should be sufficient for us especially as he agrees with the Government on that point. Of course the remedies suggested by the two differ but that difference itself makes their concurrence all the more significant. The Government case is that the ordinary processes of law are no longer efficacious against such crimes, that some exceptional measures are required to cope with the evil and that therefore they have issued the present ordinance. One may perhaps agree to a certain extent that terrorising of witnesses and occasionally even of judges and juries may have taken place but one has also seen that in most of the cases which were actually brought before the Courts conviction has been secured, though some cases, and these not always only of an anarchical character, have failed mainly through the inefficiency or incompetence of the Bengal Police. But there is no doubt that the position at present is different than in normal times and probably some exceptional measures are required. The question then arises as to whether the usual procedure of legislation could not have been first resorted to and then only if it failed to give the necessary power of issuing the ordinance should not have been utilised.

The fact that the Legislature was meeting in Simla less than a month before the issue of the ordinance and that it was not consulted gave rise to a feeling among the people that this was an explicit attempt to set the constituted machinery at naught and this feeling has thus some apparent justification. But His Excellency the Viceroy has recently told us that he was not satisfied about the need of these special measures and that he had not gone through all the papers till after the Assembly had dispersed. We shall accept this statement of His Excellency as the whole truth so far as he is personally concerned; but it will require a pretty hard stretch of the imagination to believe that neither the Bengal Government or the Home Department of the Government of India had practically made up their minds till within a month of the issue of the ordinance and that they had not so

manipulated the time as to force the hands of His Excellency the Viceroy. I cannot therefore acquit these two of all responsibility for the unpopularity of these measures even assuming that a real need for them existed. The Viceroy, seeing that his hands were being thus forced into using his exceptional powers rather than consulting his Legislature, might well have stood firm and called a meeting of the Legislature once more and placed all the facts before possibly a confidential and private joint meeting of the Assembly and the Council of State, if the matter could not afford to wait for a month or two.

Even supposing the calling of a special meeting of the Legislature impossible or impracticable, it should at least have been possible to call together a few of the respected leaders of the various parties and place all the facts before them. This kind of informal consultation with opposition parties in grave national emergencies is not unknown in western countries. After all, these Indian leaders have the good of India at heart and if shown sufficient proofs, even though unverified according to the strict rules of evidence openly in a court of law which justified immediate action at the risk of a grave national peril, they would have probably agreed to the special measures or suggested some alternatives worthy of consideration. A plain unreserved private talk at the table would have got over many difficulties which assume large proportions when dealt with in all the ceremony of an open debate in the Council. I have been told of a similar instance in which uncompromising opposition changed into silent support to the Press Bill proposed by Lord Sinha when he showed to a popular leader, not altogether a *bête noir* to the extremists, all the papers of the case containing extracts from newspapers which daily preached anarchical crimes and incitements to murder. Probably a similar support may have been obtained from some at least of our leaders though I can well conceive that their opinion might not have been accepted by certain others who in their heart of hearts chukle at such movement as calculated to cause trouble to Government. But their support would have been taken as justification of these measures by a large section of the people. Even assuming that the leaders thus privately consulted had refused to agree with the Government view, still Government as responsible in the last resort for order and good Government could have taken the measures that it has actually done without any loss of time. They would however have shown their utmost readiness to conciliate popular feeling as far as it was at all possible for them to do. As it is, the mischief of arbitrary action has been done and not all the speeches of Lord Lytton or Lord Reading will quite undo it. In short, it appears that some special action was probably justified, but that the manner in which the actual measures were taken was most unfortunate and has alienated the people more than it was necessary. The whole thing once more exemplifies the growing distrust between Government and leaders of various parties in the country.

As regards the actual measures themselves, I am not qualified to give a definite opinion. Whether they go too far, assuming the need for such special action was proved and was urgent, it is not for a layman like myself to say. Several safeguards have been introduced an appeal to the High Court being allowed after examination of the cases by three persons of whom two are to be of the position of district

judges. Further, action is to be taken under these measures only in crimes of certain character and committed not by isolated individuals but by or at the instigation of a member of an anarchical society. These are certainly some valuable safeguards and cannot allow of organised and systematic oppression of any class, much less of a political party like the Swarajists as has been widely represented for interested reasons by that party. The Bengal Regulation III of 1818 gives however too wide powers of indefinite detention without trial and in my opinion should not be used for this purpose. It appears to have been originally intended for use in times of war and especially to deal with foreigners or persons suspected of treasonable designs in the interest of a foreign power on such an occasion.

Over and above the natural and intelligible dislike of the people to the grant of such extraordinary powers to the administration, there is in this country the wide distrust, and not always undeserved, of the police. It is felt that even if Lord Lytton or Lord Reading were honestly convinced of the need of such measures, they will still have to be administered by the police and it is unfortunate that the police in this country have not yet come to be regarded as the friends of the people but rather as agents of tyranny and oppression. The extraordinary powers, it is feared with some reason, will be utilised by the police as additional instruments. This distrust of the police is both the cause and effect of its inefficiency and I hope that strict measures will be taken to see that these special powers are not misused in any way. Further, to allay discontent I hope that the fullest publicity will be given to such details as can be given out without any risk to any innocent persons. As it is, since the arrest of these alleged anarchists two months ago, no information about their crimes or their trial has been at all published and this hush-hush policy is adding to the wide discontent caused by these measures.

In discussing these measures I have, while not condemning them root and branch, taken a severely critical attitude. But I wish that these measures should not remain in force a moment longer than necessary. It is the habit of Government in this country to keep such powers when once obtained. But let me warn them that people expect that these powers will be dispensed with as soon as possible and that any legislation necessary should be placed on the statute book with the consent of elected representatives of the people. I realise that the virus of anarchism when once introduced into a country is very difficult to eradicate but its action will be considerably minimised by taking powers to conciliate the people and their leaders. No Government, not even the Government of India, can be carried on satisfactorily without the silent support of the masses; and while it takes these special measures which may or may not be justified, it is its bounden duty to see what further permanent measures should be taken to produce the requisite contentment of the people. Otherwise the anarchical crimes will not disappear but will grow into a menace much bigger than it is at present. One part of these permanent measures consists of a rapid political advance of which I have tried to speak before. It will be fatal for Government to delay taking effective action in this direction.

The idea of CIVIL DISOBEDIENCE as the highest form of patriotism that is being implanted among a large number of semi-educated people

is perhaps the most mischievous feature of the present extremist propaganda. Under the name Satyagraha, non-co-operation or civil disobedience, it is being sedulously advocated all over. The deleterious effects are already being seen. At Mulshi it has recently led to shooting and sword-cutting of innocent labourers. It inevitably leads to outburst of violence whether on one side or the other. It has done so at Nagpur, Tarakeswar, Yykom, Jaito and other places. It may perhaps provide occasionally a suitable handle against Government but the effect on the people is permanent. Respect for law and order disappears once for all and all criminal elements in the population are led to think that they are becoming patriotic by imitating the so-called patriots in their actions. It must be remembered that this want of respect for law and order on the part of the masses will continue even if all the ideals of the Mahatmas, Maulvis or Deshabaudhus are fully achieved. They will find when they are responsible for the Government of the country that these seeds that they have now sown to cause trouble to Government will grow into a pest which they will be unable to get rid of. I cannot think of a policy more short-sighted than this of preparing for infinite trouble for oneself in order to obtain a problematical momentary advantage. The extremist leaders may chuckle at a campaign for the refusal of taxes to the present Government but they must keep in mind that even a Swaraj Government cannot be carried on permanently on forced loans, endowments of large temples or the proceeds of highway robberies. Taxes will have to be levied and paid by the people under all Government. But once the people are taught to consider that refusal to pay taxes is the highest form of patriotism, the task of future Government will become almost impossible.

Another handicap of a similar nature that the extremists are preparing for the country in future is the habit of paying absurd homage to personalities. My ideal of the India of the future is a democratic India in which all will be equal and have equal opportunities, when persons will be judged on their merits and when their views will only be tested by their consonance with reason. But in extremist India at present we cannot do without a dictator. We are gravely told that unless we agree to some ridiculous proposal which all consider impossible, we shall lose the benefit of the leadership of some particular person, that therefore that proposal must be accepted. If this is the one condition that leadership can be retained, a true democrat ought to consider that person unfit for leadership at all. We are accustomed in India to various kinds of Swaraj of an autocratic kind and we do not wish to have these experiments repeated on a larger scale. The Swaraj that I want will be one in which there will be no supreme and irremovable head, in which policy will be determined by frank interchange of opinion and not by a closed coterie deliberating behind closed doors. While we have words of ridicule or invective strong enough to hurl against the present system of irresponsible Government, we are ourselves falling into the same habit only to a far greater extent. Again while we are pretending to treat with contempt the holders of titles, we are inviting new titles for ourselves. The dropping of the appellation of "Mahatma" when speaking of Mr. Gandhi leads almost to a riot at public meetings, though it is but fair to

acknowledge that he himself has always protested against the word. I am, as a pure democrat, against all titles, whether Governmental or popular, and the democratic Governments of the Dominions have already protested against the grant of these titles to their subjects. This absurd veneration for titles has not disappeared among the non-co-operators with their boycott of titles though it has taken a different form. Occasionally also the ostentatious repudiation of titles is but an inverted form of the same kind of snobbery.

The Kenya Question.

During this year the Kenya question remains practically where it was. True, the projected immigration legislation has been dropped but all our other wrongs remain as they are. It is needless once more to discuss this question in detail. Bishop Whitehead has summed up the situation in these words of warning to Englishmen in which all Indians willfully agree: "The one question that needs our serious and careful consideration is the principle for which Indians are contending, both in Kenya and South Africa. We must bear in mind that India to-day can no longer be treated as a conquered country and her people as a despised and inferior race; and that if India is to remain within the British Empire it must be upon terms consistent with dignity and self-respect. We must speedily make up our minds whether we wish to keep India within the Empire or not. If we do, we must firmly refuse to allow any legislation to be passed or settlements to be made in the Colonies or protectorates under the direct control of the British Government which discriminate against Indians and make them feel that they are treated as aliens or out-castes. And the whole force of public opinion in England must be directed strongly against the racial pride which so often wounds the sensitive feelings of the people of India".

The question of the position of Indians in the Colonies and Protectorates is only one small part of the very vast problem of the conflict of the White and Coloured races. The White races though numerically in the minority are well-organised, powerful in all the weapons of up to date warfare, both military and industrial, and actually in possession of by far the largest portion of the earth's habitable surface. Their population is increasing by leaps and bounds, much faster than that of the coloured races. The world is not big enough for these increasing numbers and a conflict is sure to occur sooner or later. The world war owed its real origin to this need for finding suitable outlets for the surplus population of Central Europe. But the League of Nations which is mainly dominated by the White races will probably stop such world wars in the future between various sections of these races and their pressure against the coloured races will grow greater and greater. India which form about a third part of the coloured races of the world should learn to organise itself in the same manner and make itself strong by removing the various evils in its body politic. Above all she must cease to look backward eternally bragging of its past. She is likely to meet with the strongest opposition from the white races. Above the narrow questions of current politics looms large this supreme question: Is India going to live as a nation for all time? If she is, she must set her house in order and prepare for all eventualities in the future.

Resolutions of the National Liberal Federation.

The following Resolutions were passed at the Seventh Session of the Federation held at Lucknow on Dec. 27 and 28, 1924.

[The first two are condolence resolutions which were passed all standing.]

THE REFORMS ENQUIRY COMMITTEE.

The National Liberal Federation regrets that the scope of the Reforms Enquiry Committee was too restricted for their deliberations to prove of substantial utility. But it urges the publication without delay of the reports of the Committee and of the evidence, oral and written, received by them together with the despatches of local Governments including minutes of members of Executive Councils and Ministers which may have accompanied those despatches.

[Moved by Pt. Gokaran Nath Misra]

SELF-GOVERNMENT.

Mr. CHINTAMANI, who moved the resolution on Self-Government, in the course of a vigorous speech gave a general view of political developments in the country during the past four years and pointed out the necessity of revising the Government of India Act before the statutory period. He made an effective reply to the criticisms levelled against Ministers and non-officials who honestly tried to work the reforms, and said that neither in the interests of the country nor of the British Empire should a system of constitution which was found to be unsatisfactory from all points during the past five years be allowed to continue a day longer. He emphatically and categorically denied the recent statement of the Viceroy that the Government of India and all local Governments tried to work the Reforms successfully. He affirmed as a fact and a truth that since the day Mr. Montagu was made to leave the India Office, by their persistent omissions and by their methods there was a lamentable lack of co-operation from the services for the working of the Reforms. The resolution runs.—

(a) The National Liberal Federation of India re-affirms its conviction of the paramount necessity of the early introduction of full responsible government in British India, alike in the provinces and in the Central government, only the foreign, political and military departments being retained for a time under the control of the British Parliament, and of the full recognition of India as a Dominion in all matters of imperial concern and inter-imperial relations.

(b) The Liberal Federation holds it to be essential that: (1) The control of the Secretary of State for India over the administration and revenues of British India should be curtailed by statute, so that his position may approximate as nearly as may be to that of the Secretary of State for the Colonies in relation to the Dominions;

(2) The Council of India should be abolished;

(3) The Governor-General in Council should be responsible to the Legislative Assembly in the entire sphere of internal civil administration;

(4) The departments of foreign, political and military should be under the control of Parliament, a certain amount of money for expenditure on them being fixed by statute, any further demand being subject to the vote of the Legislative Assembly, and that the position be reviewed after a definite period ;

(5) Provincial Governments should be responsible to their respective Legislatures except in the administration of agency or central subjects ;

(6) All civil services at present recruited on an All India basis should in future be recruited in India, and their control should be transferred from the Secretary of State to the authorities in India, subject to such conditions as may be laid down by statute ;

(7) The franchise should be widened, and adequate representation should be accorded to the depressed classes and the urban labouring population ; and

(8) Women should be given the right of vote as well as candidature on the same terms as men ;

(c) The Federation authorizes its Council to prepare a scheme of reform on the aforesaid lines and on the lines of other resolutions, and to confer with regard thereto with other political organizations in the country whose object is the attainment of self-government for India.

FINANCIAL POSITION OF PROVINCIAL GOVERNMENTS.

Sir P. C. MITTER then moved :—

The National Liberal Federation has noted with grave concern the financial embarrassments of provincial Governments which have severely handicapped Ministers and Legislatures in developing beneficial services and contributed to the unsatisfactory working of the Reforms in the provinces, and calls upon the Government of India to abolish the system of provincial contributions and reconsider division of the sources of revenue between the Central and Provincial Governments, so as to leave to everyone of the latter adequate resources for the efficient performance of their duties and for development ; the Central Government balancing their own budget by the strict enforcement of economy, generally in all departments and specially in the Army Department.

Sir Provash alluded to the extraordinary increase in military expenditure after the war and condemned the policy in that respect. He alluded to the starvation of the Sanitation and Educational departments, and said that no impartial tribunal could say that bureaucratic Government had done anything for the benefit of the masses and that no Province under the Reforms had enough funds at its disposal to discharge its responsibilities to the people.

THE LEE COMMISSION RECOMMENDATIONS.

(a) The Liberal Federation records its protest against the acceptance by His Majesty's Government, in utter disregard of Indian opinion, of the Lee Commission's recommendations in behalf of increased emoluments to the British Services in India which, in the Federation's opinion, are excessive and beyond the capacity of the Indian taxpayer, as well as compromising to the self-respect of India.

(b) In the opinion of the Federation the continuance of recruitment in England under the Secretary of State's control is incompatible with steady progress to the goal of responsible Government, which is the policy authoritatively laid down by the Sovereign and Parliament, and in future all recruitment should be made only in India. [Moved by Mr. N. M. Joshi, M. L. A.]

THE DEPRESSED CLASSES.

The Federation expresses its deep sympathy with the depressed classes, abhors the unsocial sentiment that any section of humanity is untouchable, and calls upon the Hindu community to the utmost of their power to undo the grievous wrong done to them and take all possible steps to ameliorate their condition socially, educationally and economically.

ECONOMIC DEVELOPMENT AND SWADESHI.

(a) The Federation desires to impress equally upon the people and the Government the urgent necessity of measures of economic amelioration, including the improvement of agriculture, the development of co-operation, the organization of capital and the encouragement of manufacturing cottage industries.

(b) The Federation is in full sympathy with the Swadeshi movement and urges both the people and the Government to give preference to the products of Indian industry even at a sacrifice.

MILITARY POLICY AND EXPENDITURE.

This Federation expresses its grave dissatisfaction with the manner in which the military training and equipment of Indians has been and is being neglected by the Government, and while it takes note of the grant of the Kings Commission to a few Indians in recent years, the establishment of a preparatory school called 'Military College' at Dehra Dun and the scheme for the Indianisation of 8 units, it is strongly of the opinion that these steps are wholly inadequate and it accordingly makes the following recommendations and urges the Government to give effect to them :

(1) That a scheme for the education and training of officers be prepared so as to bring about the Indianisation of the Army within a reasonable distance of time—the scheme of the Indianisation of the 8 units bearing in the opinion of the Federation no relation to the growth and development of the constitution ;

(2) That Indians be admitted to all branches of the Army, including Artillery and Air Force, and that they should be admitted into these sections of the Army not merely in subordinate positions but as officers ;

(3) That proper and well equipped colleges should be established, and a definite programme of military education should be prepared ;

(4) That all distinctions based upon race between the Auxilliary and Territorial Forces should be abolished, and that these forces should be properly organized ;

(5) That officers' training corps should be established in all universities in British India and that compulsory military training should be made the rule in the case of all university students who are physically fit ;

(6) That selection boards for selecting young men for all classes of the people should be established, and that Indians should be adequately represented on such boards ;

(7) That the question of the financial liability of India to the British Exchequer for British troops should be referred for examination to a Commission on which Indians should be adequately represented ;

(8) That the strength of the Indian Army should be determined with reference to the needs of India for her internal security and safety against foreign aggression, and should not be based upon considerations of the needs of the other parts of the Empire.

[Moved by Principal Lanitkar of the Fergusson College, Poona].

INDIANS IN SOUTH AFRICA AND KENYA.

Sir TEJ BAHADUR SAPRU then moved the resolution on Indians abroad. The resolution runs.—

(a) The Liberal Federation strongly protests against the enactment of the Natal Boroughs Ordinance depriving Indians of the Municipal Franchise and thereby not only creating a new civic disability but ruinously hampering them in their occupation as traders.

(b) The Liberal Federation urges the Government of India to immediately send an officer of theirs and a non-official to South Africa to enquire into the Indian situation and to make a full report to them. The Federation urges the Governor-General to move His Majesty's Government to advise the Crown to disallow the Ordinance under section 65 of the South Africa Act of 1909.

(c) The Federation re-affirms its strong protest against the anti-Indian policy of His Majesty's Government in Kenya in 1923 and notes with regret that the late Labour Government did nothing to undo the wrong done to Indians by its predecessor.

(d) The Federation further urges the Government of India to publish the report of the Colonies' Committee and the steps which have been taken to implement it.

(e) The Federation re-affirms its resolution asking the Government of India to take urgent steps to secure a reversal of the anti-Indian policy in Natal and Kenya as well as in other parts of the Empire and not to hesitate to have recourse to retaliatory measures.

In a telling speech that was heard with great attention by the Federation, Sir Tej Bahadur Sapru exhaustively dealt with the question of Indians in the Colonies. He called attention to the unanimous feeling that existed among all sections of the people of this country on the intolerable position that was accorded to his countrymen in the Colonies. He reviewed the work of the last Imperial Conference of which he was a member, and in this connection pointed out the attitude observed by General Smuts representing the South African Government. Had they been a self-governing country such treatment as was being meted out to their countrymen in the colonies would not have been allowed. It was humiliation for the people of this country and to the Government of India that the Government of India was unable to protect its nationals in other parts of the Empire. He pointed out that section 65 of the South Africa Act provides that the King might disallow within one year any Act assented to by the Governor-General and he asked that His Majesty might be advised to disallow the Natal Ordinance. It might be said that His Majesty's Government could not interfere with the internal administration of self-governing Dominions. His reply was when there was a conflict between one part of the Empire with another part and when people of one part was unfairly treated by another, that was a proper occasion to exercise the power vested in His Majesty.

After further arguments on the constitutional aspects of the question, Sir Tej Bahadur Sapru dealt with the Imperial War Conference resolution of 1918^e laying down the principle of reciprocity between various parts of the British Commonwealth including India. Sir Tej Bahadur in conclusion characterised the treatment accorded by Natal to Indians as unworthy of the citizens of the British Empire. He realised the difficult position of the Government of India in that matter, but the Government of India owed it to themselves and the people of this country to make it clear to His Majesty's Government that the treatment accorded to Indians in Natal was intolerable and the people

of India would never reconcile to the position accorded to their countrymen. He ventured to hope that adequate and proper representation on the part of the Government of India might not be without avail. If a satisfactory solution was not arrived at, then he urged that retaliatory steps should be taken. Sir Tej Bahadur then alluded to the work of the Colonies Committee and asked for publication of its reports. In the end he appealed to the members of the Legislative Assembly to raise a debate on the whole question at an early date.

THE BENGAL ORDINANCE AND THE DEPORTATIONS

Pandit HIRDAYANATH KUNZRU then moved the resolution on the Bengal Ordinance and made a vigorous speech condemning the action of the Government in promulgating the Ordinance immediately after the prorogation of the Legislative Assembly, without consulting representatives of the people. He said that the extent of danger of the anarchical movement was not so great as to necessitate this arming of the executive with extraordinary powers, and he mentioned the objectionable aspects of the Ordinance which were directed against the freedom of individuals. The provisions of the Ordinance ran generally on the lines of the Rowlatt Act, but with regard to the provision for penalising suspects the Ordinance went against the recommendations of the Rowlatt Committee on whose conclusions the Government placed great reliance.

Mr. Kunzru mentioned that the powers with which the Government was armed were dangerously wide and instanced several cases of abuse of such special powers in the past. The defence of India Act, which the Bengal Government says was most effective in dealing with the revolutionary crime in previous years, was itself abused and harrowing tales of misery caused on innocent people by its use was unfolded in the old Imperial Legislative Council by Sir Surendranath Banerjee and Mr. Bhupendranath Basu. Mr. Kunzru thought that the Government considered special legislation a short cut to administrative expediency and therefore they could not look with equanimity the promulgation of the Ordinance which the Government wanted to introduce. Mr. Kunzru detailed instances of abuse of Regulation III of 1818, such as the arrests of men like Lala Lajpat Rai, Messrs. Aswini Kumar Datta and Krishna Kumar Mitra and others and was surprised that His Excellency Lord Reading, who, it was hoped, would repeal the regulation, had allowed its more frequent use.

Dealing with Lord Lytton's statement that the impetus to the spirit of terrorism was given by the Serajgunj resolution, he condemned vigorously the statement. He said he was no defender of that resolution which Mahatma Gandhi had also condemned. He asked: "Was Mr. Das a well-wisher of stable society or a promoter of anarchical movement sown by the inconsiderate or tyrannical Government? Was Mr. Das responsible for those who committed the massacre at Amritsar or those who commended the action of Dyer and presented a sword to him?" In conclusion Mr. Kunzru said repressive measures such as the Bengal Ordinance would not serve to put down any spirit of violence. Mr. Jitendranath Basu, M.L.C., of Bengal seconded the resolution which was carried in the following terms.—

The Federation is firmly of opinion that anarchical crime is entirely opposed to the progress of the country, and the Federation would support any reasonable measures for its suppression. But it is not satisfied that the recent measures taken in Bengal were called for and strongly protests against the promulgation of the Ordinance I of 1924. The Federation is further of opinion that all ordinary means

for proceeding in the matter should have been exhausted before having recourse to any special measures,

The Federation is further strongly of opinion that the Regulation III of 1818 should not have been resorted to, as in the opinion of the Federation it is an abuse of that Regulation to apply it to the present case.

The Federation is further of opinion that measures like the Ordinance or the proposed Bill of such wide extent and giving such arbitrary powers to the executive, especially that of detention of persons without a trial for an indefinite period, is not justified. In the opinion of the Federation any special measures which may be passed to cope with the anarchical movement should provide for the speedy trial of persons against whom action is taken under it by a Bench consisting of three permanent Judges of the High Court.

In the opinion of this Federation the only effective permanent remedy for the recrudescence of anarchical activities is the removal of the causes of discontent which encourage and foster such crimes.

The following resolutions were then put from the Chair and carried.—

EDUCATION.

(1) This Federation is firmly of opinion that for political, social, material and moral advancement of India a sound system of universal education is absolutely essential and calls upon all Provincial Governments and the Government of India to do all they can to advance it in all possible ways, in particular by—

(i) Making elementary education compulsory for all boys and girls;

(ii) Creating a sound system of secondary schools in which special attention will be devoted to the building of character and the inculcation of discipline, by a proper selection of teachers who should be well paid, and by providing ample facilities for games, physical and moral instruction and manual training, and for promoting proper understanding between students of various communities;

(iii) Starting and encouraging schools of a modern type in which boys from secondary schools can be given vocational training which will enable the students to learn some bread-winning occupation;

(iv) Encouraging the promotion of the highest standards of learning and research in the universities;

(v) Founding institutions of the highest grade in all specialized subjects so as to make it unnecessary for Indian students to go abroad;

(vi) Paying special attention to the education in all grades of backward classes, and depressed classes;

(vii) Making special efforts to advance the education of girls and women;

(2) That funds should be amply provided by all Provincial Governments for a well-thought-out programme of education and by the Government of India for educational institutions of the highest grade of an all-India character.

JUDICIAL AND EXECUTIVE SERVICES AND FUNCTIONS.

The Federation strongly urges the immediate and complete separation of judicial and executive services and functions.

THE KOHAT RIOTS.

The Federation is of opinion that the report of the Government enquiry on the Kohat tragedy is incomplete, one-sided and altogether

unsatisfactory. The Federation is strongly of opinion that the local authorities responsible for law and order failed utterly in the discharge of their duty and their failure should be dealt with by the Government. The Federation further urges that every possible step should be taken to resettle the Hindus of Kohat in their homes and to make reparation for the losses they have sustained.

MEDICAL AID IN RURAL AREAS.

The Liberal Federation deplores the insanitary condition of the rural areas and the inadequacy of medical aid for its people and therefore it urges the Government to lose no more time in providing for legitimate and due needs of the people.

HINDU-MUSLIM RELATIONS.

The Federation deploras the outbreaks of lawlessness in several parts of the country due to the tension of feeling between the two great communities of India and emphasises the need of all possible measures to create a feeling of mutual trust and regard. It commends the resolutions of the Unity Conference held at Bombay in September to provincial and district Liberal leagues and associations as being eminently practical and fair-minded and urges them to secure the largest measure of support for them by means of propaganda.

All-India Muslim League

BOMBAY—30TH DECEMBER 1924

The Sixteenth Session of the All-India Muslim League was held at Bombay on the 30th December 1924 with the Hon. Mr. Raza Ali, member, Council of State, as President, and Mr. Deoji Kanji, Sheriff of Bombay, as the Chairman of the Reception Committee. The meeting was attended by a number of delegates from all over India and also by Dr. Besant, Messrs Nehru, Patel and other party leaders.

PRESIDENTIAL ADDRESS

In the course of his presidential address Mr. RAZA ALI referred at the outset to the party changes in England and said that while we cannot be indifferent to the rise and fall of political parties in England, experience has shown that the presence of a mediocre politician at the India Office has proved infinitely more injurious to our interests than a strong anti-Indian tory. The President welcomed Lord Birkenhead as Secretary of State and remarked: "To indulge in political prophesies is futile, but I venture to say, if instead of trying to wrest from him by threats of civil disobedience we settle down to constructive work, the future may not be barren of results as it looks to-day."

Surveying the events of the past 18 months Mr. Raza Ali said:—

"The collapse of the Non-co-operation movement has been followed by consequences which its promoters did not and could not foresee. Not only have communal disturbances brought to the surface the inner working of the minds of considerable sections of the population, but the leaders of public opinion divided into a number of parties have been unable to secure unanimity for a common programme to be put before the country. According to some, India can only attain her political emancipation through the spinning wheel. Others believe that it will come by stopping the working of the machinery set up by the Government of India Act. Then others take the view that the best method is to work or stop the machinery as it may suit us. Again, others are convinced that true wisdom lies in working it, such as it is, to the best of our ability. In addition to these, there are minor political groups too numerous to mention. All this reminds me of what a writer said about the Spanish character some years ago. He said that if seven Spaniards were to form a political association, it would soon split into three with one independent. It is to be recognised that we are passing through a period of transition and some of our difficulties are inherent in the situation. No sane man can object to the existence of political parties with a definite, workable programme in these go-ahead times. But if they are to work in co-operation with one another, they must have something common in their programme. And I ask: is there nothing on which all parties are agreed? Is there any party worth the name that has not set before itself the goal of Swaraj or self-government? Hardly ever during the last one hundred years was there a matter on which public opinion declared itself half so strongly or unanimously as it has on this question. To us it is the question of questions and the problem of problems. The

differences—important though they at times may be—between race and race, creed and creed, class and class, are at once overshadowed by this overpowering manifestation of India's will. And yet the irony of fate is that so far we have been unable to separate the essential from the accidental, the changing from the immutable. The display of energy on our part is prodigious. Compared with its volume however, the effect must continue to be disappointingly small so long as we do not make up our mind to distinguish matters of principle from matters of procedure. For, except methods to be pursued, procedure to be followed, there is no vital difference between the No-Changer and the Liberal, the obstructionist Swarajist and the Independent. After all Non-Co-operation in its broadest and most orthodox form, obstruction with its varying moods, and constitutional agitation with its somewhat cheerless prospects, are only a means to the end and not the end in themselves. Our end is the attainment of Swaraj. Prudence and experience point to the absolute necessity of the various political parties drawing up, by common agreement, a national programme which can be worked by all. It need not be a very elaborate scheme. The fewer the points on which concerted action is to be taken the greater will be the facility in working it out. But two conditions ought not to be transgressed. In the first place, the programme should not ignore stern realities. Secondly, the methods to be employed should be practical. This would leave every party free to act as it likes with regard to the measures not included in the national programme. Objections—some of them of a weighty character—can be urged against this proposal. It may be said that in the absence of a fusion of parties, their meeting together for a particular purpose will deprive them of that enthusiasm, vigour, complete understanding and mutual confidence which are the life-blood of a political organisation. I must regretfully confess that in the absence of any willingness in the existing parties to modify their political creeds, I have no better solution to offer.

The Bengal Ordinance

The President, criticising the recent Ordinance, declared: "The Ordinance sets up special tribunals, introduces a different set of procedure and curtails and, in some cases, takes away the right of His Majesty's subjects to the protection of the highest court of law in the land—the High Court. All these are encroachments on some of the most cherished and elementary rights of the subject. The greatest objection to the promulgation of extraordinary measures is that they afford an irresistible temptation to the executive to resort to summary methods and avoid going to the regular courts of law. Furthermore, the fact that in the numerous searches made so suddenly and almost simultaneously in various districts in Bengal, no arms and ammunition are reported to have been discovered lends weight to the objection of the critics." On the other hand, speaking for myself, I can say that it is extremely difficult to brush aside as unreliable all the evidence on which Lord Lytton felt himself justified in asking for the promulgation of, and Lord Reading on carefully examining it, agreed to framing, the Ordinance. It is possible, though by no means probable, that Lord Lytton, who as the Under-Secretary of State for India was known, to be in sympathy with Indian aspirations, the ex-Lord Chief Justice of England who was a

prominent member of the Liberal party, and the labour Secretary of State were all seized with panic. The fact, however, remains that the Government, while pointing to the record of crimes, declare that they were unable to cope with the situation with the help of the ordinary law. It is unfortunate that from the nature of the case it is not possible for the Government to disclose the evidence and satisfy the public mind about the activities of each individual. While, therefore, I am unable to say that there was no justification for Lord Reading to exercise his extraordinary powers, I am convinced that the Ordinance goes too far. It gives that Local Government excessive powers and does not sufficiently safeguard the rights of the individual affected. This is no place for entering upon an exhaustive discussion; but the qualifications of the Commissioners and the Judges, the authority by which they are to be appointed, the committing to custody in jail of a suspect against whom preventive action may be taken and the option to the Local Government to accept or reject the report made by the Judges on a careful scrutiny of a suspect's case, are among others some of its obviously objectionable features."

Adverting to the personnel of the Indian Civil Service, the President said it was significant that no Mussalman had yet been appointed to the I. C. S. as a result of the supplementary examination in India and the number of successful Muslim candidates in England was so small as to be almost negligible and he thought it was high time to take steps to do justice to Mussalmans.

Referring to other subjects Mr. Raza Ali said there are so many other matters which require a careful consideration. The alarming growth of military expenditure is closely bound up with the question of defence. Public opinion is fully alive to the importance of keeping our forces in a state of high efficiency. He is no lover of his country who will risk foreign aggression by unduly cutting down expenditure or reducing their number; but it would be equally wrong not to cut our coat according to our cloth. As the military budget is not put to the vote of the Assembly, it is all the more necessary to keep a watchful eye upon it.

In the past our industrial development had been sorely neglected. A change, a very welcome change indeed, has been of late discernible in the policy of the Government. The country also welcomes the attitude adopted by the Swarajist Party in the Legislative Assembly and their co-operation with the Government in passing the Steel Industry Protection Bill in June last. Vastly more, however, remains to be done. The coal industry has fallen on evil days and is unable to meet foreign competition in our own market. The paper industry has a sad tale to tell. The needs of Indian Merchant shipping are crying. Our currency and exchange problems are awaiting solution. There is work, ample work for all who have an inclination to do it. Let us not forget Swaraj will not come to us in a day. It cannot be that we will wake up one fine morning to find it knocking at our doors. If India is to attain Swaraj in the near future, her vast population, regardless of creed and caste must set to work at once. Time and tide wait for nobody. Is it reasonable to expect there will be a change in the laws of nature for our sake?

Referring to the complaints of the League's temporary inactivity, the President remarked that to avoid future friction he would suggest a division of labour. He believed that if the Khilafat Committee looked after Islamic religious interests and the League confined itself to internal questions, both bodies will find ample scope for the display of their energies.

On the subject of communal disturbances the President appealed to them to address themselves to remove the tension, and said: "Fellow-members, let me tell you that, serious as the situation is, it would be cowardice on our part to wring our heads in despair. Are we going to permit ourselves to be deflected from our course? If we do, we will be false not only to ourselves but to countless generations yet unborn. And what verdict will history pass on those who are never tired of preaching that Hindu-Moslem unity is an impossibility? I shudder to think of that verdict. Pray do not consider that I am minimising the enormous obstacles and the prodigious impediments with which our path is beset. But will then descendants of the great Arabs, in whose path neither sea nor mountain was a barrier, and the followers of a religion which came into the world to cement distant countries with bonds of universal brotherhood, get terrified by the ghost of Hindu-Moslem strife? No, and a most emphatic no! The days of the ill-fated Hijrat are over, let me hope never to return. India is as much our Motherland as that of the descendants of the illustrious Brahmans of the Sacred Vedic age. If the flames of internal dissensions are not to envelope and consume both communities, they must find means to live in peace. I know that feelings are running high on both sides. Let us at once address ourselves to removing the tension. And in this connection I cannot help saying a word about the mentality of a certain type of the educated man. Fellow-members, it is so easy to put the blame on the ignorant masses. But can we honestly say that he is wholly free from guilt? The calculating politician does not, as a rule, strike the match. Perhaps he is hundreds of miles away when the explosion actually takes place. But are you quite sure that he does not help in the process of making the material more inflammable? He is the leader of the hapless masses in the sense that he knows when it suits his purpose, how to put them on the wrong path."

The Shuddhi and Sangathan Movements

"No sane man can question the right of the followers of any creed to extend its sphere by all legitimate and proper means. But it is open to serious question whether the Shuddhi movement was not launched at a highly inopportune time and whether the methods employed were not of a questionable character. Had it not been for the existing communal tension, I would certainly have considered it necessary to say more about it. As it is I would draw the earnest attention of its authors to re-examine their position in the light of the recent occurrences, and would appeal to them not to hesitate in abandoning or relaxing their efforts if they find that their past activities have operated to aggravate communal dissensions. The Sangathan movement suffers from bad fellowship. Had it not been a twin sister of the Shuddhi propaganda, there was much in it which would have appealed to patriotic Indians. Perhaps it is not yet too late to rescue it from the jaws of

the Shuddhi movement. If the better mind of the country wish to direct the energies of the members of the Sangathan into anything like useful channels, I agree with Pandit Moti Lal Nehru that its membership should not be confined to one community but that both Hindus and Mussalmans should be its members. In my judgment, however, it would be more advisable to drop it till communal relations are placed on a more solid and harmonious footing. The justification for the continuance of the "Tanzin" would automatically vanish with the disappearance of the Sangathan.

Congress-League Compact

On the subject of the Congress League Compact of 1916 and the proposed revision of it, the President declared:

"One hears so much and so often about the Congress-League compact of 1916 that you would perhaps like to know the views of one who, as one of the representatives of the All-India Moslem League, was closely associated with it from beginning to end. Fellow-members, let me assure you that your representatives, including myself, have no reason to be ashamed of their performance. Only those who have been in the thick of the battle fully realise the difference between the India of 1916 and the India of 1924. However dissatisfied our community to-day may be with some of its provisions, it must be acknowledged that in 1916 it enacted a new era in the history of the Indian constitutional advance. And if we desire it to be revised, we should remember that it always takes two to settle a dispute. The great objection urged against the compact is that it offends against all principles of justice and fairplay in that it does not secure to the majority community in the Punjab and Bengal its due. I am prepared to confess that, though a party to it, I must admit the force of your argument. If the other party had faithfully abided by its terms I would have found myself in an unenviable position; and strong and just, though the complaint of the Punjab and Bengal is, I would have had considerable hesitation in pleading for a reconsideration of its terms but it seems that our Hindu fellow-countrymen are no more enamoured of it than many of the Musalmans.

The question of a revision cannot be delayed long. With the experience of 1916 to guide us, it must be borne in mind that once you open a settled question you are overwhelmed with requests, demands and ultimatums on all sides. Be that as it may, I think the desire of a majority to come into its own is worthy of serious consideration. If the Musalmans in the Punjab, and possibly in Bengal, get what they want, will it be necessary to revise the proportions laid down for the Moslem minority in other provinces? I will be the last man to put forward any proposals in the spirit of—heads I win tails you lose. A compromise is hardly worth the name if one party has everything to gain and another party everything to lose thereby. A dispassionate consideration will, however, show that by righting the wrong done to the Punjab, and perhaps Bengal Musalmans in 1916 and adhering to the pact in other respects, the Hindu Majority in other provinces will not be prejudicially affected. Indeed, it will have no effect whatever on such majority. Considering the matter from an

All-India view-point, it is up to the Mussalmans to compensate the Hindus for the loss of a few seats that will be transferred from the latter to the former in the Punjab and may be in Bengal. That loss can be made good by making adequate provision for Hindu representation in such provinces as Beluchistan, Sind and the North-West Frontier Province. It is to be hoped that a Legislative Council will soon be established in the North-West Frontier Province. And may I here appeal to the Government to lose no time in granting to this Province the reforms recommended by the North-West Frontier Enquiry Committee? There is, however, another direction in which the Mussalmans may be able to meet the wishes of their Hindu compatriots. The well-known proviso in the pact of 1916 says:—"No bill, nor any clause thereof, nor a resolution introduced by a non-official member affecting one or the other community, which question is to be determined by the members of that community in the Legislative Council concerned, shall be proceeded with if three-fourths of the members of that community in the particular Council, Imperial or Provincial, oppose the bill or any clause thereof or the resolution." Very great value is naturally attached to this safeguard by the Moslem community. I have no right to assume that my community can be induced to accept a modification of this most valuable right. In these democratic days, constitutional safeguards afford the greatest protection to minorities. So great is the need of such safeguards that the Allied and Associated Powers at the Paris Peace Conference came to the conclusion that it was absolutely necessary to protect the minorities in Poland, Czecho-Slovakia, Serb-Croat-Slovene State, and Rumania by inserting a provision in the Treaty made with those countries.

"It is not perhaps necessary the quote from the terms of the Treaty to show in what manner special protection was afforded to the minorities. The simple point is that the foundation of democracy is and should be mutual security. Viewed in this light it is hardly possible to realize at this somewhat early stage what important part the proviso is going to play in our future constitution. But so far as my personal views are concerned, I am prepared to consider a revision of its terms if a satisfactory settlement is come to on Moslem representation in the Provincial Councils. I take it that whatever decision is arrived at by mutual consent will be equally applicable to all local bodies."

Conclusion.

Concluding Mr. Raza Ali said:—"Fellow-members, our path is long and devious and we shall have to tread weary steps before we get to the goal. For sometime the stars have been fighting against us in their courses, but there is no cause for alarm, much less for despair. Remember the clouds are darkest before dawn. Already there is a streak of light above the horizon if one will only care to see. Whatever might be the obstacles in our way, a common bond unites all of us who have started on the march towards the goal and that bond is the service of the Motherland. Ennobling and inspiring sentiment has fired the imagination of us all. Worship of the motherland has brought to her alter the philosophical Brahman, the brilliant Bengali, the vigorous Mahratta, the sturdy Sikh, the refined Indian Christian, the cultured Zoroastrian and the austere and unidolatorous Mussalman, yes, even to the Mussalman this new worship is no idolatory".

Resolutions Passed

The League reassembled next day to pass resolutions. The first two expressed condolence at the loss by death of prominent Indians.

Reforms in Frontier Province.

Shahibzada AFTAB AHMED KHAN then moved :—

“That the All-India Muslim League strongly urges upon the Government the immediate and paramount necessity of introducing the reforms in the North-Western Frontier Provinces of India.”

The mover in a short Urdu speech said that if they organised the North-Western Frontier properly they would lay broad and deep the foundations of a real Indian defence.

Mr. MAHOMED ALI, who was received with loud and prolonged cheers, in supporting the motion warmly acknowledged what Shahibzada did to India and to his community to work for their uplift in unison with men of the speaker's own way of thinking (applause) and assured them that he and his friends would be glad to work with him in the cause of Indian freedom and Muslim uplift. If he had his own way, said Mahomed Ali, he would not support the resolution but move an amendment that those parts of the Frontier Provinces which did not by right belong to India but were really part of the territories of the people across the Indian border which lay on the other side of India should be given back to those people (applause). He pointed out that the condition of slavery in which the non-regulation Provinces in North-Western Frontier existed at present was due entirely to the fact that India was a slave nation and in order to keep India permanently in slavery, all countries lying on either side of the route to India had to be enslaved. This was true of the sea-route through the Suez Canal with Egypt and Sudan on one side and Palestine, Hedjaz and places in the Yomen like Aden on the other, which had already been enslaved or were being enslaved. All countries lying on either side of the land route from Europe to India suffered a similar fate. If a line be drawn from Constantinople to Delhi on the map of the world it would be found that at least right up to Saharanpur there was a corridor of purely Muslim people or Muslims were in a clear majority. This gave them the clue for understanding the backward condition in which the Frontier and the Punjab were purposely kept by those in power.

Even when education was imparted to the frontier people, continued Mr. Mahomed Ali, it was education to create in them the slave mentality which, he said, was a destructive feature of Indian Education. Aristotle, said the speaker, was a Greek, but few knew that the philosophy, Fine Arts and Literature of Greece were built on the foundations of the slavery of others which gave to the Athenians the leisure they needed for the development of their literature, philosophy and arts. The speaker then quoted Aristotle who defined wisdom as of two kinds: namely, the higher wisdom of the free Greeks to which there were no limits, and the lower wisdom of the slaves who had been given just enough intelligence to understand and obey the orders of free Greeks. Proceeding Mr. Mahomed Ali said that even the education imparted to the Frontier men was calculated to give them not the initiative of the British but to produce just enough intelligence in them to believe that the British alone were fit for ruling, and to further believe that their orders should be obeyed! (Laughter and applause.) “It is our own support of the British in subduing other Asiatic people like those of Baluchistan and the North-Western Frontier and of Nepal”

declared Mr. Mahomed Ali, "that is now responsible for Baluchi and Gurkha soldiers shooting down Indians at Jallianwalla Bagh." "It was their Karma", he added. Continuing, the speaker said that if the frontier men or those across the border were not as peaceful as Indians would wish, it was because they had created insecurity in their minds about their freedom. For his very existence the frontier man and the borderman must be a soldier at present. He could not devote himself whole-heartedly to the arts of peace and to industry. The British policy of penetrating into the country of those non-Indians had contributed to ever increasing military expenditure and to consequent starvation of India and her education and industries, yet it gave no peace to Indians on the Frontier, and Kohat too was a symptom of the same disease. A far better policy in the speaker's opinion would be to reduce the Indian Military Budget and to send Mr. Gandhi, Mr. Das, Mr. Motilal Nehru and other leading Hindus together with Mr. M. A. Jinnah, Syed Raza Ali and other Muslim leaders to exchange assurances with the people across the border in Afghanistan and in the Frontier Provinces as well (Prolonged Cheers.) Once these people were convinced that India had no designs on their independence and once India conceded the right of self-determination to the people of the Frontier Provinces, they would see the end of over half the internecine quarrels in the Frontier Provinces. If we cannot let the men across the Indus to have choice of Indian or Afghan citizenship, concluded Mr. Mahomed Ali, and if we must keep them, like ourselves, the slaves of Britain, the least we can do is to ask our common masters, the British, to concede them the same rights at least as to the slaves in the major Provinces of India. (Loud and prolonged cheers and cries of Alla-ho-Akbar!)

The resolution was put to vote and carried unanimously.

The Waki Act

The League then resolved that such Provincial Government as had not yet enforced the Musalman Waqf Act should do so without further delay.

Indians in Africa.

Mr. Hussainbhoy LALJI moved a resolution on the position of Indians in South Africa and Kenya and urging the Government of India to take necessary steps to right the grievous wrongs.

Mrs. NAIDU then said that it was paradoxical that millions of slaves were crying for a few thousands of their countrymen in exile. She agreed with Mr. Gandhi that the only solution for Indian grievances at home and abroad lay in the attainment of Swarajya. General Smuts asked why Indians ask for rights which were denied to them in their own country. She did not support the resolution because she did not believe in appealing to the Government. Her appeal would be to her own people. The mandate that she had brought from the Indians abroad was that they in India should compose their differences.

Mr. GANDHI who was present was pressed to speak on the resolution and he spoke a few words in Hindi. For the redress of their grievances, said he, they must depend upon themselves. Lord Hardings had openly extended his sympathy in the cause of South African Indians but without any avail. The speaker regretted that Indians in Kenya had suspended their struggle and were prepared to go to Councils. To his mind the situation there demanded greater resistance. The only way to deal with the grievances abroad as at home was the attainment of Hindu-Moslem Unity and Khaddar.

Egyptian situation.

Mr. Mahomed YAKUB of Moradabad then moved : "that the All-India Muslim League condemns and deplures the assassination of Sir Lee Stack but it is strongly of opinion that the reprisals exacted by the British Government are unwarranted inasmuch as important terms of the ultimatum and action taken thereafter are unconnected with the crime, and the League strongly feels that the action of the British Government is aimed at crushing the independence of Egypt and therefore strongly condemns it."

Dr. Saifuddin KITCHLEW, seconding, said that if he had his way he would not agree to condemning the murder of Sir Lee Stack because they had not before them any evidence as to why and how the murder was committed ; but committed as they were no doubt to non-violence, he had no objection in condemning violence for its own sake. He drew an analogy between the state of affairs in Egypt and that in Bengal and pointed out that it was not really a question of Christianity vs. Islam as some tried to make out. To his mind the plain issue was European imperialism trying to dominate over the nations of the East. The solution in his opinion lay in Indian Swaraj, but Swaraj, he said, was unattainable as long as there was no Hindu-Muslim unity. Without Swaraj for India the Eastern nations were bound to suffer.

Maulana Mahomed Ali, supporting the resolution, said that in the Subjects Committee he had pointed out his objection to the word "deplures" because they did not know under what circumstances the murder was committed. The Government were keeping their hold on Egypt and Arabia because it was necessary, as he had pointed out earlier, to keep India under subjection. The resolution was passed.

BENGAL ORDINANCE

Mr. M. C. CHAGALA then moved a resolution on the Bengal Ordinance identical with the one passed recently at the All-Parties Conference at Bombay. The mover condemned the Ordinance on the ground that it deprived the subject of his elementary right of public and open trial. Indiscriminate arrests of innocent and unoffending men did not add to the credit of the Government.

Mr. Agha Mahomed Safdar of Sialkot seconded. Mr. Abdul Hakim Khan of Madras, in supporting the resolution, said that the Ordinance was a challenge to the manhood of India. How were they going to reply to the challenge? They must unite and unity would be a fitting blow to the Government. Moulvi Mazharuddin further supported the resolution which was carried unanimously.

MUSLIM UNITY.

Mr. SHAUKAT ALI then moved that the Secretary of the All-India Muslim League in consultation with several Muslim organisations in the country should bring about at an early date at Delhi or elsewhere a round table conference with a view to co-operate together and to present a united front. The mover assured the audience of the Khilafat Committee's co-operation and asked other bodies to come forward.

The resolution was carried.

MUSLIM REPRESENTATION.

Mr. M. A. JINNAH then moved his resolution appointing a Committee to formulate the Muslim demand regarding representation of the Muslim community in the legislatures of the country and in other elective bodies and their due and proper share in public service, with power to them to confer with other political organisations and report

to the Muslim League. The Committee consists of 33 names including Sir Mahomed Shafi, M. Fazli Hussain, Maulana Mahomed Ali and others.

In moving the resolution Mr. Jinnah repudiated the charge that he was standing on the platform of the League as a communalist. He assured them that he was as ever a nationalist. Personally he had no hesitation in saying he was against communal representation. He wanted the best and the fittest men to represent them in the legislatures of the land. (Hear hear and Applause). But unfortunately his Muslim compatriots were not prepared to go as far as he. He could not be blind to the situation. The fact was that there was a large number of Muslims who wanted representation separately in the legislatures and in the country's services. This feeling led to communal differences. They were talking of communal unity, but where was unity? It had to be achieved by arriving at some suitable settlement. He knew, he said amidst deafening cheers, that his fellow-religionists were ready and prepared to fight for Swaraj, but wanted some safeguards. Whatever his view, and they knew that as a practical politician he had to take stock of the situation, the real block to unity was not the communities themselves, but a few mischief-makers on both sides. Mr. Jinnah analysed the implications underlying the subtle propaganda of these mischief-makers and ridiculed them to the great delight of the audience.

Mr. Mahomed Ali thought that more names of one party were put on the Committee, but he had no objection provided the decisions were not taken by vote. Mr. Jinnah said it could not be helped. In that case Mr. Mahomed Ali would also like to have a majority. It was resolved finally that the Committee be given power to add to its number. The resolution was then carried unanimously.

The Kohat Tragedy.

Maulana ZAFAR ALI KHAN then moved the following resolution :—

"The All-India Muslim League deploras very deeply the Kohat tragedy and the great loss of life and property there; but it feels to be its duty to place on record that the sufferings of the Kohat Hindus are not unprovoked, but that on the contrary the facts brought to light make it clear that gross provocation was offered to the religious sentiments of the Mussalmans, and Hindus were the first to resort to violence and, further, that though their sufferings were very great and they are deserving the sympathy of all Mussalmans, it was not only they alone that suffered.

"The Muslim League is not at present in a position to form judgment as regards details of the allegations published by the Government or by the members of the two communities concerned and asks the country also to suspend its judgment until a Committee on which Mussalmans as well as Hindus are adequately represented, has enquired into the whole affair and has reported its findings.

"The League earnestly recommends to the Mussalmans of Kohat to invite the Hindu residents of Kohat to return to Kohat and to settle their differences with Mussalmans of the place honourably and amicably, and the League trusts that, while the Hindus in future will avoid provoking Mussalmans, the latter will refrain from resorting to violence and would refer all disputes to the arbitration of trusted leaders of the two communities.

"The League condemns the failure of the authorities to take proper steps to prevent the Kohat tragedy and to protect the lives and property of Hindu and Muslim citizens of Kohat."

This resolution was originally intended to be moved as an amendment by Mr. Mahomed Ali to the resolution Mr. Zafar Ali intended moving

in other terms. The originally intended resolution was worded as follows:—

“That the League deplures the Kohat tragedy and sympathises with the sufferers, both Hindus and Mussalmans, and while placing on record its firm conviction that Hindus started the riots in the first instance, appeals to both the communities to forget the past and to resume their old peaceful relations. The League hopes that the Mussalmans of Kohat, being the predominant element in the population of the town, will receive their Hindu neighbours with open arms.”

This resolution was however dropped by Mr. Zafar Ali Khan in favour of the proposed amendment which he moved as the principal motion in order to avoid controversy.

Moulvi Rafiuddin Ahmed, however, moved the dropped resolution as an amendment. Mr. Jinnah, in seconding it, characterised the principal motion as illogical inasmuch as it expressed judgment in certain affairs after having asked the people to suspend judgment. Mr. Chagla would vote against both the motions and the amendment as in his opinion neither of them was so worded as to make future riots impossible. Mr. Shaukat Ali in a long Urdu speech defended his brother's draft. He was followed by Mr. Mahomed Ali who pointed out that the resolution was drafted after great care, and related his brother's and Mr. Gandhi's experiences in the Punjab and Rawalpindi. He criticised Mr. Jinnah for his trying to divide the house over a very trivial matter. The amendment was lost by an overwhelming majority, while the motion was carried by a large majority, only Mr. Jinnah and a few others voting against.

Other Resolutions.

Other resolutions appealed to the Mussalmans to organise Tanzim, to take to hand-spinning, and to spread Swadeshi.

Thanks were then proposed and responded to. After garlanding and thanks-giving to the President was over, the President congratulated the Conference not only on the absence of bitterness in its proceedings, but on the distinct spirit of friendliness which should have been disappointing to their enemies. The sessions came to a close at about 11 at night.

All-India Hindu Mahasabha.

BELGAUM—DECEMBER 27TH 1924.

The SPECIAL SESSION of the Hindu Mahasabha opened on Dec. 27th in the Congress Pandal at Belgaum under the presidency of Pandit Madan Mohan Malaviya. The address of the President referred to the necessity of organisation of a Hindu proselytizing mission and of focussing Hindu opinion on the question of representation in the Council and the Services. He also touched on the question of untouchability and the Non-Brahmin movement. Attendance was very large and included Mr. Gandhi, Mr. C. R. Das, Lala Lajpatrai, Mr. Shaukat Ali, Dr. Mahmud, Mr. Mohamad Ali, Pandit Motilal Nehru, Mr. N. C. Kelkar, Mr. Hasrat Mohani, Swami Shraddhanand, Dr. Moonji, Maulana Abul Kalam Azad and thousands of delegates.

Rao J. Gangadhar Khote, Chairman of the Reception Committee, said that the special session had been called to consider the position of the Hindu society both politically and socially at that critical juncture. The recent Hindu-Muslim riots and conversion of untouchables into other religions had proved the weakness of Hindus and the Hindu society. To remove these grave short-comings the Mahasabha had been organised.

• THE PRESIDENTIAL ADDRESS.

Pundit MALAVIYA in delivering his presidential address pleaded justification for the creation of the Sabha and explained its scope. He said the Mahasabha came into existence only a few years ago. There were some who considered it a departure from the right path and thought that as a communal organisation it was likely to clash with the national organisation of the Congress. Pundit Malaviya dispelled that suspicion. It would be a shame if any Hindu opposed the National Congress. Their object was to supplement and to strengthen the Congress. The necessity for organising the Mahasabha had arisen because the Congress being a political body could not deal with questions which affected various communities in social and other non-political spheres. In this country they had more than one culture. Muslims cherished their own culture. Hindus must cherish their own and preserve it and spread it. Political problems were ephemeral; they come and go as Empires were built up and disappeared. But the culture of a people, their social institutions, their literature and art, were of durable value and must be preserved. He wished with all his heart that Hindus and Muslims studied each other's culture to appreciate each other better. (Applause.) Hindus must preserve and popularise their culture as Muslims were doing. On this platform had met Hindus, Sikhs and Buddhists who had inherited a common culture. Where, he asked, could they find a common platform to unite all these factors in Hindu society except on the platform of the Mahasabha?

Referring to the recent Hindu-Muslim riots, Pundit Malaviya said he was convinced that but for the weakness and cowardice of Hindus some of them could have been averted. These disturbances had created

a situation of national importance. It was therefore a national necessity that the weakness of Hindus which had brought some disturbances about should be removed. What were the causes which brought about that weakness? Firstly, Hindus had forgotten the tenets of their religion. These must be spread. Secondly, they were physically weak. This was due mainly to deterioration in the system of marriages. Nowhere in the world marriage had been placed on a higher basis than in India where no one could marry before 25. Now they found child-widows. This state of affairs must disappear as it had weakened the community physically. To remove such social evils, where could they find a better platform than at the Mahasabha?

Then again there was the dispute about possession of the Buddha Gaya Temple. A Buddhist friend had come from Ceylon to attend their meeting. The question of management of the temple was for decision between them and the Buddhists, and where was a more competent body than the Mahasabha to deal with such questions and settle them amicably?

Then there were questions about Non-Brahmins and Untouchability. Unfortunately by the introduction of the Montagu-Chelmsford Reforms there had occurred divisions and groups where no one suspected they would occur. Both Brahmins and Non-Brahmins were inheritors of a common culture. They should have lived like brothers. Brahmins should value ability and skill wherever it was found. Indeed the Brahmin's reverence and worship of Rama, Krishna and Buddha who were not Brahmins showed that Brahmins did not hesitate to worship ability wherever it was found. He was sorry that for a few loaves and fishes of office, and even a few Ministerships which were trifles before the question of unity amongst Hindus, the split had occurred. They should rejoice in each other's happiness and strength and there was no occasion for quarrel unless a man's vision was perverted, vitiated and diseased. Was not Mahatma Gandhi a Non-Brahmin and was it not that no man had roused greater homage of the country than Mahatma Gandhi (applause)? He appealed to his Brahmin and Non-Brahmin friends to remove misunderstandings, and what better platform was there than was offered by the Mahasabha?

As for the position of the untouchables, he thanked Mahatma Gandhi for the great impetus he had given to the movement. The speaker said, leaving aside the political side of the swelling census figure, they owed a duty to their brethren untouchables who were common inheritors of their civilisation and culture and were part of Hindu Society. The Mahasabha had voted in favour of their admission to schools, permission to them to draw water from public wells, and to have Darshan at temples, but as the Mahasabha believed in non-violence and to kill sentiments and prejudices by love and not force, it had also laid down that, where this was not possible at present, new institutions, wells and temples be built for untouchables.

Continuing Pandit Malaviya said that for centuries Muhamedans had been converting Hindus and the majority of the Muslims of India were converts. Numerous Christian Missions were also carrying on a campaign of proselytisation. Hindu Shastras had also enjoined on them to spread their knowledge among others, but this duty they had hitherto neglected and only his Arya Samaj brethren had done something in this direction.

Therefore the question of having a Hindu Mission for proselytisation had become a very pressing necessity in the situation created in this country by the activities of Muslim and Christian Missions.

There was another aspect of the problem which had assumed importance. The Muslim League was putting forward a demand on behalf of Muslims in the matter of communal representation in all elected bodies and services. The speaker recalled that in 1906 Sir Ibrahim Rahimtullah, presiding over the League, had indicated that communal representation would be required only for a very short time. The Lucknow Pact was later on concluded. He was entirely opposed to communal representation in national interests, but they could not give it up until Mahomedans voluntarily agreed to its abandonment. He was grieved to find communal feeling intensified by this representation. "I consider that a national Government and a communal administration are impossible. They cannot exist together. If communalism dominates the affairs of the country to the extent to which it is dominating the affairs of this land, I feel upon all consideration that it would be wrong to the country to have a full system of national Government established in India. I do not believe communalism and nationalism can co-exist. One must disappear before the other comes in."

Continuing, Pandit Malaviya said now that the question of communal representation was being raised by Muslims, the Hindu Maha Sabha's work lay in focussing Hindu opinion on this question and to voice it when anybody undertook to discuss the question with a view to reconcile the interests of both communities. Concluding Pandit Malaviya put in a strong plea for unity and asked all Hindus and Mahomedans to become Nationalists to the core.

Resolutions

Next day, Dec. 28th, the Maha Sabha met to pass resolutions. A resolution was moved by Mr. Satyamurti to appoint a committee "to ascertain and formulate Hindu opinion on the subject of Hindu-Muslim problems in their relation to the question of further constitutional reforms." This was passed.

Lala Lajpat Rai was the Chairman of this Committee and three Hindu representatives from every province were elected to form it. They include Raja Sir Rampal Singh, Mr. Chintamani, Raja Narendranath, Mr. Dwarkanath, Babu Rajendra Parshad, Dr. Moonji, Mr. Kelkar, Mr. Jayakar, Mr. T. Prakasam, Mr. Satyamurti, Mr. C. R. Reddy, Mr. Karandikar, Rai Yatindranath Chowdhuri and Mr. Jairamdas Doulstram. The total membership is 23.

Mr. SATYAMURTI explaining the scope of the resolution said that it was for the first time giving a distinct political orientation to the activities of the Hindu Maha Sabha. The Sabha would not only be confined to the social and religious uplift of Hindus, but would also focus and express Hindu opinion on political problems. In fact, at the present stage of political evolution of the country the best contribution Hindus could make to the commonweal was by organising themselves politically, openly and deliberately. To-day the fact was that Hindus, though strongest in numbers and the inheritors of a great civilization and doing everything which made for culture, were the weakest and the most disorganised. He

believed after his enquiries in Malabar that the extent of the Moplah rebellion was largely due to Hindu cowardice and that despite all pious resolutions Hindu-Moslem unity would not be achieved unless Hindus organised themselves, reclaimed untouchables, and all stood shoulder to shoulder (applause). The distressing fight between Non-Brahmins and Brahmins for loaves and fishes would stop if Hinduism was revived and all knew that they had equal rights as Hindus. Some said that the organisation of the Maha Sabha was creating distrust among Muslims. There was no ground for this suspicion. On the other hand, the Hindu Maha Sabha would set an example that communalism could be reconciled with nationalism. "We shall be showing how we can produce nationalism out of our communalism. We shall be showing to various organisations in India how to subordinate communalism to a higher, nobler and more inspiring ideal of nationalism". There was the question of communal representation. It was an evil day for India when they agreed to this form of representation. The Lucknow Pact was an unfortunate blunder. It sowed the seed which had now resulted in all Muslims, Non-Brahmins, Depressed classes and other communities demanding separate representation. All wanted to promote the interests of their communities but none cared for the nation. Of course they could not give it up until the Muslims agreed. It was thought by its framers that the Lucknow Pact was the last word of the subject. Now the demand was put forward for its revision. He was glad to find that Dr. Kitchlew as President of the Khilafat Conference had favoured a mixed electorate which would remove the greater part of the evil of to-day. The Maha Sabha must formulate the Hindu demand on the matter of such representation and the proposed committee would tour all over India and report. The Congress did not express that. Muslims, he said, at the recent occurrences had roused the communal feeling of Hindus and unless progressive leaders led it in the right direction there was the danger of the Maha Sabha falling into reactionary hands who might stand in the way of national progress.

Nepal's Independence.

The next resolution moved from the chair expressed deep satisfaction on the recognition of independence of Nepal by the British Government. The Conference also congratulated the Maharaja of Nepal's Government for its noble decision to completely abolish the system of slavery in his kingdom. The President was authorised to send the resolution to the Prime Minister, Nepal. Pandit Malaviya said Nepal was now the only independent Hindu State in the world and they should therefore rejoice at it. The resolution was carried.

Kohat Riots.

Mr. T. PRAKASAM moved a long resolution about Kohat. It expressed grief at the loss sustained by Hindus and Muslims in life and property, the burning of about 473 houses and shops, the desecration or destruction of many temples and Gurdwaras which compelled the entire Hindu and Sikh population to leave Kohat and to seek shelter in Rawalpindi and other places in the Punjab. The resolution stated that though local authorities were previously informed of the impending danger, they failed to take steps which were necessary to prevent the disturbances and, after it had begun, to quell it, to arrest offenders and to recover

looted property, though they could have easily nipped the evil in the bud with the help of a small force of non-Mahomedan sepoy or soldiers from the adjoining Cantonment. The Conference thought that the local administration had shown lamentable want of sympathy with the sufferings of penniless and homeless refugees and had been incompetent in dealing with the situation which largely accounted for no reconciliation having been brought about so long between Mahomedans and Hindus of Kohat. The Conference regretted that the Government had accepted the findings of a junior Magistrate on a matter of such grave importance who did not examine Hindus, and that they arrived at conclusions on such findings which were grossly unjust to Hindus.

'The Conference opines that the character of the occurrence demands an independent public enquiry by a committee which would command public confidence and would recommend measures necessary to restore the sense of security among Hindus and compensate them.

'The Conference regrets that the Frontier Government has coerced prominent Hindus of Kohat by arresting them to agree to reconciliation without satisfactory terms being settled, and on the failure of negotiations for which representatives of Kohat Hindus say they are not responsible, it has ordered the arrest and re-arrest of a number of prominent Hindus and Sikhs.

'The Conference urges the Viceroy to release these men of position on bail and to transfer their cases for trial to the Punjab. The Conference appeals for subscription towards the Kohat Refugees' Fund to be remitted whether to the Punjab National Bank, Lahore, or to the Central Bank of India, Lahore, towards the Hindu Sabha Kohat refugees Relief Fund."

Mr. Prakasam narrated his experience of Hindu-Moslem riots in various places like Multan and Saharanpur which he had visited. After Kohat he saw no alternative but to join the Mahasabha.

Lala LAJPAT RAI speaking on this resolution made general observations about the position of Hindus, their past greatness and present degradation. He said he had travelled over almost all countries of the world where modern civilization flourished and after close examination he had come back with the conviction that Hindu culture and Hindu ideals were infinitely superior to that of any other nation in the world. This did not mean that Hindus to-day were praiseworthy. Hindus had totally degraded themselves and fallen from their ideals and it was because of that that tragedies like Kohat were befalling them. He said the Hindu code of war prohibited attack on children, on women, on the aged, on the unarmed and on the non-combatant. The laws of wars of no other nation were so high. Culture was not judged by wealth or by weapons at the command of a nation, but by its ideal of humanity and its human laws. In this respect the Hindu civilization was the highest and it was this civilization which they inherited, but from which they had fallen. Hindus with a feeling of chivalry and justice were prepared to be quite fair to all communities.

Touching Kohat he asked whether, even admitting that Hindus were at fault, their fault was such that it deserved the punishment inflicted on them. Turning his face towards the dais where M. Gandhi was seated, he said he did not mind whatever concessions Mahatma Gandhi

and others showed to the Muslim community. That did not hurt him, but he appealed to Mahatma Gandhi and others to save Hindus, the inheritors of a great civilization, from the death which threatened them.

Swami SHRADHDHANAND said the blood of Kohat had shaken Hindus all over. The time was not for talk but for work. He for one had decided to go and for a month to spread the beds of Kohat refugees and serve them thereby. Impassioned appeals were made by him and Lala Lajpat Rai for funds for relief to which many responded.

Other Resolutions.

Pandit Malaviya put several resolutions from the chair which were carried. These included a prayer to the Maharani of Travancore to permit the untouchables the use of public roads about which Vykam Satyagraha was going on, because those roads were already open to men of other religions and to those untouchables who had become converted to other religions.

Another resolution condemned the Gulbarga riots and hoped the Nizam would ensure protection in future and build the temples desecrated.

One resolution urged Brahmins and Non-Brahmins to remove mutual misunderstandings and to become united as part of the Hindu community, brothers in the inheritance of a great culture.

A resolution moved by Dr. Moonji asked Hindus to start Hindu Sabhas all over the country with a view to improve themselves socially and religiously and also to safeguard their political rights.

A resolution was also passed by the Conference offering condolence on the deaths of the Maharajah of Travancore, Sir Ashutosh Mukerjee, Sir Subramania Iyer, Mr. Kanhayalal and others.

Hindu Organisation.

The following resolution was passed endorsing the view taken up by the Maha Sabha at the previous Benares and Allahabad sessions:—

“Resolved that this Conference supports the resolutions passed at the Benares and Prayag sessions of the Hindu Maha Sabha and appeals to all Hindus:—

(1) To work, so far as it lies in their power, in friendliness and harmony with the other communities in all matters of common national interest;

(2) To promote both religious and secular education among boys and girls of all classes of the community combined with the due observance of the time-honoured system of Brahmacharya and physical culture;

(3) In any event as a rule not to perform the marriages of girls before the age of 12 and of boys before the age of 18;

(4) To organise Samaj Seva-Dals or Social Service Leagues for the service of the community which should co-operate whenever possible with members of other sister communities in maintaining peace;

(5) To study the Hindu language and specially the Nagari characters in which all sacred Hindu scriptures are primarily written;

(6) To take every lawful step to protect laws;

(7) To promote the use of Swadeshi cloth and preferably of hand-spun hand-woven Khaddar;

(8) To organise rathas and satsangs in every Hindu Mohalla or ward for religious instruction;

(9) To take all reasonable steps for the education and uplift of those Hindu brethren who are regarded as the depressed classes;

(a) By encouraging the admission of their children to public schools which are open to other children of the followers of other religions also and, when necessary, by establishing separate schools for them;

(b) By removing, with the consent of other residents of the locality, the difficulties in the way of the members of the depressed classes from using public wells and when necessary by having special wells dug for their use; and

(c) By appealing to the adhkaries or managers of temples to offer them, when it may be feasible in conformity with the "maryada" of the institutions, opportunity for gratifying their laudable desire for Devadarshan.

The Conference also draws the attention of the Hindu public to those Shastric authorities according to which no 'Sparshadosh' is incurred on the occasion of pilgrimage, festivals, marriages on boats during war and similar other occasions.

Pandit Madan Mohan Malaviya mentioned that he had received a suggestion just then that a committee be appointed to consider the Brahmin and Non-Brahmin dispute and another suggested that they should express their opinion about the Madras Religious Endowments Bill. Pandit Malaviya and Mr. Gandhi were about to meet in the pandal. These questions would be discussed at the normal annual session of the Maha Sabha next March at Calcutta.

The Conference then concluded amidst cheers.

The All-India Khilafat Conference

BELGAUM—24 DECEMBER 1924

The Eleventh Session of the Khilafat Conference was held at Belgaum in the Congress Pandal with Dr. Shaifuddin Kitchlew as President and Moulvi Kutub-ud-din as the Chairman of the Reception Committee. About 300 delegates attended while a large number of Congressmen were present.

Dr. Kitchlew's Address.

In the course of his Presidential Address Dr. Kitchlew reviewed the history of the Khilafat and how they came to adopt Non-co-operation after all constitutional methods had failed. He ironically referred to the attempts in 1921 of Pandit Malaviya to arrange a Round Table Conference and bring about an understanding between Lord Reading and Mahatma Gandhi which, however, failed at the time. When Non-co-operation was at its height it was brought to a dead halt by Mahatma Gandhi at Bardoli. In the meantime the spark had been lighted in the Punjab and other provinces in a conflagration. Mian Fazli Hussain's policy was undoubtedly the cause of this Hindu-Muslim dispute. Though the speaker did not favour Mian Fazli Hussain's policy of co-operation and consequent opposition to the National Programme, he felt bound to declare publicly that Mian Fazli Hussain was only trying to do justice to the Muslim community. Leaders like Mr. C. R. Das, Pandit Motilal, Mr. Chintamani and lately Mahatma Gandhi had examined the Mian's policy and were satisfied that it was just. Dr. Kitchlew declared that the Hindu agitation in the Punjab was selfish and unjust. In the last election, the Swaraj Party of the Punjab really became the Hindu party of the Province in the Council. At this time when feelings between of Hindus and Muslims were becoming strained, Pandit Malaviya started the Sangathan movement and Muslims, therefore, organised a counter movement. The real cause of trouble in the Punjab was, however, economic, because the entire trade and the majority of the services were in the hands of Hindus.

In his opinion a solution was easily provided if they observed the following: namely, that all elections should be arranged on a population basis; the electorate be mixed; there should be no special representation; the majority community should never be reduced to a minority and recruitment in services be gradually made on a population basis subject to the requirements of efficiency. The Lucknow Pact, he said, should be burnt. Special protection to minorities should take the form of a provision that when a question affected a minority, a two-third vote should decide the question.

As for Kohat riots, though they were due to Hindu firing, he hoped Kohat Muslims would welcome the Hindus back. Dr. Kitchlew strongly pleaded for support to the Sikhs and urged Khilafatists to make the Sikh issue their own.

Touching questions of Islamic interest, he said that though the original ground on which the Khilafat movement was based had shifted, the question of election of a Khalifa by a World Muslim Congress was of vital importance. He wished further successes to Abdul Karim in Morocco. He wanted Indian Muslims to await the report of their delegation to Hedjaz and not to believe propagandist reports about Ibn Saud. He condemned the British action in Egypt, and hoped that before long Egypt would recover its independence. Generally, however, he was glad to find that Islamic countries outside were improving their position, and would the Muslims of India lag behind?

[At this stage the Conference adjourned till the next day when Dr. Kitchlew concluded his address.]

In the concluding part of his address, Dr. Kitchlew laid out his scheme for the improvement, economic, social and educational, of the Muslim community. He would make mosques the centres of learning and would insist on industrial schools for the uplift of his community. Muslim Banks and Co-operative Bank Societies should be organised to finance this scheme. He urged particular attention to be devoted to the production of Khaddar and emphasised that this programme was not a counter-part of the Sangathan movement or Swaraj. He said the headquarters of the Central Khilafat Committee should be transferred to Delhi and Khilafat Committees re-organised and multiplied. The movement of Tanzim should form an essential part of the work of the Khilafat Committee. Otherwise these committees might be dissolved and others organised. The speaker made clear that the platform of the Khilafat was open to all Muslims, whether Co-operators or Non-co-operators, and that Khilafatists did not want to boycott those Muslims who went into the Councils. Differences of opinion among them on political issues should not deter them from joining the Khilafat platform or push through the scheme of Tanzim.

Dr. Kitchlew regretted to find that Muslims were not taking the same interest in Congress as they used to do recently. He appealed to all Muslims to join and support the Congress. He referred to the approval of the Bengal Ordinance by the Labour Party as showing that nothing could be expected from any political party in England. Indeed he welcomed the Conservative Government because it made no secret of its professions.

RESOLUTIONS

The Conference passed resolutions, all standing, lamenting the sad deaths of Bi Amman and Mr. Abdul Majid Shariar.

Mr. Zafar Ali moved :—

• " This Conference condemns the outrageous action of Great Britain in Egypt and Sudan and assures their Egyptian and Sudanese brethren that Indian Mussalmans consider their calamity as theirs and are fully sensible of Islamic duties imposed upon them in this connection."

Mr. Zafar Ali showed how Mahomedans were consolidating their position in Morocco, Persia and Hedjaz. He trusted that Egypt would soon recover its independence and that British action would fail here as they had failed elsewhere against Muslim countries. They could not expect support from any European country because France and Italy were

offenders in this respect against other countries whose freedom they had crushed.

Mr. Syed Murtaza, M. L. A. seconded the resolution and Saïdar Ali emphasised that Egypt was being enslaved in order to maintain the British hold on India. Therefore unless they freed India they could not free Egypt. He thought Sir Lee Slack was himself responsible for his own murder. Why should he have gone there to enslave Egyptians! The resolution was passed amidst cries of *Alla-ho-Akbar*.

Moroccan Situation.

"This Conference offers its warmest congratulations to the heroes of the Riffs, who under their gallant and intrepid chief, Ghazi Amir Abdul Karim, have so bravely defended their liberties and by their glorious feats of arms have filled the world with admiration and astonishment.

"This Conference condemns the unrighteous and wanton attack of Spaniards on the Riffs and the barbarous atrocities committed by them during the course of the war.

"This Conference further warns England and France that any attempt on their part to deprive the people of the Riffs of the fruits of their hard-earned successes and to crush their liberties, as is foreshadowed in the recent utterances of their Ministers, will be treated as an act of hostility towards the Muslims of the world.

Other Resolutions.

The Khilafat Conference continued its session on the 26th. The first three resolutions were on questions of Islamic interest. They were put from the Chair and passed without discussion.

One resolution authorised the Central Khilafat Committee to arrange for representation of Indian Muslims on the World Muslim Congress.

The second resolution expressed concern at the steps taken by Emir Ali in stopping provisions and supplies to Mecca and sorrow at the privations and hardships caused thereby to the inhabitants of the sacred city. Emir Ali's action was characterised as both inhuman and un-Islamic, which can only result in intensifying the opposition of the Islamic world to him and to his family. The resolution also opined that the action of Emir Ali was likely to furnish non-Muslim powers with the pretext to interfere in their affairs to protect the lives of their subjects.

Britain and Hedjaz.

The next resolution passed ran:—

"In spite of declarations made by the British Cabinet from time to time, this Conference considers it necessary to give expression to the anxiety of the Muslims of India at the sudden increase in the military resources of Emir Ali, the recruitment for the army which is taking place in the part of Palestine occupied by the British, and the presence in Emir Ali's camp of a number of British military officers, which facts lend strength to the impression that Great Britain is secretly helping Emir Ali.

"This Conference once more wishes to make it clear to the British Government that the Islamic world will not tolerate any kind of

interference by any non-Muslim power in the affairs of Hedjaz, no matter under what pretext it is made, and will hold Great Britain responsible for all the consequences of any attempt to do so."

A lively debate ensued on Mr. Mahomed Ali's resolution stating that the boycott of foreign cloth was indispensable for the attainment of Swaraj and making it obligatory on Muslims to universalise Khaddar and wear it. Speaking as a Muslim, he believed that its adoption was the only way to save Islam. He said when some years ago he went to Europe at the head of the Khilafat Delegation, he met prominent Turks in Rome. They asked him what purpose it served in their coming to save Islam now when Indian Muslim soldiers had themselves helped in enslaving Islamic countries. He was further told that instead of his going and appealing to Mr. Lloyd George and the French Premier, he should go and liberate India because it was to keep India enchained that Britain was enslaving other Muslim countries on the way. If India was free other Muslim countries would also be free.

Mr. Mahomed Ali then explained why he considered that the Charka provided their only salvation. He said India lived in villages where peasants spent their meagre means to buy Manchester cloth. It was necessary that the educated people should take to the Charka so that the uneducated may follow the lead and revert to the Charka. Indeed, he wanted them to become Charka-mad. Not only violence was not possible, because they had no weapons to fight with, but it would be ridiculous for a nation of 320 millions to win Swaraj by the sword from only a lakh of Britishers.

Mr. Hasrat Mohani opposed the obligatory provision of the resolution. He had no faith in the Charka as a means for Swaraj to India and did not believe that the loss of some crores over this trade would affect in the least a nation which crushed Germany. A speaker replying to Mr. Hasrat Mohani pointed to the stir caused in Manchester three years ago. Moulana Azad supported Mr. Mahomed Ali. After some further discussion the resolution was eventually modified to the effect that while retaining the provision for the compulsory use of Khaddar, it permitted the use of Indian mill cloth if Khaddar was not available. The amended resolution was then passed unanimously.

The Khilafat Conference concluded its session after passing three more resolutions condemning the Bengal Ordinance, supporting the resolution of the All-Party Conference and forming a scheme of Tanzim. It further expressed satisfaction at the disappearance from Mecca of Sheriff Hussain and his family, appreciated Ibn Saud's declarations to leave the decision about constitution of the Government of Hedjaz to a Muslim World Congress, and opined that Hedjaz should be ruled by a strong republican democratic Government.

Indian States' Subjects' Conference

BELGAUM—30TH DECEMBER 1924.

A political meeting of the Subjects of Indian States was organised in Belgaum in Congress Week to ventilate the grievances of the subjects of those States and seek reforms. The Conference was to the Indian States what the National Congress is to the people of British India. It was presided over by Mr. N. C. Kelkar of Poona and was attended by many delegates. The President, Mr. Kelkar, in the course of his address said :—

A NEGLECTED QUESTION.

The condition of the Indian States' people is an neglected question and I say so advisedly. It is suffering from a three-fold neglect. The British Government neglect it on the technical and plausible ground that they ought not to interfere with the liberty of administration granted by treaty or custom to Indian Princes and Chiefs. The subjects of Indian States themselves neglect it because they have no capable and self-sacrificing leaders, and also because they come face to face with repression within very close limits as the result of any political movement. But an equally marked and yet more inexcusable neglect is that shown by the National Congress.

We need not wonder at the British Government turning a blind eye and a deaf ear to the condition of Indian States. For their own pleasure and interests coincide with the seeming observance of obligations to political friends and allies. Are not Indian States happy hunting-grounds to high-placed English officials, both in a literal and metaphorical sense? A pearl necklace or a set of beautifully carved ivory furniture is as apt as a pair of lions to fall to a sporting European adventurer in an Indian State. The resources of Indian States are really more unreservedly at the service of the Empire than those of even British subjects. Are not the backward Indian States a good background for the achievements of the civilised British Governments to shine upon? Why should they not let the sleeping dogs of rights of States' subjects lie as they are? It is enough for them, the trouble and worry they have on hand already about the Swarajya movement in their own territory!

The plea that the British Government cannot interfere with the freedom of administration of their political friends and allies must be taken with a big discount. This is straining at a small constitutional gnat when whole non-constitutional camels are easily swallowed. It is an illustration of the sarcastic saying "DIVA KAKARUTAT BHITA RATHRAN THARATHI NARMADAM." The prudish coquette in the parable affected horror when at full noon she heard the croaking of a crow as if she were alarmed by the presence of an unannounced stranger in her bedroom. But she had no scruple and had all the necessary courage to swim across the broad waters of the Narmada river at dead of night to meet her lover. In the same manner, the paramount Government refuses to openly entertain complaints of Indian subjects about mal-administration in Indian States; but in secret it can do any number of unrighteous things towards their rulers in their own interest. Treaties in black and white can be misconstrued and given an undreamt of meaning. Novel doctrines of lapse and escheat can be introduced at

will in practice. The Hindu right of succession to Gadi by adoption can be withdrawn. Disadvantageous conditions can be imposed upon a minor Prince as the price of his investiture with full powers of administration on his attaining the technical age of majority. Land in Indian States can be acquired for foreign railway companies at a nominal price; and their rivers can be bounded so as to deluge whole villages in State territory in order that irrigation canals drawn from them may benefit the British rayat and add to British revenues. Licenses may be acquired for foreign capitalists to dig out and export rich mineral resources of Indian States on payment of a nominal royalty. The States can be subjected to the loss of profits of coinage in the name of commercial convenience, and easy bargains can be driven with them in respect of purchase of special monopolies.

[LOT OF INDIAN PRINCES.

As for the personal treatment of Indian Princes, one can only imagine what may happen behind the parda when the gulls, the cowards, the simpletons, among them come face to face with political officers accomplished in statecraft in its seductive aspects. Even the more spirited among them have tales to tell of how they fared under the rack or, the thumb-screw of a haughty tamer on occasions of evil memory. Surely the meanest among British subjects may have in many cases a more enviable lot as compared with Indian Princes, when we take into consideration the dilemmas with which their path is beset, owing to their vested interests on the one hand, and the sneaking subtle coercion of the political department on the other. We can wickedly hope that those secret sufferings of the Indian Princes may reveal to at least some of them, by the principle of ATMOUPAMYA that is to say, realisation by parallelisms, the miserable plight of their subjects under their own autocratic rule.

THE NARENDRA MANDAL

It was hoped that the establishment of the Chamber of Princes or Narendra Mandal would result in a suitable expression to the duties as well as the rights of Indian Princes. But while the Princes have not been able to use the new machinery to successfully assert their own rights as against the paramount Government; the latter in their turn have failed to address a single word to the Princes in the matter of their obligations towards their subjects. The Chamber of Princes has proved nothing better than a gilded lounge or a political smoking room. It is a Chamber which is locked for years together, is then opened only for a brief while, and even then the discussion of fundamental or radical questions is given the entire go-bye. The Narendra Mandal is a good old classical name. But it signifies for the present nothing more than its anachronic character. Its constitution is yet unsettled. Some of the biggest Indian Princes still consider it beneath their dignity to sit in the Chamber, and the remaining chairs are filled by Princes who are either the favourite nominees of Government or are elected by pocket-boroughs. The Princes who have boycotted the Chamber are however committing exactly the mistake which was committed by the Non-co-operation leaders in the Congress. On the other hand those Princes who have sought admission into the Chamber are, with the exception of the Maharajah of Gwalior, too unimportant to take up the responsibility of fundamental questions of the relation between the Indian States and the paramount Government. Surely there are more weighty problems than horse-breeding upon which the Indian Princes should take counsel among themselves or with the British

Government. If the big Princes feel too proud to personally mix in the motley crowd of crowns and coronets, they may consider the question whether instead of a Chamber of Princes there should be a Chamber of Chancellors or Ambassadors. But personally I think the big Princes who are holding aloof from the Chamber are making a sad mistake. They should copy a page from the leaders of the Indian peoples who sit in the Councils and the Assembly and work together, though they materially differ in their wealth, status or social position. But I do not wish to dwell on this topic at any length. I sympathise with the Indian Princes and feel that their legitimate rights as friends and allies are being gradually ignored or suppressed by the paramount Government.

REFORMS IN NATIVE STATES.

Even apart from the Chamber of Princes, I regret to find that the Indian Princes profess to be free from all obligations to their subjects in respect of the grant of real Representative Political Institutions. Even the enlightened leader of the Chamber, I mean the Maharajah of Bikaner, is seen to draw a subtle distinction between the rights of the people in British India and of the people of Indian States in respect of Swarajya. His contention may be true that in the Indian States there is more Home-Rule than is generally supposed, but that is only so far as the indigenous or native character of the agency of Government is concerned. But in respect of institutions which may voice the opinion of the subject people, the claim must be disallowed. In that respect in British India we have certainly made greater advance, for the theory of personal Ma-Bapism has been completely knocked down on the head there, and our fingers are eager and struggling to clutch at the prize of responsible ministries and chancellories in the Imperial as well as the Provincial Governments. And if an enlightened ruler like the Maharajah of Bikaner can express such crude sentiments unabashed, one can imagine what must be the psychology of those other Princes and Chiefs who are still steeped in the darkness of the middle ages, who believe that they are an integral part of the Supreme Divine Being, who claim that their own breath must be the only valid source of authority in their territory and who fancy that their royal court is a handy antechamber to Paradise, through which their Divine Presence could make its entrances and exits in either of the allied regions of heaven and earth! The rebuffs, the insults and injuries which Princes receive at the hands of the British Government, might one expect have disillusioned them from the aerial fancies and land them in terra-firma. But it is, I know, a vain hope for some time to come. The Princes seem yet inebriated with thoughts of their noble birth and ancient traditions, I was amused to read, in the speech of the Jamsaheb at a recent banquet given by the Kathiawad Princes to Lord Reading, interesting stories about the ancient origin of many of those present. They were all, it seems, either direct lineal descendants from the eternal deities like the Sun and the Moon or divine incarnations like Shri Krishna or Shri Rama. Now, I do not mean to cynically cavil at the pride of ancestry displayed by the Jamsaheb. We are all proud, in our own way, of our birth and forefathers; but my amusement arises from the fact that the Kathiawad Princes, who represent in this respect probably all other Princes elsewhere, are happily ignorant that their subjects also have a divine origin. God, according to the Hindu doctrine, had to go out of his way to assume human form to be able to adequately realise himself for the purposes of this world of his own creation. Without the convenient medium

of humanity it is impossible for even divinity to express itself in certain of its aspects. Shri Krishna from whom the Kathiawad Princes claimed their origin was the son of man, was born in prison, and had to be reared up to manhood under the cover of false personation. Himself a cowherd, he mixed with the unwashed children of other cowherds. But Shri Krishna did not forget himself or his companions and friends even when he became a king and ruled over a city in which there were houses built of gold. In the Yajnya ceremony in the palace of the Pandavas, he collected the plates and washed them when the feast was over, and on the battlefield he groomed the horses of the human pupil to whom he revealed the supreme and the beautiful wisdom of the Gita. My advice, therefore, to the Kathiawad Princes is that if they take pride in their primeval ancestor Shri Krishna and would emulate his example, it can be more profitably done by imitating his virtues and his love of humanity. Otherwise the meanest of their subjects may taunt them with the bare truth that they too are chips from the same divine block.

I hope you have seen from all this that it is a vain hope for the Indian States' subjects to depend upon the British Government, and much less so upon the Indian Princes to win their freedom and their rights of Swarajya. Their first and their last resort in this matter must be themselves. It is only by their own strenuous efforts and sacrifices that they can make an impression upon their rulers as well as the outside public. Their cause stands in the general outside public, and I may say even to the political workers in the Congress and other organisations, in the same relation as the cause of Swarajya in British territory stands to the political parties in the Parliament and outside Parliament in England. Vicarious effort and vicarious sacrifice really do not count. You know the well-known Marathi saying "SWATAH MELYA SIVAYA SWASGU DISAT NAHEE." "You have to die if you wish to see Paradise with your own eyes" Sympathy from the observing world is needless indeed. But it is only a stimulant and cannot take the place of food. I say to the peoples in the Indian States that they must take the movement for their freedom in their own hand and may then look to the political leaders in British India for sympathy and advice. I know it means suffering for them. But they should not expect to get freedom so cheap. They have too long dodged and beat about the bush by holding States' conferences outside their State territory. They should hereafter hold no conference except in their own territory, and even offer Satyagraha for this purpose if the rulers prohibit the conference. A wise Chief or Prince will generally feel inclined to grant this permission; and if so, the State people must make it easy for him to give the permission by agreeing, if necessary, to eschew from their deliberations all criticism of the British Government except such as may strictly bear on their own domestic problems, and criticism also of sister States. They must not put their ruler in an awkward or indefensible position by the discussion of irrelevant matters and irresponsible orations. The general theory of the rights of a subject people and the departmental administration in their own State ought to be theme enough for any of the most advanced views they may have to urge. And their ruler cannot possibly make a more reasonable offer to them than to offer himself and his State as a whole target for their broadside. They should remember that the Political Agent always holds their Prince in a nut-cracker. With an unreasonable Chief, however, there need be no compromise. The fundamental political rights of humanity must be asserted against him and to defy his power and authority for this limited and legitimate purpose of the freedom of speech and associa-

tion, would be not only the fittest answer to a 'sultani firman' from him, but perhaps also the best ultimate curative for his undisciplined temper. A more complicated question apparently would be the laying the venue of an All-India States' Conference in the territory of a State itself. But it is really not so difficult of solution.

CONGRESS AND NATIVE STATES' SUBJECTS.

And if the States' subjects make up their mind to do all this, sympathy and assistance will flow to them from all quarters in unstinted measure. I am aware that they make it a grievance that the National Congress takes no interest in their affairs. I think the grievance is legitimate within certain limits. For in my opinion while the Congress is right in excluding from its jurisdiction the discussion of the affairs of internal administration of Indian States, it is wrong in its general attitude of indifference towards States' questions even in their broad and impersonal aspects. I am aware that the Indian States are allowed to be represented in the Congress session and the Congress Government through adjacent British districts to whom they may be allotted, and that the States constituencies have exercised their rights in this respect. But the Congress goes no further. Is it unreasonable to claim that at every session of the Congress there should be at least one resolution on the subject of responsible Government in Indian States, so that one or two great leaders of the Congress may speak upon the general question, and a few of the States' delegates may incidentally refer to notable happenings in the States as illustrations? But the Working Committee during the last few years was apparently so absorbed in its own affairs that it put forward no official resolution on the subject before the Subjects Committee. Curiously enough, also, the reference to the Indian States contained in Mahatmaji's presidential address was one-sided. He rightly asked in his Swarajya-scheme for a full guarantee of their status to the Indian Chiefs without any hindrance from the Central Government, subject to the right of asylum to subjects of these States who, not being offenders against the Penal Code, may seek it in Self-Governing India. Mahatmaji's name will go down to posterity as an illustrious champion in his time and generation of the uplift of the down-trodden people of India; and surely the voiceless subjects of Indian States may well be counted under that category. It is the Congress which has put life into the dead bones of the Indian people in British India; and it is the Congress which should follow up that noble work by openly and unstintedly championing the cause of the Indian States' people.

RESOLUTIONS.

The Conference later passed a resolution appealing to Indian Princes and Chiefs to establish in their territories popular representative institutions with a view to the inauguration of responsible Government and calling upon the people of the States to make strenuous efforts to secure the same.

Another resolution was also passed by the Conference appealing to Congress and all other political bodies to give proper lead to the people in 'Indian States' in their endeavours to obtain Responsible Government.

All-India Non-Brahmin Conference

BELGAUM—28TH DECEMBER 1924

The First All-India Non-Brahmin Conference was held at Belgaum on the 28th December 1924 under the Presidency of Mr. A. Ramaswami Mudaliar. This was the first time that the different Non-Brahmin organisations of South India were united into a single All-India body.

Mr. M. R. SAKHARE, Chairman of the Reception Committee, in the course of his welcome address said:—"Heretofore the Non-Brahmin movement was carried on in different provinces detachedly with conspicuous success. The time has come to unite different provinces in the movement to concentrate and consolidate their forces, and to focus and formulate their opinions on a common platform. The idea of such a conference, though proposed long ago, assumed definite form when the representatives of the Non-Brahmins of different provinces met at Bombay to attend the Unity conference; and the present Conference is the result. The party was not set up by the Government. The Non-Brahmin party was not at all a tool in the hands of the Government. Co-operation with the Government always but opposition staunch and unbudging where necessary, was the motto of the party."

PRESIDENTIAL ADDRESS.

Mr. Mudaliar, in the course of a lengthy address, first enumerated the achievements of the Madras Non-Brahmin Ministry which he summarised as follows.—

"Free and compulsory education has been introduced into several municipalities, a great expansion of elementary education is in course of development, vocational training has been introduced in several of the schools in the presidency, the university has been reorganised with a view to increase its efficiency and its representative character and, while a great deal more is yet to be accomplished, what has been done thus far is a sufficient testimony of the interest evinced by the Ministers in the welfare of the masses. You are all aware how temples and mutts, endowed almost entirely by non-Brahmins, those great charities bequeathed by pious non-Brahmins, have latterly become the hot-beds of vice, corruption and ill-fame, and how the very purpose of the benefactors has been nullified. Costly interminable litigations, mutual recrimination, murder and all the ghastly crimes to which society can be subjected, have been the order of the day and to purify these ancient institutions, to render them better fitted as places of worship, to divert these charities to more fruitful channels of activity not inconsistent with the true ideals of the donors, a bill was introduced and successfully piloted.

"In the Medical, Educational, Engineering, Agricultural and Industrial Services, you have only to compare the state of affairs as it existed prior to 1920 and as it exists to-day to realise how the transformation has taken place. Another measure of great benefit has been a compre-

hensive scheme of sanitary relief, so that with an adequate staff to-day for the first time the Public Health Department is better able to cope with epidemics, with arrangements for fairs and festivals, with rural sanitation and with the improvement of the hygienic life of the masses. The extent to which the interests on the rural population have ever been kept in view will be evident from the latest scheme inaugurated to extend adequate medical relief to the rural areas. The provision of rural medical relief by State subsidy, the state recognition and encouragement of the ancient systems of medicine, the determined efforts to spread education, to open roads and communications, to give protected water-supply, to sink wells, to extend town-planning—these and many other measures may be cited as instances of how a Ministry of the people will get into touch with the people and work for the people.

Indians in the Colonies.

“The problem of the status of the Indians in the Colonies is becoming more and more acute. England has practically to admit its impotence in restraining the racial antagonisms of its youngest colonies towards the coloured nations. Ministries have come and gone, but the disabilities of Indian settlers remain unchanged. Labour, Liberal or Conservative, whichever party is in power is unable to appreciate the psychological effect which the unconscionable behaviour of the Whites has on the Indian mind, the hideous mockery it makes of the “*civis-Britannus-sum*,” of the very idea of Imperial citizenship. One illustration of race arrogance, as in the case of Kenya, is enough to nullify all the good that may be attempted by an Empire exhibition. In the interests therefore of that very Empire of which we are desirous of forming an honourable unit, it devolves on us to find some heroic remedy for this pressing problem. And it is all the more necessary that we should address ourselves to the task because it is large bodies of non-Brahmins that find themselves to-day unsheltered and unprotected, left to the tender mercies of a General Hertzog here and a Kenya Highlander there.

I cannot here emphasise too strongly on the disastrous effects produced and the unfortunate impression created abroad, by the fact that India has become a large recruiting field for cooly labour. The very fact that such labour is got from India places the Indian at a disadvantage. The half civilised planter in the backwoods of Africa or the ranches of Australia can hardly be expected to realise that the Indian belongs to the oldest civilised races, that his culture is ancient and that the lowest of his countrymen have imbibed with their mother's milk principles which make them see with disgust some of the practices of nations claiming to be more civilised. The utterly wrong perspective in which India is viewed by many foreigners is due to the fact that their knowledge of India is derived from the indentured cooly of India. The labourer in India has a dignity and status of his own in this country and surrounded by his own countrymen he tries to live up to the noble traditions of his forefathers. If we are therefore to regain the status which we possessed a few centuries back when our Dacca Muslins were the marvel of the world, when the wealth of the East attracted every adventurer from every Western nation, when the magnificence of the Moghul, Mahratta and Vizianagar Kingdoms were the objects of envy and

despair to Europeans, if we are to wipe off the impression that India is a country where innocent babes are thrown to alligators as a propitious offering and the Car of Juggernaut runs over thousands of "dark skinned natives," cooly immigration ought to stop entirely and for ever whatever the consequences may be.

It seems to me that appeal to reason and all the persuasive eloquence of our Indian delegates having failed, our only resort is to retaliate and to adopt strict reciprocity of treatment. Whereas in British Guiana the White settler cannot get on without Indian Labour, he is willing to concede much, but whereas in Africa the work of the Indian is practically finished and the results are only to be reaped, the Indian is an inconvenient incubus and is not wanted. We can only force the South African to come to his senses by punishing his brother in Fiji, in Ceylon or in British Guiana, by stopping all emigration to these places. If we were to stop all emigration to Ceylon or Fiji and do not permit any further emigration to British Guiana, we may be certain that the White settlers in these places will not allow the Colonial Secretary a moment's rest till he solves the problem in South Africa or Kenya to the satisfaction of Indians.

Dyarchy—a Complete Failure.

And with all the sweet reasonableness that we have been able to bring to bear as responsible Members of the Legislature, on the consideration of questions that constantly demanded solution, what is the conclusion that we as a party have come to? Let me say it in a few words. The system of dyarchy cannot be worked much longer and it is imperatively necessary that the system must give room for one which is calculated to give more real power to the people. It is no reflection on the noble authors of the Reform Scheme, to suggest that dyarchy as a step towards responsible self-government has not been that mighty success which at one time it was hoped it would be. The system was bound to fail because it was hemmed in by so many restrictions, circumscribed by so many conditions and narrowed down by so many limitations. The irrational division of subjects on which the whole system depended was one of the rocks on which it was bound to be shattered. The financial control which it gave to an interested Member of the Executive Council over the expenditure on both transferred and reserved subjects, the superhuman task which it imposed on a Provincial Chancellor of the Exchequer of being impartial when items of expenditure relating to his own subjects or subjects of his colleagues on the executive side came up along with those of Ministers, and the autocratic powers which the devolution rules gave the financial department at a time when it was not an independent body but a body very much identified with one-half of the Government—these were bound to dash the Reforms scheme into pieces and have done so in several provinces. Above all, the dependence of the scheme of reforms on a race of supermen who should occupy the gubernatorial ghadi if they were to exercise properly the extraordinary powers which at every stage were given to them—was calculated to make the reforms an autocratic farce.

What then shall be our remedy? How are we to get out of the morasses in which at present every well-wisher of the Government, every constitutionalist is stuck? We are told that the pace of progress

has been fixed by the Government of India Act itself, that for the next ten years no change of the constitution is possible and that we should hold our soul in patience till the Parliamentary Committee examines the working of the constitution during this period and certifies our fitness for a further advance. There are two objections either of which is in my opinion fatal to the validity of this argument. It reminds one of Shylock and the pound of flesh. Is it suggested that human intelligence is so omniscient in any field of activity that it can look a decade ahead and fix a state of society which is as unalterable as the laws of the Medes and Persians? Even those who spoke at one time of the unchanging East have realised that the expression is not so much a truism as a 'falsism'. The very preamble of the Government of India Act recognises this central basic fact and therefore deliberately avoids any attempt at making the constitution rigid and final. The nature and times of the progressive stages of the advance are to be contingent on circumstances. The new arrangements are to be temporary, provisional, experimental. Growth is aimed at, growth not a static condition. Fluidity and not immobility is the very essence of the reform scheme. The mode and pace of growth cannot be foreseen with any provision. Any attempt to fix definite periods at which further advances towards Self-government can be considered is bound to fail; you cannot give political concessions by a stop watch.

The Lee Commission.

But has the Britisher himself accepted the immutability of the constitution? Is his conscience clear that he has not attempted to juggle with the reforms scheme, to change a rule here or a provision there to suit his own idea of how the reforms should be worked? Has he cried halt to any agitation to disturb settled facts within the period of ten years? Let the Lee Commission answer. The unanimity of Indian public opinion on the subject is so striking that it is one of the minor tragedies of the present political situation that the bureaucracy have brushed it aside and have been so obsessed by the difficulties of their servants that they have treated even the considered criticisms of Indians on this subject almost with contempt. It is well-known to all that at the time of the introduction of the Montagu Reforms very considerable revision and enhancement of salaries and other privileges were conferred on the services and the comment was freely made and could hardly be contradicted that that was one of the means by which the late Mr. Montagu was able to get some little support to this scheme of reforms. There were those amongst us who even then raised a voice of protest against the financial liabilities sought to be freely imposed in the country but our voice was a voice in the wilderness.

It is admitted by the Lee Commission itself that when the recommendations of the Islington Commission were examined by the Secretary of State in 1919-20, three factors were prominently before him, namely (1) the special stress laid on the increasing association of Indians in administration, (2) the new policy of progressive realisation of Self-government, and (3) the marked change in the cost of living. What then has happened in the interval to re-examine the position of the services? Has the Indianisation proceeded more rapidly than was anticipated? On the other hand, the progress in this direction has been

slow, so illiberal, so opposed to the spirit of the Act and the promises made thereunder that the Lee Commission is compelled to recommend a greater and a more rapid Indianisation of the Services. Has the new policy regarding the realisation of Self-government been altered? On the contrary, attempts are being made to make the constitution more rigid, and to stereotype it by preventing all scope for expansion. Has the cost of living gone up and is it more than what it was in 1919-1920? The veriest tyro in economics must confess that there has been a great fall since the days of the armistice and bureauoracies here and Governments in England are not tired of issuing Government communiquees showing how the cost of living has steadily gone down. What then is the compelling reason for a re-examination of the entire question? Let the Lee Commission again answer. "The orders which were passed during the course of the years 1919-1920 on the recommendation of the Islington Commission, suffered inevitably from having been based on an investigation which subsequent events were rendering obsolete."

An Irrational Attitude.

This is a candid confession of the limitations of human forethought and is it to be suggested that what was not foreseen in one sphere has been completely foreseen in another? Have not subsequent events rendered obsolete other orders of the Government? 'The best laid plant of men and mice gang agley.' Why then this irrational attitude of preserving the "status quo" when any question of examining the reform scheme and scrapping the present system is mooted? As a matter of fact, by altering the rules framed under the statute, a more liberal scheme of Self-government can be granted to the Provincial Governments and no Statutory Commission need visit this country and certify our fitness for that purpose. But under the scheme of the Lee Commission recommendations even statutory changes have to be effected and it is incomprehensible how those that cry 'hands off the act' for one purpose can countenance the iconoclast for other purposes.

The next stage.

Full Provincial autonomy should be granted with the Executive completely responsible to the Legislature. That is to say, all subjects in the Provinces should be transferred to the control of Ministers and the Province should have the right to raise loans, to impose and alter provincial taxes and generally to manage all matters affecting the internal administration of the Province.

The need for obtaining the previous sanction of the Government of India regarding legislation on any provincial subject shall be dispensed with the assent of the Governor, for a bill passed by the Council being alone required.

The term of office of future Members of the Legislative Councils should be five years.

The question of lowering the franchise should be examined, but any extension of franchise should be coupled with an increase of the strength of the Council and a decrease of the size of the electorate.

A measure of responsible Government should be introduced in the Government of India.

All measures passed by the Assembly except finance bills should be approved by an Upper Chamber.

The control of the Secretary of State and of Parliament should be relaxed to the extent that responsibility is introduced in the Central Government.

The question of division and reorganisation of Provinces on a linguistic basis should be taken up immediately and settled at as early a date possible.

Law and Order. The Bengal Ordinance.

It is generally asserted that the subject of law and order casts such onerous responsibilities on those who are charged with administering it, that it is unsafe to transfer it to the hands of popular leaders. There can be no greater misapprehension and the whole history of democratic Governments proves that the preservation of internal order is best done not by autocracies but by those who can speak in the name of, and act on behalf of the people.

Take the Bengal Ordinance relating to the anarchist movements in that unfortunate Presidency, which has received unanimous condemnation at the hands of all sections of the Indian Public. We have found ourselves unable to support the authorities, first because the normal procedure of consulting representative public opinion through the Reformed Councils has been adopted and secondly and even more because the actions of the bureaucracy in the past have not inspired us with that confidence in the necessity and wisdom of their acts which we must have, ere we give our support to such extreme steps. These extraordinary steps, these Draconian powers can be justified not by reason and logic for there are none, not by proof for it is not forthcoming, but by complete faith and trust. And that trust can never be forthcoming unless the administration is in the hands of an elected member of the people. It is indeed a matter of surprise to me why this psychological fact is not appreciated and the simple criticism is so often advanced that law and order are not safe in democratic hands.

Foreign Propaganda.

We have to go out into the world, we have to preach our religion and our philosophy to other nations ; we have to give expression to our political aims and aspirations to other peoples than our own ; we have to show especially to the nations of Europe that we are not the half-civilized savages that we are pictured to be. There are people who will readily retort that we should set our own house in order first, before we can do these things : but I believe that the solution of domestic problems will be sooner reached by the experience which we shall acquire through such work outside our own country. I have seen how western nations are anxious to get into touch with one another and what pains they take to interpret their country to others and I consider this one of the most important items of our programme.

It is not my purpose to-day to go into the question of how the splendid Indian Marine which existed for centuries and carried on not merely coastal trade, but trade on the broad seas and brought the Indian rarities to the markets of the Levantine border, to the sandy coasts of Arabia, the fertile valleys of Persia and even the Egyptian territories,

how such a Marine has disappeared altogether. Nor do I wish to show to you the terrible handicaps which are in the way of the healthy development of such a Marine, the system of deferred rebates, the unfair cuts that are effected by powerful combines. There has arisen one circumstance since the report (Mercantile Marine Committee) was published which I think deserves careful consideration. The Lee Commission has suggested and the suggestion has been accepted by the Government that the members of the All-India services should be entitled to a certain number of free passages in and from England for themselves and their families. Here is a case where help could be given to an Indian venture without any very great sacrifice. The Government may guarantee that its servants would be asked to travel by a particular line of steamers if within a definite period of say three years, an Indian Company is formed which would undertake the weekly service of passenger traffic between Bombay and London. We shall wait and see if the suggestion is acted upon.

A Word to the Britisher.

And here let me speak quite frankly to the Britisher what we Indians feel about our own condition, the future of our country, and the attitude of the ordinary Englishman to the aspirations of the country. I would ask the Britisher, who speaks as though the Indian is incapable of understanding the implications of his wishes or unable to realise the true interests of his country or his countrymen, to imagine for a moment what his feelings would be if he were by some supernatural power placed in the position that Indians occupy to-day. Fancy a Frenchman, or Italian ruling Great Britain and asking the Englishman to accept what is offered and to be grateful for favours already received, because forsooth, he knows what is best for them and they are incapable of realising their own true interests. Fancy a foreigner coming and preaching a sermon to you about your working classes, the scandalous manner in which they have been treated in the past, the iniquities heaped on the submerged tenth, the crying evils of unemployment and the humiliations of the poor and the helpless in your country! Fancy a stranger giving you perfect laws, judicious powers, un-failing justice and irreproachable administrators and yet the people of your country are kept at arm's length, treated with scant courtesy if not with open hostility in other realms, at every step made painfully conscious of the fact that they are a subject race, humiliated in the eyes of the other great nations, incapable of protecting themselves against foreign invasions and hopelessly indebted to other nations for every single industry of any importance to a civilised nation! Would the Englishman accept such a position with resignation, would he settle down with a sense of satisfied security, would you who sing with just pride your national anthems and your Rule Britannias, I ask would you then follow the advice which is so constantly given to us Indians, and would you rest content when others chide you for lack of gratitude? Just picture to yourself, men of a proud past who have sacrificed so much of the costlier of your race for drinking deep from the pure fountain of liberty and equality, what your response would be for those who exhort you to leave well alone because you enjoy the blessings of a just rule which has brought you a measure of peace

and security! And why then do you feel that we Indians are animated with different feelings, why then do you condemn us of rank ingratitude, why then do you upbraid us as political agitators incapable of appreciating what is good for our country, when we know perfect well what your own attitude would have been were you ever in our position!

The non-Brahmin movement stands, not for fear but faith, not for terrorism but trust, not for a class but for the entire community. Its appeal is to the conscience as well as to reason. Believing in "the infinite value of every human soul" it seeks to liberate the spirit of man from every needless fetter, and regarding him as a moral being it endeavours to secure him in the privilege of free choice. It brings into relief the diverse aspects of a nation's life and emphasises the fact that any lopsided development or attention to only one phase of reform is fatal to real political advance. The principle of departmentalism, fatal enough in the realm of administration, is still more fatal in the realm of thought. The various problems with which a citizen has to deal are not isolated, but vitally and essentially inter-related and it is hopeless to attempt to tackle any one of them as though it existed in a water-tight compartment.

RESOLUTIONS PASSED.

The following resolutions were passed by the Conference:—

1. (A) The *OBJECT* of the All-India Non-Brahmin Congress shall be the attainment of Swaraj or Home Rule for India as a component part of the British Empire at as early a date as possible by all peaceful legitimate and constitutional means, by promoting goodwill and amity among the different communities of India, through safeguarding their interests by means of communal representation, and by social amelioration, and reorganisation.

(B) Every person who is not a Brahmin and who is over 21 years of age shall be eligible to become a member of the Non-Brahmin Congress.

(C) Every Delegate to the Congress shall express in writing his acceptance of the above object of the Congress and his willingness to abide by this constitution and by the rules framed thereunder.

(D) The All-India Non-Brahmin Congress organisation will consist of:

- (1) The All-India Non-Brahmin Congress.
- (2) The Provincial Non-Brahmin Congress Committees.
- (3) The District Non-Brahmin Congress Committees.
- (4) The Subdivisional or Taluka Non-Brahmin Congress Committees affiliated to the District Non-Brahmin Congress Committees.
- (5) Political Associations or public bodies recognised by the Provincial Non-Brahmin Congress Committee.
- (6) The All-India Non-Brahmin Congress Committee.

All-India Committee.

(E) The All-India Non-Brahmin Congress Committee shall at present be constituted, as follows:—

- (1) Twenty-four representatives, one representing each District of the Madras Presidency.
- (2) Two members representing the city of Madras.
- (3) Fifteen members representing the Bombay Presidency excluding Bombay City.
- (4) Two representatives for the City of Bombay.
- (5) Eight representatives representing Central Provinces and Berar.
- (6) One representative for the City of Nagpur.

(F) The President of the All-India Non-Brahmin Congress for the year shall be an ex-officio member of the Committee and its President for the year and all ex-Presidents of the Non-Brahmin Congress and the General Secretary and all Provincial Secretaries shall be ex-officio members of the Committee.

(G) There shall be one General Secretary for the All-India Non-Brahmin Congress who shall for the present be a resident of Madras.

(H) There shall be two Provincial Secretaries for Madras, two for Bombay, and one for Central Provinces and Berar.

(I) The headquarters of the All-India Non-Brahmin Congress shall be the City of Madras.

(J) Fifteen members shall form the quorum for a meeting of the Committee.

This Congress requests Sir P. Theagaraya Chetty, the leader of the Non-Brahmins, to be a life member of the All-India Non-Brahmin Congress Committee.

II. This Congress, while anxious to bring about a real and lasting unity among the different political parties in the country, is emphatically of opinion that the Non-Brahmin political party can co-operate only with those political bodies or Associations which have for their goal Swaraj or Home Rule within the British Empire; whose methods of political agitation are of a strictly constitutional character, and not calculated to bring the Government to a stand-still, by direct action or other similar methods and which recognise the principle of communal representation in the services of the country, whether honorary or paid, for the Non-Brahmin, Hindu, Christian, Muhammadan, or other communities of India.

Reforms Question.

III. Having joyfully accepted the scheme of reforms promulgated by the Government of India Act, 1919, and having co-operated with the authorities in working through the representations of the people the system of Dyarchy for the last four years, this Congress of Non-Brahmins is of opinion that the time has come for the smooth working of the administration, and that for satisfying the political needs of the hour the present constitution should be revised and a further step should be taken to liberalise the institutions towards greater self-government.

* In particular this Conference is of opinion: (a) that full provincial autonomy with full responsible government should immediately be given to the Provinces, (b) that a measure of responsible government should be introduced in the Central Government, (c) that the period of existence of future Legislative Councils should be extended to five years, (d) that the franchise may be extended, but in any event the size of the electorates should be reduced and the number of members increased.

Communal Representation.

IV. (a) This Congress is emphatically of opinion that the Non-Brahmin communities should have proper and adequate representation both in the Legislative Councils, Legislative Assembly, and the Council of State and other honorary posts, and also in the Government services of the country in proportion to their numerical strength and while noting with regret that the Government have not adequately appreciated the gravity of the problem and in particular the need for increasing the strength of the Non-Brahmin element in the services, strongly urges on the authorities to give immediate effect to the principle mentioned above and thus promote the welfare of the masses and satisfy the legitimate aspirations of the Non-Brahmin public.

(b) This Congress notes with regret the present position of the Non-Brahmin Officials and exhorts Non-Brahmin Officers and Officials to organise and form themselves into Non-Brahmin Official Associations to safeguard their interests.

V. In view of the paramount importance of educating the masses and the experience of other countries which shows that the diffusion of elementary education is essential to the general progress, this Non-Brahmin Congress urges upon the Governments of the different provinces, and the Local Bodies, philanthropic Associations and individuals, the necessity of taking early steps to make elementary education free and compulsory.

This Congress further emphatically urges on all Non-Brahmins the necessity of encouraging education among Non-Brahmin girls and earnestly requests Non-Brahmin parents not to place any impediments in the way of the education of their girls.

VI. This Congress of All-India Non-Brahmins places on record its deep gratitude for the efforts of Sir P. Theagaraya Chetty in promoting the condition of the Non-Brahmins and its entire confidence in his leadership.

Elevation of the Depressed Classes.

VII. This Congress is firmly of opinion that the progress of the country in all directions is greatly hampered by the present condition of the depressed classes, and while appreciating the efforts made by the Madras and Bombay Legislatures towards their amelioration, exhorts them and the public generally to work vigorously for the early removal of untouchability which is a stigma on the nation.

VIII. This Congress expresses its strong indignation against and records its most emphatic condemnation of the high-handed and provoking insult offered by the Badver of Phandarpur to the sacred memory of St. Namdev by breaking the Palki and assaulting the members forming the procession, and also by obstructing the worship at the spot named Namdev Payari.

Indians Overseas.

IX. This Conference views with indignation the treatment given to Indians in some of the colonies and in particular the treatment accorded to Indian Settlers in Kenya and South Africa and urges on the authorities the imperative necessity of the adoption of a policy of strict reciprocity of treatment and retaliation and the stoppage of all emigration to any of the colonies till the disabilities of the Indian Settlers abroad are entirely removed.

X. This Congress is emphatically of opinion that the political progress of the country is hampered by the social system prevailing at present among the Hindus and strongly exhorts the leaders of the Hindu community to remove the disabilities of the caste system and in particular urges the representatives in the Legislative Councils to support legislative measures for social amelioration.

XI. (a) This Congress is emphatically of opinion that State-aid and State subventions should be freely given for the proper encouragement and development of nascent indigenous industries and that a strong and effective protective tariff should be built up to safeguard such industries, especially in their early stage of development against unfair foreign competition.

(b) This Congress exhorts all Non-Brahmins to support and encourage indigenous industries by giving preference even at some sacrifice to Indian products over imported commodities.

Reorganisation of Provinces.

XII. This Congress is of opinion that the question of the division and reorganization of provinces on linguistic basis should be taken up and settled at as early a date as possible.

XIII. This Congress strongly exhorts the Non-Brahmin communities and associations to organise themselves and capture the elective seats in all local Self-Government Institutions.

XIV. This Congress is of opinion that the conditions of the labourers should be improved in the country and supports the general principles of the legislation contemplated regarding Trade Unions.

XV. (a) This Conference views with regret the disproportionate expenditure which the Government incurs on the Military Services of the country and is of opinion that it should be considerably decreased so as to release the revenues now absorbed in such expenditure for more utilitarian purposes.

(b) This Conference is further of opinion that greater facilities should be afforded for the military training of Indians especially to the commissioned ranks.

Village Propaganda.

XVI. (a) This Congress exhorts all Non-Brahmins to carry on a vigorous and intensive propaganda especially in the villages of the different provinces and form as many Taluk and District Non-Brahmin Congress Committees as possible during the coming year.

(b) In view of the fact that without adequate funds it is impossible to effectively carry on political activities, this Congress authorises the All-India Non-Brahmin Congress Committee to collect funds for the purpose.

The Jamiat-ul-Ulema.

MORADABAD—11TH JANUARY 1925.

The special session of the Jamiat-ul-Ulema of 1924, unlike the previous two years, was held separately from the National Congress at Moradabad in the U. P. on the 11th January 1925.

Moulvi ABDUL HAFIZ, Chairman of the Reception Committee, read his welcome address in Urdu. After welcoming the delegates he mourned the death of Hafiz Mahomed Ismail, who had been elected Chairman of the Reception Committee and of Bi-Amman, whose place in the political world could not be filled by any other lady. He emphasised the necessity of maintaining a body of learned men like the Jamiat to cope with the problems mentioned in the presidential address of the late Sheikh-ul-Hind as well as the new ones like Council-entry, Shuddhi, Sangathan and Irtidad. He approved of the scheme of Tanzim and asked the Jamiat to take all Muslim Wakfs under its control and spend the money realised therefrom on religious education and oriental learning for which it must draw up a comprehensive scheme and appoint a Finance Board. He denounced the British policy in Egypt which he characterised as being based on injustice and contrary to British pledges. He deprecated Non-Muslim interference in Muslim religious places, and vehemently opposed Britain's policy in Hedjaz and Iraq. Unless British and other Non-Muslim influences in Hedjaz and Iraq were eradicated, Khilafat question could not be said to have been satisfactorily solved. He expressed satisfaction at the exile of King Hussain and welcomed Ibn Saud's summoning of the World Conference of Muslims.

With regard to the question of Hindu-Muslim Unity, Moulvi Abdul Hafiz said that the success of this Conference depends on its effort to restore Hindu-Muslim relations. Difference in a country inhabited by 30 crores of persons were quite natural, but regarding arson, murder and loot as justifiable on religious grounds, he said, is based on ignorance and could not go under the cloak of religion. Ceremonies of mourning, music before the mosque, and compulsory prevention of cow-slaughter were things mostly based on selfishness. Place-hunting and personal animosities are given a religious colour by certain mean natures which were responsible for Hindu-Muslim dissensions, and for the policy of Government, which found a good opportunity for enhancing duties on salt, the appointment of the Lee Commission, the spurning of resolutions made by the Legislative Assembly and lastly, the passing of the Bengal Ordinance by the Viceroy. In conclusion, he emphasised the necessity for the attainment of Swaraj, which was the very foundation of their national existence. He thought that a national pact such as that prepared by Dr. Ansari and Lala Lajpat Rai, or the one prepared by Mr. C. R. Das, was essential.

[The President, Moulana Abdul Mahasin Mahomed Sajjad read out some part of his address, which, however, was not available to the press.]

RESOLUTIONS.

Next day, Jan. 12th, the Jamiat-ul-Ulema discussed resolutions. Maulanas Abdul Kasim of Benares, Nazir Ahmed Khujandi and Mahomed Naim of Ludhiana discoursed on purely religious subjects. The last Maulana also

spoke on resolutions on Egypt. He expressed the sympathy of the Ulemas with Egyptians and condemned the British policy in Egypt which, in his opinion, was based on injustice. He declared that the Government ought to realise that every wrong done to Egypt would be felt by 7½ crores of Indian Muslims, as deeply as if the wrong had been done to them. The present policy would cause an awakening among Egyptians, in the same way as Jallianwala had caused among Indians.

Three resolutions expressing Ulemas' sorrow at the deaths of Salyed Badruddin, Amir-i-Sheriat of Behar, Haji Mahomed Ismail who had been elected Chairman of the Reception Committee of the present session, and Bi Amman, were announced as having been moved by the President and passed by the Ulemas.

The fourth resolution expressed the Ulemas' sorrow at the death of the son of the Amir of Afghanistan, while the fifth resolution offered congratulations to Maulana Shah Mohiuddin, on his election as Amir-i-Sheriat of Bihar.

THE KOHAT RIOTS.

Maulana Daud Ghaznavi spoke on the resolution relating to the Kohat incidents and pointed out that soon after the expression of sorrow by Muslim leaders, on the happenings at Multan, Pandit Madan Mohan Malaviya had started his Sanghatan movement, which, along with the Shuddhi movement, had dealt a blow to the cordial relations between Hindus and Muslims, which prevailed at the time of the speaker's incarceration for two years. He blamed the Government for its gross and culpable negligence and expressed himself against the Hindu move to obtain for frontier Hindus more rights than they were entitled to, because the latter must, on the basis of their numerical strength, have only 15 per cent rights. He traced the genesis of Kohat incidents to Shuddhi and Sangathan, and said that at Kohat the Hindus had turned their homes into fortresses and provided themselves with ammunition and when Muslims were returning from the Deputy Commissioner's house, they were fired on by Hindus. Muslims could not escape except by setting fire to the houses the majority of which belonged to the Hindus and, as Hindus happened to be rich, there was considerable loss of property.

GULBARGA RIOTS.

Maulana Nazir Ahmed Khojandi spoke on the resolution regarding Gulbarga riots and said that the British Government, which was setting two communities against each other in British India, had cleverly brought about the riots at Gulbarga. There could be no more just ruler than the Nizam, who had appointed Hindus as kanungos and patwaris in the majority of villages.

Maulana Mubarak Hussain spoke on the resolution congratulating Ibn Saud for summoning a World Conference of Muslims, and remarked that even if a dog had torn ex-King Hussain to pieces and thrown his bones outside the Holy Land, he, too, would be entitled to the gratitude of Muslims. He accused Hussain of an unholy alliance with non-Muslim powers, which were out to destroy the Muslim religious centre.

RENDITION OF BERAR:

Maulana Bashir Ahmed spoke on the resolution favouring rendition of Berar to the Nizam. Hindu-Muslim unity would not be achieved unless the Congress declared itself in favour of the rendition of Berar.

All-India Christian Conference

BOMBAY—29th DECEMBER 1924

The eleventh session of the All-India Christian Conference met on the 29th December at the Y.M.C.A. Hall, Lamington Road, Bombay. After the welcome address was over, the Chairman of the Reception Committee proposed Dr. Chitamber to the Presidency, and spoke of the latter's abilities. The motion was seconded and supported by Rai Bahadur Mukherjee, who considered that the fact of the President-Elect not having gone to gaol was the greatest qualification. Dr. Chitamber then took the chair amidst applause, and delivered his inaugural address. Delegates from other parts of India numbered 31, representing the Panjab, Bengal, United Provinces, Behar, Central Provinces and Madras.

Mr. T. Buell, Principal of the American Mission High School, and Chairman of the Reception Committee of the All-India Christian Conference, in welcoming the delegates, made a short speech dealing with the position of Indian Christians in the public life of India. He agreed with Mr. K. T. Paul, President of the last session of the Conference, that India's tradition of religious tolerance was so strong that they could be safe against persecution, but while other communities were trying not only to safeguard their rights but to establish their denominational rights in Legislatures, local bodies and even in educational institutions, they had to defend themselves against being swamped. Responsibility, said Mr. Buell, grew by its exercise, and Christians were in a position to furnish a good example of comradeship and co-operation. He would ask for a Committee whose chief aim would be attained to Christian interests when programmes and Constitutions were framed. Continuing, the Chairman drew attention to the recent All-Party Conference, and said that if things progressed, Indian Christians should so act as to be absolved from the reproach that they never voiced their claims.

PRESIDENTIAL ADDRESS.

Dr. J. R. Chitamber, Principal, Lucknow Christian College, made a long speech, in the course of which he deplored the recent Hindu-Muslim riots in various parts of India and referred proudly to the help rendered by the Indian Christian community to both Hindus and Mussalmans without taking sides. Referring to the Delhi Unity Conference, the President said that he was not quite sure of its complete success, or that of the All-Parties Conference, which met at Bombay in November last. The Resolutions passed at those Conferences were, no doubt, of far-reaching consequence, but it remained to be seen how far they could practically work them out. So far as the Bombay Conference was concerned, in the President's opinion, it did nothing more than condemn the Bengal Ordinance and ratify the Gandhi—Das Agreement. What he meant to say was that it was not sufficient merely for the leaders to meet; they should be imbued with a real spirit of righteousness and broad-mindedness. Dr. Chitamber, continuing, pleaded for the giving up of intoxicant liquors by the members of the community, for better educational facilities for their boys, and also pleaded against inter-communal marriages.

Speaking of the Indian Christians in relation to Indian political life, the President emphatically declared that they were for Co-Operation, not for Non-Co-Operation. He did not believe in a destructive policy.

Nothing was to be gained by racial hatred. He was willing to encourage the Charka and khadder as typifying Indian art and industry, but opined that Western goods should not altogether be boycotted. Did they not profit by Western innovations and discoveries and did they not owe gratitude to the West? Dr. Chitamber, while admitting the justice and reasonableness of the cry of India for Indians, deprecated it if it was synonymous with "down with the West, or down with everything foreign". "We are for evolution and not for revolution," observed the President, and quoted the histories of other countries to show how revolutions really affected National interests. Concluding, Dr. Chitamber ably discussed the question of communal representation, and had no hesitation in throwing in his lot with other communities. What he wanted fellow Christians to be was to show themselves not as Indian Christians, but as Christian Indians.

RESOLUTIONS.

The All-India Indian Christians Conference re-assembled next day, the 30th December, to discuss resolutions. A motion urging the introduction of religious instruction in educational institutions with a view to building up strong character and discipline among the youth of the country, which were essential for any scheme of Swaraj, was opposed on the ground that it was too late in the day for the Government to take action, and also that the problem was too weighty to be disposed of immediately, and the Conference decided to postpone its consideration 'sine die'. The Conference agreed to the proposal that the All-India Catholic Association should be asked to appoint representatives to meet the members of the Conference at a Round Table Conference to investigate the means of bringing about Catholic participation in the All-India Christian Conference, so as to make it representative of the entire body of Indian Christians. The Conference also appointed a Committee under the Chairmanship of Dr. John Matthai to report on the economic of Indian Christians. The consideration of a letter from the Bengal Indian Christian Conference, desiring disaffiliation from the All-India organisation on the ground that it wished to be a purely religious body, was postponed till the next session.

The Conference next passed a resolution on the Natal Boroughs Ordinance, disapproving and protesting against its enactment, and urging the Indian Government to take immediate steps to secure a reversal of the anti-Indian policy in Natal, and to move the Imperial Government to advise the Crown to disallow the Ordinance under Section 65 of the South Africa Act of 1909. Another resolution welcomed the Unity Conference at Delhi as an expression of the establishment of peace and goodwill, and assured the Conference's support thereto. A temperance resolution, holding up the total prohibition of the sale and manufacture of alcoholic liquors and intoxicating drugs save for scientific and medicinal purposes as the aim of all temperance reformers in this land, was next passed. A suggestion by Mr. Buell stipulating complete abstinence from liquors as a condition of Church membership was thrown out by the whole Conference. Consideration was given to a letter from Pandit Motilal Nehru on the question of the participation of the Conference in the All Parties Conference, in which connection it was resolved that though a communal body, unlike the Congress or the liberal Federation, the Conference responded to the invitation to take part in all efforts to bring about unity, and in the making of a constructive scheme for Self-Government in India, and appointed deputies to act on its behalf, consistent with its Constitution, in the All Parties or any other similar Conference.

THE BENGAL ORDINANCE,

The Conference again met on the 31st December to discuss further resolutions, the chief of which related to the position in Bengal and the Bengal Ordinance. This motion condemned the violence, terrorism and assassination of Government officials but disapproved the introduction of the Bengal Criminal Law Amendment Ordinance and application of Regulation III. It expressed the opinion that the methods adopted by the Government were futile and suggested that if evidence was forthcoming of the existence of revolutionary activities the Government should consult a few non-officials and men like High Court Judges and only then introduce on their recommendation a special legislation for a speedy and, if necessary, secret trial of suspects. The resolution also urged the final repeal of Regulation III.

Professor A. T. Roy, who moved the resolution, said that the proper remedy for the revolutionary movement would be to meet the demands of the people. The Bill which was to be introduced in the Bengal Council would perpetuate a state of things without parallel in civilised society.

Rai Bahadur A. C. Mukerjee admitted that anarchy was rampant in Bengal, but said that did not justify the Government's present course. He moved an addendum which was incorporated into the resolution stating that, in any special circumstances, the Government found it impossible to place any suspect before the court or tribunal for public trial, the entire evidence should be placed before a few judges of High Court and an equal number of select non-officials and that no action should be taken against any suspect until the evidence has been examined and he has been given a chance to meet the charges.

The amendment of Pothan Joseph to endorse the views of the Bengal Indian Christian Association on repression in Bengal, which "inter alia" condemned the terrorism if any but did not agree that a widespread revolutionary conspiracy existed and disapproved the Ordinance and regulation, was defeated by the casting vote of the President.

The original motion was then put to vote and carried with slight modifications which included the deletion of a clause characterising the methods of Government as futile.

The addendum moved by Mr. Sebastian was also carried. It read: "With a view to secure conditions which discourage anarchical violence, the conference urges upon the British Parliament through the Government of India the desirability of immediate advance in self-government of India, and to that end ask for a Round Table Conference on lines supported by representatives of the Indian Christian community."

The National Social Conference

LUCKNOW—29th DECEMBER 1924

The 36th session of the National Social Conference was held in Lucknow on Dec. 29th under the presidency of Mr G. K. Devadhar, when for the first time an animated discussion was raised on the question of divorce among the Hindus. The Conference lasted for over seven hours and the attendance included not only several of the delegates of the All-India Liberal Federation, but many leaders and gentlemen belonging to orthodox families of the Province. Those present included Sir Tej Bahadur Sapru, the Hon. Sir Raja Rampal Singh, Dr. Paranjpye and many others.

Pt. GOKARAN NATH MISRA, Chairman of the Reception Committee, made an exceedingly interesting speech in the course of which he related the progress of the social reform movement during the last few years. He made an earnest plea on behalf of widows relating to the question of perpetual widowhood. Dealing with signs of relaxation of caste, the Pandit touched on a personal note when he, an orthodox Brahmin, dined in the company of Europeans and Mahomedans. He exhaustively dealt with the question of untouchability and the question of depressed classes and said that some measure of success had been attained in the province and they need not be despondent in regard to the future.

After dealing with the work of various social service organisations, Pandit Gokaran Nath Misra touched on the question of toleration among the various communities in the country. Referring to the oft-recurring Hindu-Moslem riots he said that nothing can produce more poignant sorrow in the heart of a true Indian patriot than such exhibitions of communal strife. Every thinking Indian is convinced of this fundamental truth in our struggle for freedom, that India can never become free unless unity of heart has been accomplished among the various communities of India, particularly the Hindu and the Moslem, and the kind of aggression on either side should be ruthlessly condemned and care should be taken that nothing is done on either side which would offend the susceptibilities of the other community. Hindus and Moslems should regard themselves as Indian first and members of their respective community next. Undoubtedly one cause of recent communal troubles is that during the exciting days of the Non-co-operation movement vast forces were let loose which would not find any proper outlet and have now burst forth in fury in communal violence.

Mr. G. K. DEVADHAR, President, in the course of his address reviewed at length the progress of the Indian National Social Reform movement and touched upon the question of Social Reform and Social Service and said, with reference to the depressed classes, that the movement at Vykom which was started to improve their condition and help them to assert their rights was one which deserved their sympathy, provided it was carried on simply for the removal of social injustice with the help of the people of the province and after securing their general sympathy and support which, it must be recognised, would be very slow to come. Care must be taken that these persons must not be used for any political game. He made a strong plea on behalf of reformation and elevation of the aborigines and labouring classes and concluded with a strong appeal for communal tolerance.

Resolutions were then passed. The Social Conference recorded the sense of loss sustained by the death of Mrs. Ramabhai Ranade, H. H. the Maharajah of Travancore and several other distinguished Indians connected with Social Reform movement.

On the motion of Mr. C. Y. Chintamani, who made a very appealing speech, seconded by Mr. V. N. Tewari of the Servants of India Society, a resolution exhorting the people of India to remove untouchability and give complete equality to the untouchable classes was passed.

Dr. R. P. Paranjpye moved a resolution urging the abolition of the caste system. A very instructive speech emphasising the importance of women's education was delivered by Mrs. Phulawati Shukla, a young lady student, daughter of Pandit Gokarn Nath Misra. The resolution which she supported was moved by Mr. N. M. Joshi, M.L.A., exhorting people to spread education amongst girls and women and develop home industry and education. An amendment to include the Charka among home industries was significantly negatived.

Divorce in Hindu Society.

The resolution that was discussed at length with considerable warmth and animation ran as follows;—“That this Conference is strongly of opinion that the time has arrived when an earnest endeavour should be made by the social reformers to educate public opinion on the desirability of getting divorce recognised by Hindu society and law.”

Pandit Kishan Prasad Kaul of the Servants of India Society, the mover of the resolution, condemned the present system of Hindu social life in respect of the freedom of women. Pandit Praksharanjan Sapru, in supporting, pleaded for the freedom of women and said a free married life was helpful to the growth of the moral elevation of communities. Mr. C. S. Ranga Iyer, M.L.A., opposed the resolution pointing out that it affected the fundamentals of the Hindu society.

Dr. Paranjpye said that only a few of the higher castes did not observe the custom of divorce and the idea of divorce was not alien to India. He said they wanted a law both for monogamy and divorce. He maintained that when they claimed political liberty, they must equally claim liberty in social life also.

Pandit Hirdayanath Kunzru also supported the resolution.

Pandit Harkaran Nath Misra, M.L.A., Ghakur Mashal Singh M.L.C., and Mr. C. S. Deole put forward vigorous opposition to the resolution which was consequently negatived.

Other Resolutions.

Resolutions advocating removal of purda, urging for legislative measures to enlarge women's property rights, extension of women suffrage, temperance reform, raising the marriagable age for boys and girls, pushing forward the movement for widow marriage, favouring re-admission of Hindu converts to other religions into Hindu society, and appealing for the uplift of the aboriginals were also passed.

A resolution was also passed regarding the constitution of the Social Conference appointing a Standing Committee to consider the question of organising the Conference on a broader basis and authorising that a Standing Committee be appointed by them or similar organisations working for the advancement of Social Reform to take all necessary steps to finally determine the constitution of the Conference.

The Conference terminated after speeches eulogising the work of the present sessions.

The All-India Social Conference.

BELGAUM—27th DECEMBER 1924.

The All-India Social Conference was held at Belgaum on 27th. December 1924 under the Presidency of Sir Sankaran Nair. Mr. A. B. Latthe, Chairman, Reception Committee, in the course of his Welcome Address said that they were meeting in a very favourable atmosphere, and the old attitude of contempt for social reform had disappeared, and thanks to Mr. Gandhi, the people had begun to acknowledge that without social uplift of the backward and depressed, political progress was not possible. Communal representation, he said, had only served to widen the gulf separating the Hindus and Mussalmans, and protection such as was given to Non-Brahmins in Madras might largely avoid these evils. The only way was to cure the body-politic of the disease of caste, and to free social relations from the incubus of Shastric or Quaranic injunctions. Unless they reconstructed social life on a basis of equality, there was no hope of a bright future for the country. The President, Sir Sankaran Nair in the course of his Presidential Address said :—

The Great War has effected a revolution. Everywhere, throughout the world, the down-trodden and oppressed are claiming equality with those who were their lords, in spite of the Bible, the Koran and the Sastras. In 1918 women were enfranchised in England. They are now eligible to sit in Parliament; the legal profession has been opened to them, they can sit in the jury box. A woman is a member of the Cabinet. They are Magistrates. The Universities have opened membership and degrees to them. Russia, Germany, Scandinavia, and the whole of Northern America except Qubec have also given the franchise to women. In America the Governor of Wyoming is a married woman. The Governor-elect of Texas is another. If these Governors prove successful, the road to the Presidentship will be smoothed. Many countries have sent women as delegates to the Assembly of the League of Nations. In Egypt the women are more insistent in their demand for Home Rule than men. In Angora the restrictions imposed upon women by their religion have already been got rid of. A woman is a Minister. Allow me to read the following extract from the INDIAN SOCIAL REFORMER :—

ANGORA AND WOMEN.

“We take the following from the ‘Muslim Herald’ of Madras, dated 15th July: Mustapha Kemal Pasha in a special World-wide News Service Despatch appearing in the ‘New York Herald’ and ‘Tribune’ writes:—‘We found that any introduction of modern ideas did not coincide with the views of the Caliph. With the Caliphate deciding, like a High Court, on the regularities of any constitutional measure, it was impossible to enact a law forbidding polygamy, when the Caliph was polygamous. The religious head has arrogated to himself the authority to decide on such matters. Whenever a law pertaining to national politics or national administration, civil or economical, was attempted, we were invariably faced with an opinion from the Caliph. When we decided that women should not be forced to wear a veil, again we were face to face with a hostile opinion from the Caliph.

And so long as such an office authorised and invested with a sinister power remained within the borders of our country, any opinion emanating from that office would be an impediment in the way of our progress as a nation. So we decided to dispense with our own religious supreme head while we were dispensing with the Christian religious offices. Every religion or denomination, be it Moslem or Christian, within the domains of our country must recognise the Turkish Constitution as supreme, and if it cannot recognise the basic law of our country they must seek a new clime. We are perfectly agreeable to another Moslem country welcoming the Caliph. In that event, we, as Moslems, will gladly pay our homage to the head of our religion as the head of our religion. We only expelled the Caliph as the politico-religious functionary. My country has had no quarrel with him or the office of the Caliphate as the head of the Moslem faith."

I have read this because it explains the attitude of the modern Reform Party throughout the world towards opposition based on religion. It explains the attitude of the social reform party towards Christian, Mahomedan and Hindu orthodoxy, should they feel it incumbent upon them to stand in our way.

THE AWAKENING IN CHINA

After the Mahomedans, let us go to China. In that country, the demand for reform emanates not only from those who follow the religion of China, but from Christians who are foremost in pressing women's claims. The awakening in China is largely due to America. A memorial recently submitted by the Chinese ladies puts forward the following demands. With the exception of the one relating to foot-binding, we claim them all for the women of India.

"1. The opening up of all educational institutions in the country to women. 2. Adoption of universal suffrage and the granting to women of all constitutional rights and privileges given to men. 3. Revision in accordance with the principle of equality of those provisions in the Chinese Civil Code pertaining to relations between wife and husband, and mother and son, and to property rights, and the right of succession of women. 4. The drafting of regulations giving equal rights to women in matters of marriage. 5. Prohibition of licensed prostitution, girl slavery, and footbinding. 6. Addition of a new provision to the Criminal Code to the effect that any one who keeps a concubine shall be considered guilty of bigamy. 7. Enactment of a law governing the protection of female labour, in accordance with the principle of equal work, equal pay, and demanding full pay during the time that a woman is unable to work owing to child-birth."

All this is of course due to the great awakening due to the war.

Needs of Indian women.

Are women in India to remain quiet? I shall now briefly refer to the needs of Indian women. First comes their economic condition. In this respect at any rate we can rely upon our sacred law and custom. The King by our sacred law was the protector of women and, work or no work, bound to provide maintenance for them, a recognized obligation which was generally carried out. The women who belonged to the agricultural labourers and artisan classes were entitled to take out of the crops, when harvested, their share which was deemed sufficient for their needs according to usage before the farmer or Government took their share or revenue. Their rights did not depend upon the work done. The husband, the father and various other relatives were bound to maintain the women whether

they had property or not. Even the adulterous wife was entitled to be maintained. The superseded wife was also entitled, if she wished it, to a share according to some authorities. Failing the relatives, the State had to provide for her maintenance and did. In England to encourage thrift and work it was supposed necessary to insist that this obligation should be imposed upon the husband. That woman should be sacrificed for the sake of making man a thrifty and hard-working person is a peculiarly English doctrine and I trust will not be imported into India. The labour Party considers woman's claims only from the Labour standpoint: or in other words, a woman who needs it should be provided with work which she has to perform except when for physical reasons she is unable to do so. This is not the Mahomedan or Hindu view. Early marriage, secluded life during marriage, widowhood consecrated to the husband's salvation, joint family system, the obligation imposed upon distant relatives, all show that we do not want women to live by labour. Physically she is not formed for work. From her birth to her death, her life as mapped out by our sacred laws shows that a woman is not expected to earn her livelihood. Those who undertake the burden of matrimony are carefully shielded by our laws from any worry and anxiety in the interests of their offspring as it is stated expressly that it is only a healthy, happy mother and not one worried, care-worn or hard-worked who can produce good children. We will therefore adhere to our own custom in this respect. Our women must be freed from any anxiety as to their subsistence. The State must give it to her if she claims, recovering it from the male relative, if necessary. She must not, for reasons stronger in India than in England, be forced to go to Courts of law.

Other questions will only be briefly referred to as they have been often discussed. Early marriage, compulsory marriage, compulsory widowhood, and denial of freedom to a grown up woman to choose her husband must all disappear. Age of consent must be raised. Polygamy must be abolished. Right to contract a second marriage can be conceded only if the wife is given the right to claim divorce on the same ground together with a share of the husband's property. Polygamy had been a safeguard to the wife who for reasons of health was unwilling to live as wife. A wife in such circumstances should be protected from her husband. I am not dealing with the Industrial question as it requires a separate address. Now when there are so many things to be done it may be necessary to concentrate our efforts on some questions. We must of course attack all along the line. Some of our members may be inclined to devote themselves to certain particular questions. The one relating to the employment of women coolies by employers of labour alone will require the strenuous efforts of many devoted social reformers. I do not ask them for a moment to abandon their choice. But it appears to me that our supreme effort should be directed to securing women the same rights as men so far as the right to devote in elections of members and the right to be elected as members of Municipalities, Local and District Boards, Provincial Councils and Imperial Legislative Assembly is concerned. The power to vote will secure the return of their supporters. The pressure they will exert as voters on members will secure the necessary reforms.* We are fighting for freedom ourselves. But

'If ye do not feel the chain
'When it works a sister's pain
'Are ye not base slaves indeed
'Slaves; unworthy to be freed?'

The Caste System.

The other great question with which the social reform association deals is the question of caste and the condition of the depressed classes. As in the case of women, the time has passed when the Non-Brahmin caste Hindus and the other casteless Hindus pay any attention to the arguments based on religion. The Non-Brahmin Hindus have determined so far as it lies in their power not to recognise the superiority of the Brahmins, not to co-operate with them in those movements which involved the recognition of those sacred texts which show the Brahmin superiority. The various associations which are springing up all over India for the protection of sectional interests give the answer to those who wished to rely on the caste system. Communal consciousness is fostered; each sect wants to improve its condition at the expense of others. Caste has been responsible for the Hindu downfall in their struggle with their foes. It is responsible for their present degraded condition and it would be responsible for any delay in the further progress in the direction of Home Rule. I am a Non-Brahmin myself and all what I now propose to say is this: that we the Non-Brahmins are determined that no disabilities imposed by the caste system shall stand in the way of our social and political progress, and that for this purpose we are determined to see that no further powers are conferred upon those who maintain the validity of the caste system without large powers being conferred upon those who may suffer thereby to counteract this influence. All the observations I have made about the power to vote and election about women apply to these classes. The depressed classes of Hindus must be represented by the elected members in the Councils to protect their interests. They must be able to carry out legislation which might interfere with the vested interests of caste Hindus and of Brahmins in particular but which are called for in the interests of humanity, social progress and civilization. In none of the schemes for Home Rule that have been put forward have I been able to find any trace or any recognition of this fact. On the contrary I have found that the proposals made by responsible leaders are often calculated consciously or otherwise to enhance the power of those who are likely to use them against the interests of the low classes. In India industrial workers including those engaged in agriculture and manufacture belong to the low castes.

And it is not right that those who have abused their powers in the past and whose interests would tempt them to continue in that course, should be invested with further powers without the guarantee that they will not be allowed so to abuse their power again, and without the toiling masses who belong to the lowest castes being entrusted at the same time with such powers as would enable them to improve their own condition. Allow me just to refer to a few facts relating to the conditions of a few of these classes.

The Hillmen in the Madras Presidency (and I am told the case is the same all over India) usually thriftless and addicted to drink soon become practically the slaves of the caste money-lenders who treat them as men not entitled to that sort of treatment which they would have meted out to one of their own or superior caste. The only private efforts made for their uplift have been confined to the European Christian Missionaries, Germans, Americans and English. They number millions. There are castes or classes numbering hundreds of thousands if not millions who are called criminal tribes. They are treated as criminals by the caste Hindus. The private efforts that have been made for their uplift are mainly by the 'Salvation Army and to a lesser extent by the American Missionary.

As to the untouchables, they number in the Madras Presidency alone over six millions out of a population of about forty millions. They are not only untouchables but some have to observe distance pollution, that is, cannot come within a certain distance of the higher castes without polluting them. The public water supply is absolutely forbidden in nearly every village to them. The public streets in villages occupied by caste Hindus are also generally forbidden. On a respectable gentleman belonging to this class being appointed to a seat on a Municipal Council, five of the members including a Mahommedan immediately sent in their resignations and were with great difficulty induced to withdraw them. Schools though theoretically open are not practically open to these classes. These are absolutely under the control of the caste Hindus. With reference to these classes, unlike the Hill tribes and the criminal tribes above referred to, public conscience is being awakened. The work of the various Missionaries in the Madras Presidency is beyond all praise. The Theosophical Society, the Depressed Classes Mission, the Brahma Samaj and other societies also are doing good work and it is to be hoped that these classes will soon be able to avail themselves of the public schools.

These facts are enough to show that in the case of these low castes as in the case of women the main efforts of the social reform association should in my opinion be directed to giving them the power to vote and the right to be elected as members to all the Local Councils in particular and also to the superior councils.

It is practically certain that to carry out reforms required in the interests of women and of these classes they will have to rely upon themselves. Others will scarcely be able even with good will to carry them out. Vested interests of any kind can scarcely be trusted to assist the classes whose salvation lies in the elimination of such interests. Any nomination by Government of members to protect them will not be satisfactory. Both in the case of women and of estate and in particular of the lowest classes the following lines are peculiarly appropriate:

"Over their face a web of lies is woven

"Laws that are falsehoods pin them to the ground."

To me the appropriate methods of bringing about harmony between the classes is to fight for their representation in the Councils and to support the measures necessary for their advancement and not to sneer at them as unfortunately is done in many quarters. We at least who belong to this association will fight till their and our cause is won.

"Till all are free beneath the sun

"Or breath be spent and life be done."

INDEX

INDEX TO VOLS. I & II.

A

	Vol. I	Vol. II
Abdur Rahim, The Hon. Sir ..	888,414	63
Acharya, Mr. M. K. ..	557	..
Afzal Huq, Chaudhuri ..	436	..
Aga Khan, H. H. The ..	85	..
Age of Consent Bill ..	150	41,49
Aiyer, Sir Sivaswami ..	142	80
Ajmal Khan, Hakim ..	47	158
Alkalis, The ..	97,441,621,630,732	435
Akram Khan, Moul. ..	665	..
Ali Brothers ..	224	..
Allahabad Riot ..	..	30
All-India Christian Conference ..	..	511
All-India Congress Committee, ..	..	..
— Ahmedabad ..	607	..
— Belgaum ..	..	394,437
— Bombay ..	22	195
— Cocanada ..	18	..
— Delhi ..	23	..
All-India Hindu Mahasabha ..	..	483
All-India Khadi Board ..	20,24,27,xi	443
All-India Khilafat Conference ..	..	490
All-India Muslim League ..	657	472
All-India Non-Brahmin Conference ..	..	499
All-India Social Conference ..	..	516
All-Party Conference, The ..	..	184
— Bengal Ordinance Condemned ..	..	185
— Formation of Unity Committee ..	..	193
— Liberal Federation Resol. ..	..	184(iv)
— M. Mahomed Ali's Appeal ..	..	184(iii)
— Mahatma Gandhi on Ordinance ..	..	185
— Mr. Chintamani's Resolution ..	..	189
— Mr. Das's Support ..	..	192
Amir Ali, Rt. Honble ..	85	..
Andrews, Revd. C. F. ..	98	..
Anglo-Indian Politics ..	689	361
Anti-Indian Propaganda in America ..	..	353
• Ardh Kumbha Mela ..	8,469	..
Arya Samaj ..	652(a)	25
Assam Council, The ..	505	232(b)
Assam Labour Problems ..	717	..
Associated Chamber of Commerce ..	..	379

B

B, & O. Council, The ..	492	244
• Baldwin, Mr.—in India ..	..	287

INDEX

	Vol. I	Vol. II
Balwant Singh, Mr.	112(f)	
Bannerjee, Dr. P. N.	.. 02	
Bar Committee Report	..	90
Bengal Council, The	377	213, 216
Bengal Council, Affairs of		209
Bengal Ordinance, The		459, 160(b), 480
— All-India Protest		174
— Debate in Commons		325
— in the Liberal Federation		469
— Indian Assoc. on	..	177
— M. Gandhi on	..	176
— Lord Lytton on	..	181
— Mr. Das's Protest	..	174
— H. E. the Viceroy on	..	184
Bengal Pact, The	.. 669	
Bengal Provincial Conference, The	665	
Bengal Repression, The		160(b), 413
Bengal Tenancy Act Amend.		245
Besant, Dr. Annie	.. 75, 701	
— On Sir M. O'Dwyer	.. 792	
— On Unity of Parties		141, 145
— in the Belgaum Congress		427
Bikaner, H. H. Maharaja of		348
Bhepatkar, Mr. L. B.		425
Birdwood Committee, The	.. 634	120, 198, 250
Blackett, Sir Basil	.. 128, 153, 184	..
Bodh Raj, Lala	.. 440	249, 255
Bolshevism	.. xvii	
Bombay Council, The	.. 449	.. 55
Bombay Liberal Conference	.. 675	184(lv)
Bombay Excise Committee	.. xiv	
Bombay Mill Strike	.. 9	
Borsad Out-laws, the	.. 32	
Borsad Satyagraha, The	.. 29	
Bose, Mr. B. K.	.. 386	
Bradford Meeting, The	.. 699	
British Goods, Boycott of	.. 261, 271	403
British Guiana Colonisation Scheme	.. 353	
British Guiana Deputation	.. 361, 366	
Budget—		
— Debate in the Assembly	.. 180	
— Debate in the Council of State	.. 232	
— Govt. of India	.. 153	
— in the Assam Council	.. 506	
— in the B. & O. Council	.. 493	
— in the Bengal Council	.. 393, 410	
— in the Bombay Council	.. 449	
— in the C. P. Council	.. 259	
— in the Madras Council	.. 486	
— in the Punjab Council	.. 434	
— in the U. P. Council	.. 471	
Burdwan H. H. Maharajadhiraja of	.. 415, 419	44, 49
Barton, Mr. H.	.. 692	368

INDEX

C

	Vol. I	Vol. II
C. P. Council, The ..	246,373	
Calcutta Riot ..	..	205
"Cape Times", The ..	..	31
Carey, Sir Willoughby ..	349	..
Carr, Mr. H. W. ..	..	36,388
Cawnpur Bolshevik Trial ..	689	369
Cawnpur Mill Strike ..	xviii	
Central Revenue Board Bill ..	xvi,728	302
Certification of Finance Bill ..	128	
— in B. O ..	219	
— in Bengal ..	503	
— in C. P. ..	429	
— in Assam ..	373	
Chakravarty, Mr. ..	510	
Chamanlal, Mr. ..	387	224
Charka Spinning in Schools ..	141,224	..
Chelmsford Lord ..	..	267,232(b)
Chetty, Sir P. Theagaraya ..	..	319
Children's Protection Bill ..	686	..
Chintamani, Mr. C. Y. ..	..	234,239
— in the All-Parties Conference ..	..	..
— in the National Lib. Feder. ..	..	189
— in the Reforms Committee ..	..	566
Chitambar, Dr. J. R. ..	..	46
Chitnavis, Hon. Mr. S. M. ..	..	511
Chronicle of Events ..	253	40(i)
Class Areas Bill, The ..	4,xxi	13
Collection of Statistics Bill ..	338	..
Colonies Committee, The ..	..	235
Commander-in-Chief, H. E. ..	333,588	321,337
Communal Riots ..	181	..
— Question ..	..	25,272,308
Congress, The Indian National ..	644	..
— The East Africa Indian ..	..	393,400
— Organisation, M. Gandhi on ..	313	
— Work in 1924 ..	604(a)	441
Cottage Industries, Revival of ..	..	265
Cotton, Hon. Mr. ..	377	209,213,216
Cotton Cess Amend. Act ..	123	..
Cotton Excise Duty ..	..	114
Council of State, The ..	225,587	117
Cow-Protection & Slaughter ..	668	155
Crawford, Col ..	689	82,367
Crerar, Hon. Mr. ..	..	125
Criminal Law Amend. Bill ..	..	91,110
Curzon, Lord ..	289,735,975	318

D

Dadabhoy, Sir M.	234,241,587	122
------------------	-------------	-----

INDEX

	Vol. I	Vol. II
Das, Mr. C. R.	63,68,383,389,413,416,602,609,694	133,174,192,417
Das-Nehru Statement	602	..
Delhi Riot	..	25,308
Datta, Mr. A. C.	.404	221
— Mr. Amar Nath	222	..
— Mr. S. K.	..	86
Day Murder, The	8,689	161
Desai, Mr. D. B.	331	
Desai, Gopaldas, Mr.	32	
Despatch, Secretary of State's		23
Desphande, Mr. Gangadhar Rao		400
Devolution Rules, Amend. of	402	
Didar Singh, Sardar	100	
Disarmament Resolution	..	346
District Advisory Councils	466	237
Donald, Mr. J.	393	217,231
Duli Chand, Chaudhuri	436	
Duncan, Mr.	343	
Dyarchy	6	41,52,53

E

East Africa Indian Congress, the ..	313	
— Indians in ..	305,329	
E. Africa Parliam. Commission ..	..	321,334
Economic Conference, the ..	13	
European Associations of India ..	xvii,689	365,369
— General Meeting ..	690	369
— Calcutta ..		366
— Bombay ..		368
— and the Viceroy ..		373
— Memo to the Sec. of State ..	690	
European Politics ..	689	
Excise Committee ..	xiv	253

F

Fazi-ul Huq, Hon. Mr. ..	401,407	62,225
Finance Bill—Rejected in Assembly	209	
— Recommended by Viceroy ..	217	
— Certification of ..	220	
— In the Council of State ..	219,243	
Financial Statement, Govt. of India	153	
Finlay, Lord ..	275	
Fire Arms Licenses	482	
— use of	..	112
Firoz Khan, Malik	442	..
Floods in India, Enquiry into	..	116
Foreign Cloth, Boycott of	261,271	403
Froom, Sir Arthur		131
Frontier Province, Reforms in		476

INDEX

G

	Vol. I	Vol. II
Gandhi, Mahatma M. K. ..	599,607	
— His Illness ..	35	443
— His Release ..	41	..
— His Jail letters ..	45	..
— His letters to Akalis ..	112	..
— His Message to S. A. Indians ..	510	..
— on the Guiana Scheme ..	358	..
— on the Class Areas Bill ..	341	..
— on Defeated & Humbled ..	625	..
— on A. I. C. C. ..	628	..
— on Hindu-Moslem Tension ..	644	..
— on Unity of Parties ..	..	141
— His Fast ..	..	147
— on Bengal Ordinance ..	..	176
— in the All-Parties Conference ..	..	185
— in the Belgaum A.I.C.C. meet. ..	..	394
— in the Belgaum Congress ..	..	402
Gandhi-Swarajist Pact ..	..	184(i),394,417,431
Gandhi-Swarajist Statement ..	601	
Ghuznavi, Hon. Mr. ..	407	229
Ghose, Mr. C. C. ..	..	209
Gidney, Col. ..	141,692	79,361
Godavari District Conference ..	681	..
Goswami, Mr. T. C. ..	199	107
Gopinath Saha ..	620,669,691	..
Gour, Dr. H. S. ..	139,150,152(a),182	91
Govt. of India Act—		
— Committee of Enquiry ..	716,757	40,303
— Revision of ..	125,131	..
Gujrat Political Conference ..	678	..
Gujrat Prov. Congress Comm. ..	30	..
Gulab Singh, Sardar ..	103,152	..
Gulberga Riot ..	..	25,421,434
Guru-ka-Bagh ..	98	

H

Hailey, Sir Malcolm 131,147,152(b) 188,193,200 201,210 ..		
— His Sikh Policy ..	..	199
Harkishen Lal, Lala ..	..	43
Hasrat Mohani, Moul. ..	152(c),463,545	419
Heyward, Sir Maurice ..	32(c),460	235,237
Hidayatullah, Hon. Mr. ..	460	234,240
Hindu-Moslem Entete ..	..	31
Hindu-Moslem Tension ..	644,652(a)	..
Hindu Religious Trusts Bill ..	151	90
Horniman, Mr.—Ban on ..	147,463	..
House of Lords, Debates in the ..	273,761	313
Howrah Bridge Bill, The ..	..	229
Hulett Ordinance, The ..	337	..

INDEX

	Vol. I	Vol. II
I. P. C. Amend. Bill ..	124	..
Immigration Bill, The Kenya ..	306	..
Imperial Bank Amend. Act ..	..	89,131
Imperial Indian Citizenship Association ..	301	..
Inchcape, Lord ..	..	316
Income Tax Bill ..	245	..
Income Tax Amendment Act ..	123	..
India and the War Office ..	203	..
India in the British Parliament ..	265,705	299
Indian Coinage Act ..	123	..
Indian Debate in Commons ..	734,776,753	299,235
Indian Deputation to England ..	697	..
Indian Emergency Currency Issue..	716	..
Indian Merchants Shipping Amend. Act ..	129	..
Indian National Congress, The ..	..	393,400
— Resolutions passed ..	..	431
Indian Parliamentary Committee ..	697	..
Indian Passport Amend. Act ..	128,144(d)	..
Indian Registration Act ..	150	..
Indian States Subjects Confer. ..	..	494
Indian Succession Law ..	..	131
Indian Territorial Force ..	126	..
Indians in East Africa ..	305	334
Indians in Kenya ..	236	468
Indians in S. Africa ..	239,337	328,468,4
Indians Overseas ..	297,621	426,435,568
Indianisation of Army ..	727,733,757	..
Innes, Sir Charles ..	129,186,547	78,98
Interpellations in Assembly ..	121,124	95
— In Council of State ..	..	117
Interpellations in Parliament ..	270,293,725,751	299,321
Internments in Bengal ..	727	..
Irrigation Bill, The Madras ..	..	277
Ismet Pasha, H. E. Ghazi ..	85	..
Iyengar, Mr. K. Rama ..	194	104
Iyengar, Mr. A. Rangaswami ..	..	87
— Mr. S. Srinivasa ..	632	..
J		
Jaito Firing ..	100,721,730	..
Jaito Massacre, The ..	151,197,201,295,	..
Jaito Report, Official ..	112(f)	..
— Non-official ..	112(k)	..
Jaito Trial, The ..	639	..
Jamal, Mr. Ahmed ..	313	..
Jamiat-ul-ulema, The ..	..	508
Jinnah, Mr. Mahomed Ali ..	136,183,193,658	109
Jodh Singh, Sardar ..	439,442	298
Jogendra Singh, Sardar ..	..	120,124,131,
Joint Committee on India ..	296	..
Joshi, Mr. ..	196	..
Jubbulpur Riot ..	..	31

INDEX

K

	Vol. I	Vol. II
Kabiruddin Ahmed, Mr. ..	146	96
Kalelkar, Mr. D. B. ..	678	
Kamal Pasha, Mustafa ..	89	
Kamat, Mr. B. S. ..	675	56(i)
Karachi Rent Act ..		237
Karandikar, Mr. ..		118,125
Karnataka Provincial Conference ..	680	
Keatinge, Mr. ..	361,363	
Kelkar, Mr. N. C. ..	592	494
Kelkar, Mr. N. K. ..	..	40(ii)
Kenya Debate in Council of State ..	236	118
Kenya, Immigration Bill, The ..	306	
Kenya, "No Poll-Tax" Campaign ..	329	
Keshava Pillay, Dewan Bahadur P. ..	361,366	
Khaitan, Mr. D. P. ..	416	225
Kharak Singh, S., release of ..	352(c)	
Khelafat Committee, The Central ..	643	
— Conference, Belgaum ..	..	112(r)
— Conference, Calcutta ..	93	
— Movement, The ..	85,640	
— Working Committee ..	653	
Kitchlew, Dr. S. ..	112(r)	490
Kohat Riot ..		26,31,421,434,470,481,487
Kothari, Mr. V. R. ..	462	
Krishna Rao, Dewan Bahadur ..	487	
Kunzru, Pt. H. N. ..	..	41,469
Kutubuddin Ahmed ..	508	232(d)

L

Labour Conditions in India ..	714,753	..
Labour Govt's. Policy ..	273,333,710	313
Labour Leaders, The ..	266	..
Labour Party, Greetings to ..	145	..
— — And the Ordinance ..	..	328
Labour Problems in Assam ..	717,731	113,279
Lajpat Rai, Lala ..	697,700	157,250,422,487
Laibhal, Mr. K. ..	..	114
Lal Chand, Hon. Chaudhri ..	433	..
Land Revenue Assessments ..	466	..
Land Revenue Bill, Bombay ..	453	236,241
Lansbury, Mr. George ..	266,721,783	303,328
Lashkar, Mr. Rashid Ali ..	505	..
League of Nations, India in the ..	238	118,345
— The Premier's speech ..	..	345
— Report of the Indian Delegates ..	..	347
Leave of Absence Bill ..	713	..
Lee Commission, The ..	10,14,270	..
Lee Proposals, The ..	..	21
Lee Report, The ..	525,529	..

INDEX

	Vol. I	Vol. II
— in Assembly ..	545,555,579,581	75
— in Council of State ..	587	125
— S. I. Liberal Federation on ..	687	..
— in House of Lords ..	..	313
Lee Recommendations ..	..	..
— in the Assam Council ..	..	232(c)
— in the B. & O. Council ..	..	246
— in the Commons ..	755,782	323
— in the Liberal Federation ..	..	466
— in the Madras Council ..	..	276
— in the U. P. Council ..	..	263
Legislative Assembly, The ..	113,544	65
Legislative Rules, Amend. of ..	..	117
Legislative Rules, The New ..	219	22,752
Lohokare, Mr. ..	562,571	..
Luckhoo, Mr. J. A. ..	357,365	..
Lucknow Riot ..	..	29,272
Lytton Lord, H. E. ..	377,418,429	138,181,216

M

Macdonald, Mr. Ramsay ..	266	345
Maddock, Col. ..	37	..
Madras Council, The ..	485	274
Mahomed Ali, Moulana ..	37,93	149,184(iii),185,419
Mail Contracts ..	145	..
Majithia, Hon. Sunder Singh. ..	437,448	254
Malabar Tenancy Bill ..	491	275
Malaviya, Pt. M. M. ..	137,151,152(a),210,182 197,553,567,571,574,581	87,483,108,115,152
Mandal, Mr. Bhubaneswari P. ..	495	..
Manjit Singh, Thakur ..	466	..
Marine Committee, The Mercantile ..	..	83
Marriage Act of 1872, Amend. of ..	..	114
Mashal Singh, Thakur ..	466	..
Mathura Prasad, Lala ..	476	..
Maynard, Sir John ..	435,440,445	249,251,252,256
McCardie, Mr. Justice ..	786	..
McCardie Judgment, The ..	..	23
McPherson, Hon. Mr. ..	495,498	246
Mehta, Hon. Mr. ..	453	..
Mehta, Mr. Jamnadas ..	180,561,571	84
Mehta, Mr. J. K. ..	56	..
Memorial of Bengal State Prisoners ..	..	289
Meston, Lord ..	289	..
Mill-Strike at Cawnpur ..	xvi,728	302
— at Bombay ..	9	..
Minister's Salaries ..	..	..
— in the Assam Council ..	507,511	..
— in the Bengal Council ..	422,424	217,322
— in the C. P. Council ..	260	..
— in the Madras Council ..	488	..

INDEX

	Vol. I	Vol. II
— in the H. of Commons ..		
Mirasdars' Question in Madras Council ..	490	322
Mirza, Mr. Ashiq Hossain ..	483	..
Misra, Pt. Brijnandan Persad . ..	467,481	271
Misra, Mr. Godavaris ..	494,499	..
Misra, Pt. Gokaran Nath ..		514
Mitter, Dr. Dwarkanath ..		123
Mitra, Sir, B. N. ..	555,571	..
Mitter, Sir P. C. ..	..	57,225,466
Mombasa Indian Association ..	331	..
Mombasa Ind. Assoc. Deputation ..	..	334
Moncrieff Smith, Sir H. ..	579	68
Money-Lenders' Registr. Bill, The Punjab ..		254
Moonjee, Dr. B. S. ..	253,261,376	
Moslem activities ..	641	
Moslem-Govt. Pact Resolution ..	146	
Motor Vehicles Act Bill ..	..	89,119,252
Mudaliar, Mr. A. Ranganatha ..	490	..
Mudaliar, Mr. Ramaswami A. ..		187,499
Muddiman, Sir Alexander ..	545,557,569,579,	73,91,95,112
Municipalities Amend. Act, Bombay ..		233,241
Municipalities Act, The Madras ..		275
Musharaff Hossain, Khan Bahadur, ..	415	

N

Nabha, H. H. Maharaja of ..	99	
Naidu, Mrs. Sarojini ..	39,319,348	426,
Naidu, Mr. Varadarajulu ..	681	
Naidu, R. B. Ethirajulu ..	490	
Nanak Chand, Pt. ..	468,482,473	249,266
Narang, Dr. Gokul Chand ..	441	..
Naranyanji, Mr. Lalji ..	454,458	235
Nariman, Mr. ..	457,463	234,236,239,242
Narinda Nath, Raja ..	..	252
Nair, M. Krishnan, Dewan Bahadur ..	491	275
Nair, Sir Sankaran ..	783,786	
Natal Indian Congress, Representa- tion to Col. Secretary ..		329
Natesan, Mr. G. A. ..		126,132
National Conference, The ..	74	
— Mr. Sastri's Resolution ..	77	
— Sir Tej Bahadur's Speech ..	79	
— The National Convention ..	80	
— Memo. to the Premier ..	81	
National Conference Deputation The ..	698	
National Conference Memorandum ..	705	
National Convention, The ..	80	
National Debt of India ..	..	122
National Liberal Federation, The ..	..	184(iii) 149
National Panchayat, Central ..	..	155
Nationalist Party, in Assembly ..	186,194,208	

INDEX

Vol I

Vol II

Nehru, Pt. Motilal	57,68,72,593,602,609,632 ..	135,150,155,159,186,191,142
— in the Assembly	133,138,186,193,215,218,268,571,575	74,93,109
Neogy, Mr. K. C.	..	129,553,563,581
Nobel Peace Prize	..	226
"No-Confidence" Motion		
— in Bengal Council	..	393,405
— in C. P. Council	..	249
— in U. P. Council	..	466
"No-Tax" Campaign in Kenya	..	329
Nunan, Sir Joseph	..	337-365
Nunan-Luckhoo Propaganda	..	357
Nunan-Luckhoo Memorandum	..	365

O

Obscene Publication Bill	..	89,119
O'Donnell, Hon. Mr.	..	467,480
O'Dwyer, Sir M.	..	783,786
— on India at Stake	..	790
O'Dwyer-Nair Label Case, The	..	786
Ollivier, Lord	..	237,454,765,768
Opium Bill, The Panjab	..	314
Ormsby-Gore, Mr.	..	252
Ordinance I. of 1924, The	..	302,321,336
Oudh Courts Bill	..	164
Oudh Estates Amend. Bill	..	260
Oudh Laws Act	..	260
Out-laws of Borsad	..	271
Overseas, Indians in	..	32
	..	297
		426,433

P

Pal, Mr. B. C.	..	141
Paranjpye, Dr.	..	188,190
Parliamentary Committee, The Indian	..	449
698		
Passports to All Brothers	..	224
Patel Mr. G. D.	..	302
Patel, Mr. V. J.	..	462
Peel, Lord	..	235
Pentland, Lord	..	140,208,552,562,571, ..
Permanent Settlement in Orissa	..	761
Patro, Hon. Sir A. P.	..	85,100,199
Phukan, Mr. Nilmoni	..	283,313
Political Prisoners	..	283,313
Poll-Tax Campaign	..	247
Post office Amend. Act	..	489
Pradhan, Mr. R. G.	..	506,509
President, Election of	..	381
President's Salary Bill	..	331
	..	131
	..	450,461
		53,237,240
		351
		238(7), 241, 252

INDEX

	Vol. I	Vol. II
Phulwari University Scheme .. .. .	..	244
Political Sufferers Fund .. .. .	..	433
Primary Education .. .. .	..	232(57), 245, 257
Prime Minister—Liberal Memo. to ..	81	..
— Message to India	266	..
— Queen's Hall Speech	268	288
— Guildhall Speech .. .. .	..	287
— in the League of Nations .. .. .	..	345
Prince of Wales' Museum Act, Bombay ..	..	296
Proportionate Pensions	759	..
Provident Fund Amend. Bill .. .. .	..	119
Provincial Autonomy, Grant of .. .. .	..	274
Provincial Contributions, Reduction of ..	130	..
Punjab Council, The	483	249
Punjab Muslim League, The .. .. .	..	53
Punjab Water Rates, The .. .. .	..	255, 256
Purchase of Stores	xv, 145	..
Rarehottamdas Thakurdas, Sir ..	121, 137, 197, 553, 567	58, 83, 99, 107, 115
Public Debt of India .. .. .	..	122
Public Gambling Act, Amend. Bill .. ..	..	266, 271
P. W. D. Secretariat, Removal of .. ..	..	250, 263
Public Services Commission	555, 729	..

Queen's Hall, Premier in the	268	268
Queen's Hall Demonstration	704	..

R

Rafique, Hon. Sir M. .. .. .	..	350
Raghavendra Rao, Mr.	249, 375(a)	..
Railway Act Amend. Bill .. .. .	..	114
Railway Finance and Management .. ..	..	67, 98, 124, 131
Railway Passenger's Convenience .. ..	..	145
Rajh, Mr. Venkatapathi	126, 130	104
Ramchandra Rao, Dewan Bahadur ..	198, 201, 204, 555, 565	102, 109
Rangachariar, Mr. T.	125, 130(a), 180, 698	81, 90, 107, 112, 328(a)
Raja Ali, Hon. Mr. .. .. .	..	472
Redemptioity Bill	227	..
Reddy, Sir K. V.	485, 489	274
Reddy, Pannagai Correspondence	486	..
Referees Enquiry Committee, The	541	40, 465
Reforms Rules, The New	537	..
Registration Act Amend. Bill .. .. .	..	111
Regulation III of 1818	122, 225, 222, 292	160(b)
Regulation III—Prisoners	380	..
Religious Toleration, Resol. on .. .. .	..	155
Rembrandt Hotel Meeting	701	..
.. .. .	..	233, 236
The Bengal .. .. .	..	418

INDEX

	Vol. I	Vol. II
— The Bombay .. .. .	..	242
— The Oudh .. .. .	..	272
Repression in Bengal .. .. .	..	160(b)
Repressive Laws, Repeal of	222, 266	..
Revenue Board Amend. Act. "U. P. .. .. .	..	260
Richards, Mr.	779	299
Riots & use of Fire-arms .. .. .	..	112
Riots, Communal .. .. .	..	25, 260, 272, 273, 305, 334
Round Table Conference	292	..
Roy, Kumar Shikhsarkar	405	..
Roy, Dr. Sir P. C.	682	..

S

Sahay, Mr. K. B. .. .. .	..	241
— Mr. S. N. .. .. .	..	245
Saksena, Mr. Mohanlal .. .. .	..	262, 265, 269
Salt Tax in Parliament	290	..
Samaldas, Mr. Lalubhai	253	..
Sapru, Sir Tej Bahadur	74, 79, 676	404, 468
Sarbadhikary, Sir D. P.	227, 234	117, 121, 125
Sarkar, Mr. N. R. .. .. .	..	232
Sarma, Sri Narasimha	237	80, 128
Sastri, Rt. Hon. Mr. Srinivasa.	33, 75, 228, 297, 674, 701	328(b)
Satyagraha at Borsad	29	..
— at Tarakeshwar	xiii	..
— at Valkom	xii	..
Satyamurti, Mr. .. .. .	..	187, 274, 277, 485
Satyamurti-Olivier Correspondence	761	..
Savakar, Mr. V. D.	8	238
Scurr, Mr.	741	292, 225
Sea Customs Tariff Act	239	..
Sen, Mr. Atul .. .. .	..	438
Sen, Mr. J. B. .. .. .	..	241
Sen Gupta, Mr. J. M.	380, 419	225
Serajung Resolution	784	..
Setalvad, Sir C. .. .. .	..	60, 24, 98
Shah, Sir Mahomed .. .. .	..	127, 126
Shahidi Jathas	100, 112(c), 112(e), 640	188
Shahjahanpur Riot .. .. .	..	29
Shaukat Ali, Moul	17, 653	292, 422, 480
Shahni, Prof Ruchi Ram	433, 443	257
Shromoni Gurdwara P. Comm.	103, 107, 112(a), 112(k), 637	258
Sikh Affairs, the	97	198
Sikh Debate in Assembly	152	119
Sikh Debate in Parliament	289	..
Sikh Movement	653	198
Sikh Sudhar Committee .. .. .	..	200
Singh, Mrs. D. N. .. .. .	..	56(b)
Singh, Sardar Jagendra .. .. .	..	119, 124, 128
Sitaram, Sai Bahadur	467	259, 263, 268
Smt. Naidu Interview	250	..

INDEX

	Vol. I	Vol. II
Smoking Nuisances Act, The Bombay	..	156
Soldiers' Litigation Bill, The Indian	..	803
South African Coal, Duty on ..	129	..
South India Liberal Federation ...	685	..
Spinning Franchise .....	..	394, 417, 421
Spinning Resolution, The	609, 609	231
Stamp Act Amend. Bill .....	..	14, 162
Stating Group, Amend. of .....	..	..
— in Assam Council .....	..	232(d)
— in Bihar Council .....	..	236, 242
— in Madras Council .....	..	251
— in U. P. Council .....	..	271
State, Province, The Bengal .....	..	..
— Amendment, No. Whitehall .....	..	189
Stephenson, Sir H.	383	..
Steel Industry, The Indian .....	..	38
Steel, Production Bill	558, 585, 587	..
Stones, Purchase Rules	11, 140	..
Supplementary Demands in Assembly	148	..
— in Assam Council .....	..	232(c)
— in B. & G. Council	492	245
— in Bombay Council	460	237, 241
— in Madras Council	485	279, 298
— in Punjab Council	433	250, 251
— in U. P. Council	468	261
Swaraj Party, The	57, 63	..
— Allegations Against .....	..	95
— Bombay Meeting	72	..
— Calcutta Meeting	65	132(b)
— Constitution of the Party .....	..	136
— Coochbehar meeting	64	..
— Delhi Conference	69	..
— Lucknow Conference	68	..
— All-Party Conference .....	..	185
— In Bolgram A. I. C. C. .....	..	394
— October Manifesto	57	..
— in the Assembly	208, 563	65
— in Bengal Council	392	..
— in Bombay Council .....	..	237
— in U. P. Council	246, 378	..
— Programme of the Party .....	..	139
— Sir M. Nairu's Review of Party's work .....	..	135
— Statement, Lord .....	..	353

T

Tanganyika, Trade Ordinances	726	336
Tariff Act Amend. Bill	127	..
Tariff Board, The	441	38
Tariff Bill, The	327, 509	..
Tariff Report, The	374	..
Taxation Committee, The	527	..

