


AUTOBIOGRAPHY
OF
SIR. C. SANKARAN NAIR

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OF

SIR C. SANKARAN NAIR

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PREFACE

This is my revered father's Autobiography which he had confided to my care for publication. The latter years of his life are not given here. After his resignation from the India Council in England in 1922, he was for a short time Prime Minister to H. H. the Maharaja Holkar, which post he resigned. Later, he was elected to the Council of States. Finally, he was Chairman of the Indian Committee of the Simon Commission which reviewed the working of the Government of India Act of 1919, then in operation in India.

On the 24th April 1934 he passed away in my house in Madras. He was then nearly 77 years old. His body was taken for cremation to his birth place Mankarai, in the then Malabar District. The cremation took place on the Northern bank of the Bharata Puzha (River). A small monument has been put up there to perpetuate his memory by my brother Sri R. M. Palat (now deceased) with a suitable inscription.

Three decades have now passed since my father's demise and a word of explanation is due from me for the delay that has occurred in the publication of this book. My father had distinctly told me not to publish it till after ten years of his death. By this time World War II broke out dislocating routine in all walks of life. My brother then took charge of the manuscript from me for publication; but unfortunately, owing to indifferent health he could not proceed with the work. Whatever the delay has been, the book, I trust, has not suffered in merit. Except for grouping of paragraphs into chapters with headlines and dividing the book into two parts, I have made no attempt to edit or otherwise alter the book in any manner.

I count myself greatly privileged and blessed in that, though late, I am able, at least now, to publish this book and satisfy the last wishes of my respected father.

'Lynwood'
Madras - 34

K. P. Parvathi Amma
(Lady Madhavan Nair)

INTRODUCTION

Reminiscences are sometimes regarded as the harmless hobbies of advanced age; and the public is entitled to demand an explanation from one who adds to their number. My own explanation is simple. I believe that the interest in these reminiscences is not merely personal but historical. To be an octogenerian in a land where this species has become a rarity, and to have spent over half a century in the front ranks of public life for perhaps, a sufficient excuse for recapturing one's memories; but to have been in the citadel of Government during the most formative period of recent Indian history namely the Great War, and to have played a not inconspicuous part in launching "reformed" India on its course make it almost imperative to pass one's experiences on to the public. This has become all the more necessary on account of the publication of such books as the late Mr. Montagu's "An Indian Diary" and Sir Michael O'Dwyer's "India as I knew it" which contain somewhat jaundiced versions of incidents of which I was at once spectator and actor.

It might perhaps assist the reader if, in this introduction, I were to sketch the historical background of my memories. They fall into five periods. The first period begins with the year of Indian Mutiny (1857) and ends with the retirement of A. O. Hume, the founder of the Indian National Congress, from public life (1880); the second period (1880 to 1904) covers my professional activities as a lawyer, and my political activities as member (and President) of the Indian National Congress; the third period (1904 to 1916) belongs to the history of the Madras High Court; the fourth period (1916 to 1920), the most strenuous and indeed the most interesting of all, contains my contribution as a member of the Viceroy's Executive Council to the introduction of a reformed constitution of India; and the fifth is coloured by Mr. Gandhi's non cooperation campaign, Sir Michael O'Dwyer's doings in the Punjab, and their sequel in the law courts, "O'Dwyer vs. NAIR".

In the following memoirs, the first period of my life is but briefly dealt with, partly because it appears dim in the fading light of memory and partly because its interest is mainly personal. I have, however, referred to some of the quaint religious usages and strange social and matrimonial customs in Malabar, for the reform of which I have endeavoured, not altogether in vain. I have also recalled certain incidents which throw light on the paternal, not to say capricious character of the administration of that period.

Macaulay had already introduced India to the rich storehouse of Western Literature and Western History with their glorious traditions of freedom and courage; but the British bureaucracy, little realizing whither India would drift under the impetus of English education, continued to govern India in the approved colonial fashion. The officials spoke with two voices. In India they professed to be animated by a stern sense of Imperial duty towards the inhabitants who, they said, were too bovine and ungrateful to appreciate the blessings of British rule. Outside India they posed as the harbingers of an almost messianic era of peace and prosperity in a land which-so they said - knew them not till the advent of British rule. Into this placid sea of self-laudatory rule, a stone was cast by the late Mr. A. O. Hume, himself a distinguished member of the I. C. S. He founded the Indian National Congress in order to ventilate Indian grievances and to demand such elementary rights as security of person and property and freedom of expression.

The second period of my life begins in the year in which Hume was forced by old age to retire from public life. The Indian National Congress grew in strength; its demands became more insistent. But the more articulate the Congress became the more stubborn the Government remained. Officialdom entrenched itself within the precincts of a narrow bureaucratic tradition, to break which the congress fought hard. In the story of my life will be found a brief account of the Congress agitation against those oppressive plague measures in Bombay in 1897, which virtually alienated Bombay, and the partition of Bengal, which alienated Bengal. This was the period when the writer identified himself with the Indian National Congress and was elected its President in 1897.

So far as the writer himself is concerned, the third period (1904 to 1916) may perhaps be described as the oasis of his life. As Judge of the High Court of Madras he enjoyed a few years of judicial calm, but he could not remain impervious to the political storm which continued to rage outside the Judge's chambers. In order to secure historical continuity a sketch is given of the political activities of this period, which were intensified by the Roman policy of Lord Curzon. In my memoirs the reader will meet such vivid personalities as Tilak, Surendranath Banerjee, Gokhale and Mrs. Annie Besant.

My judicial repose was shaken, once and for all, when I was appointed Member of the Viceroy's Council in 1915. Two Indians had preceded me as Members. Lord Morley's "Recollections" show how revolutionary, how cataclysmic the appointment of an Indian to the Viceroy's Cabinet was regarded by the bureaucracy and by Royalty itself. My appointment had an additional significance in that unlike my predecessors, I was in administrative charge of no less than 36 Departments. My tenure as Member of the Viceroy's Council fell within the period of the Great War. At first, the exigencies of War generated an atmosphere of idealism. Nations which professed to be fighting for freedom could not deny the right to freedom to subject nations; and that magic phrase, "self determination" rang round the world. Montagu visited India with the object of transforming, if not terminating, the old bureaucratic methods of Government; and behind him was the dynamic personality of his wife, to whom he gives a memorable account of the concerted opposition to reform which he encountered from officialdom throughout his tour. He was out to overhaul; they to tinker. Indeed there were moments during his Indian tour when he almost abandoned his mission as a forlorn business. A sharp and irritating stimulant was needed to make him revert to his original programme; and I knew I was the man to give it. How sharp and how irritating was the stimulant administered by me may be seen from Montagu's remarks about me in his "Indian Diary"; but the stimulant served my purpose. My dissenting minute in the Government of India's Despatch on constitutional

Reforms was practically accepted in toto by the Parliamentary Committee. Henceforward the constitutional evolution of India on progressive lines was secure. It could be delayed; but it could not be prevented. Even that imperial Pro-consul Lord Curzon, was compelled to acquiesce in the demise of bureaucratic rule and the dawn of a Democratic Government in India. It was left to another conservative, Sir Austen Chamberlain, to administer a sharp rebuke to the local obstructionists and to pave the way for the famous Declaration of 1917. The reader will find the drama of these years unfolded in my memoirs. He will also find references to the more turbid drama of the Punjab "rebellion", which led to my resignation from the Viceroy's Cabinet; to the case "O'Dwyer vs. Nair" which followed as a sequel; and to the further political development of the last decade from which I have not succeeded in remaining altogether aloof. This introduction is meant to show that these memoirs are published, not as the hobbies of advanced age, but in the hope that they will assist the reader, and, more so, the future historian, to a proper understanding of Indian affairs during a formative, not to say, critical period of Indian history.

C. SANKARAN NAIR

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CHAPTER

EARLY LIFE AND EDUCATION

1. I was born on the 11th of July 1857 at Mankara in Malabar on the banks of the Bharata River which takes its rise on the Western Ghats, flows through the town of Palghat and enters the sea at Ponnani. Mankara is described by Buchanan, who was deputed by Lord Wellesley the then Governor General to travel through Malabar and submit a report about the country when it was ceded to East India Company, as one of the most beautiful places that he has seen. It was in that locality that there was a battle between the retreating British Army and Tippu's forces. In my youth no one would travel through that place in the nights. In my community the inheritance was in the female line. Properties belonged to women. The males were not supposed to own the property, though they often managed the properties for the women. All the descendents of a common female ancestress in the female line belong to one joint family or Tarwad. In Mankara Desom or Village there were 99 such Tarwads. Each Tarwad was bound to contribute one soldier to the Zamorin's Army whenever required, under the leadership of the Chief of the Village styled Mankara Nayar. Nayar signifies Chief although it has become usual to style all the members of the community Nayars. On the Mysore Tippu's invasion we all forsook our homes to take refuge in the Western Ghats. We found on our return after the country was ceded to the East India Company that the number of Tarwads had dwindled to about 40 or 45. The rest had disappeared. About 30 years ago on enquiry I found that there were only two of these Tarwads left, one being my own. We were all farmers.

2. We had our own Kuladevata and Serpent grove. It was usual with most of the Tarwads to install the Kuladevata of

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the family in the Tarwad house itself. My mother had great faith in our household deity. On all important occasions she would consult the deity. There was what an Englishmen would call a devil dancer. That is a person who is possessed by the goddess and answers all the questions put to him. When my mother was on her fatal sick bed the dancer would not be possessed. My mother and all of us then felt that she was going to die. After her death we questioned him on one occasion, when he had the goddess in him, the reason of her failure to assist her. He replied that he was helpless as it was the command of her father the great Siva, god of Kodungallur, that she should die. There were festivals held in honour of the goddess and on such occasions there was a large pile of burning timber stacked. After the ceremony the young men of the village, myself included, used after a dip in the tank to walk through the fire and scatter the burning wood about. Not one of us was ever hurt. After I was grown up I could not even approach such a burning fire. My faith had gone. The idol was under a big tree. My mother had a wall built round it. In after life I gave the necessary funds to the trustee a very wealthy Brahmin landholder to build a temple over and for the idol. When he began to build it his mother died, and the astrologer told him that it was due to his attempt to build the temple, as the goddess was a Vanadurga i.e., a forest deity and preferred sun and rain to being enclosed in a building. To our serpent grove we used to take milk on certain fixed days. If we failed to do so on any of these days there would be a serpent on the door step of our front door the next day. The senior Lady of the family would tell the Serpent, "you may go away; the milk will be sent there," and quietly it would go. In fact we lived in a world peopled by beings not of this earth alone.

3. Near our own tarwad home we had the Preta of one Kandath Raman Nair. A Preta is the ghost of a deceased person who has been refused admission into the world of pitris or fathers after death for something very sinful in his life. This Raman Nair was a great magician in his time who was killed by the villagers for the great trouble he gave them. After his death his Preta for an offering of fowls or anything similar would kill anyone towards whom his petitioner had any grudge

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unless the person becoming aware that he was being persecuted by this Preta offers a greater sacrifice, himself. No person would be attacked if he was leading a pious or saintly life. When the British acquired the country, a Kottayam Raja refused to submit and waged Guerilla war-fare for many years causing great loss to the East India Company in men and money. One Menon who was an agent of the East India Company is supposed to have been responsible for his capture and death. This Menon rose high in the British Service and was deputed afterwards to the Coorg Raja, whom he persuaded to surrender to the East India Company on the assurance that he would not be deprived of his Kingdom. The East India Company however deprived him of his Kingdom and I believe he died afterwards in England. The story goes that Menon's tarwad is troubled by the Pretas of the Coorg Raja and the Kottayam Raja to the present day, and by his own Preta in their company, as the tarwad had not been able to gain admission for him into the world of fathers or Pithrulokam by appropriate ceremonies or offerings. Not only do Hindus but also Muhammadens have pretas. In the early days of British Rule while Moplas were still unsubdued there was a Gurukal, a great man amongst them, who carried on Guerilla war-fare against the Government. A Magistrate, Nair, who came across him engaged in a duel with him. They were both trained in the same Kalari. The Gurukal soon found that the Nair had deteriorated; he coolly stopped the fight, invited him to chew betel and then continue the fight. The Nair Magistrate, who was exhausted, gladly agreed and after a short time they resumed the fight. The Magistrate had retained the fluid after chewing betel in his mouth; in the course of his fight he spat it out in the eyes of the Gurukal who blinded for an instant by this, fell a victim to the Nair and was killed. To this day, at least till very recently, the tarwad of the Nair, well-known and influential, had to perform expiatory ceremonies to the Preta of the Gurukal. There are many stories like this throughout the country. Ordinarily, the spirits of the deceased also protect the Tarwads of which they were members. Curiously enough it is only *their* tarwads of whom they are the guardian spirits. They render no protection to those who are related to them in the male line.

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Thus for instance if a Tarwad or family is divided, the spirit of the female ancestress would be a guardian angel to her descendants in the female line, but not her descendants in the male line. Conversely the spirit will look for any assistance or offerings for meals etc., to her female descendants, not to her sons, consistently with our laws of inheritance. In fact, this was one of the reasons advanced against any change in the law when I took action in the Legislative Council. But now that the laws have been altered and inheritance runs in the male line, it remains to be seen what these deceased spirits will do.

In fact in the old days we, i.e., the people of the Kerala country, were dreaded by outsiders as magicians etc., and our women were dreaded on account of their loveliness and attractiveness. The people of Kerala were considered adepts in Sakti worship. According to our tradition there were three great centres of Sakti worship in India, Kashmir, Bengal and Kerala. Sakti in the form of Goddess Durga has innumerable places of worship in our country, Kerala, and in almost every important tarwad her worship is carried on on certain fixed days. Both for war and love, Sakti in the form of Kali is the great Goddess worshipped. Our women were considered very handsome in the old days before the days of economic depression and general decline of material prosperity. The country was colonised by Parasurama with colonists of Aryan race from Northern India. Mouziris was an important Roman commercial centre. There were also other ports. There were Roman colonists who freely intermarried with the native women. Arabs were always, from the most ancient time carrying on extensive trade, many of them settling in the country and there were intermarriages. There were also Chinese colonists. The mixture of races may account for the loveliness of our women in ancient times. Mr. Logan says in his Malabar Manual that the North Malabar peasant women (Thiyas) are as handsome as any in the world. Outsiders believed that these women were adepts in worship of the deities of love.

4. My father's tarwad was at Guruvayur which has since acquired some political importance on account of Gandhi's untouchability movement. The head of my father's family was a chief styled Patinharapat Nayar. He was also a Panikker i.e., the

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head of an ancient Kalari or Gymnasium where all the youth in the village had to receive their training in athletics and in arms. According to tradition the head of this family was the Commander-in-Chief of the Rajas in Kodungallur or Cranganore (Mouziris of the Romans). When the Jews after their dispersion on the sack of Jerusalem came to this city, which was the Capital of the Kerala country then, i.e., the West Coast of the Madras Presidency from Gokarnam to Cape Comorin, and requested premission to settle there, there was a trial of skill between them and the Nambudiris, the local Brahmins. In that trial the Jews won, the Brahmins and the Local Rajas who also were Brahmins, gave up the country between Kodungallur and Guruvayur to the Jews and my father's people also had to leave Kodungallur and settle in Guruvayur.

5. I said that the head of my father's Tarwad was the head of a Kalari-gymnasium. All the Nair children were trained in the Kalari. They had to train their body, learn something similar to what is now called Jujitsu of Japan, lathi exercises, and be fairly good swordsmen. Our duties were Kannu (eye), Kayyu (hand), Kalpana (order), Vettu (cut, kill), Kettu (tie), Nayattu (hunt) i.e., supervision, control, fight, chase. In youth they worshipped the ordinary Gods Vishnu, Siya, Devi etc; on attaining old age they receive Brahmopadesam and retire to lead a life of consecration and worship.

The Nair community had no marriage law, a woman therefore could discard her husband. On account of our law of inheritance, according to which succession was through females, and the absence of any law of marriage, it has been doubted whether we were Hindus. There are reasons to think that the Nair community was one of these tribes which were incorporated into Hinduism wholesale, the priests amongst them being accepted as Brahmins. The theory that succession in the female line and kinship traced through females is proof that they were a primitive tribe cannot hold in this case at any rate, as they were the ruling race and far advanced in culture. There are some remarkable differences between the Malabar Brahmins called Nambudiries and the Brahmins elsewhere; Salvation was only by works and not by Gnanam i.e., knowledge, wisdom or intuition; as an exception

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there are some Brahmins of the highest rank who do not perform the sacrifices, i.e., Yagams were prescribed for Brahmins which require animal sacrifice. This applies to those south of the Alwaye river. Sankarachariar the great Vedantist was born in Kaladi village on that river. The place where he performed the funeral ceremonies of his mother was till recently neglected and covered with moss and grass. On the suggestion of Sir Seshadri Iyer, Dewan of Mysore, a temple was built and consecrated to Sankarachariar. Pilgrims from outside Malabar flock to it. But the Nambudiries avoid it. The Nambudiries of the day excommunicated him. "Om-karam" or "Pranavam" is unduly prominent in the Nambudiri Mantras. The tradition is that this is due to Sankara who thereby desired the extinction of the Brahmins. This suggests that Sankara who received his religious training under Buddhist teachers wanted to get rid of the Karma Kanda of Brahminism to introduce or propagate the religious doctrine of Monism, Pantheism by absorption or extinction. Female freedom or independence, prohibition of Yagams, or animal sacrifice, the theory of salvation, the fact that there was a large colony from Ceylon, all support the tradition that the people of Malabar were at one time Buddhists.

6. On the cession of Malabar to the East India Company the latter found the country very unsettled. The local Muslims called Moplas were very fanatical. Till Tippu's invasion, they lived on very friendly terms with the Hindus, but on Tippu's invasion the Moplas joined him. Tippu with their assistance tried to convert by force all Hindus to Islam. There is little doubt he would have succeeded but for the arrival of the British troops and the defeat of Tippu, who ceded Malabar to the East India Company; but the Moplas resented this step and did not submit. The country was jungly and British troops found it difficult to put down the Moplas. They had to enlist the Hindus and form what is known as Watson's Kolkars, who put down the open outbreaks. But throughout the country the Moplas continued to give trouble. The Government had to appoint therefore men of capacity and prowess to enforce and keep the peace. My great grand-father was the Officer in his locality appointed by the East India Company for this purpose. He did not know to read or write but he was a good gymnast himself, a good swordsman and of

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great influence in the country. He would put his sword on the table while attending to his business and tell the clerk who took down his instructions that if from the Collector's reply anything was found to be wrong his head would be off. His son was the Chief Officer under the Civilian Divisional Officer. He held his office near the present Railway Station of Pattambi at a place called Kootanad. I have seen orders issued by him to the local officials at Guruvayur to pay money to his wife from the treasury at Guruvayur which he said would be credited to the officer in the accounts at the Head Office. He had many sons; one of whom held the highest appointment then open to an Indian, the Collector's Shirastadar whose pay rose to Rs. 800/-. The Collector's order would not be carried out if he disagreed, without its submission to the Board of Revenue and their decision thereon received. Two other sons one of whom was my father were Tahsildars. My father was at first a clerk under Conolly the Collector.

7. It was at about that time the Railway line was constructed; lands had to be acquired. Conolly showed great tenderness to the Moplas; whenever the projected Railway line had to pass a Mosque he would get the Engineer to divert it, but if it had to pass a temple he would tell my father to tell the Hindus to take that stone (Idol) away. In other respects also he tried to conciliate them. He would appoint only Muhammeden Officers and peons to deal with Muhammadens. He was however assassinated by the Moplas when he was about to leave Malabar for Madras, having been appointed a member of the Executive Council; and the result was the Mopla Act, a very severe piece of legislation under which they have suffered very much. One of my father's brothers in Government Service proceeded to a house where it was reported the assassins and their friends were assembled; he could not of course do anything as he was alone but being a good swordsman the Moplas feared him and gave him a large sum of money, a palanquin, and a sword, a present to the then head of the House by the Travancore Maharaja for services rendered to the Hindu Rajas to enable them to escape to Travancore. That sword is now in my Tarwad. This Moplah family were converts and converts are generally more fanatical than the average. The case of the founder of this Moplah

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family was peculiar. He was a Hindu and the hereditary Prime Minister of the Hindu Raja. On Tippu's invasion, the astrologer on examination of his horoscope assured him that if he became a convert he would rise to great eminence. He accordingly became a Mopla and was appointed by Tippu the Governor of that part of Malabar. He was thus able to assist his old co-religionists to escape to Travancore. My uncle was dismissed from the service for having received those presents. There was a general panic in the District on account of this murder of the Collector. My father was one of the officials entrusted with the duty of protecting the English women, when the officials left Head Quarters to deal with the Moplas. Long years afterwards I had the pleasure of receiving Conolly's daughter and assisting her to see the scene of disaster. Conolly's brother also met a sad fate as he was murdered in Bokhara. There was a third brother who also I heard died an unnatural death in a steamer collision. My father as Tahsildar lived in great state. I remember he had belted peons carrying swords before him when he went any where. My mother had her house often full of visitors. After my father left home for his office, almost every day there were dances ending with one peculiar dance named Capture of the Girl; all the women would divide themselves into two parties and there would be a girl with one of those parties. It was the business of the other party to capture that girl and take her away to their side. There would be of course a good scrimmage.

8. A school was started at the Station Angadipuram where my father was Tahsildar. It was a Mopla centre. Before I joined that school in my 9th year. I was learning Sanskrit from my 5th year; till that age I was dumb. My parents made many vows to the God Subramania of Palani and my cure was attributed by them and others to that God. There was however always a defect in my speech as I could not pronounce the letter R. I was initiated with the usual ceremony and was a diligent pupil. In Sanskrit I learned Amarakosam, Sidha Rupam, Sreeramodantham and Sree Krishna Vilasam before I joined the English school in my 9th year. I remained in that school for two years and was the first in the highest class receiving a prize before I left. A most painful recollection of my school period was the whipping of

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one of our boys for some offence. He was tied to a triangle and was whipped; it was shocking. In those days in order to take any tiffin I had to go back home at 1 o'clock and dip myself in the tank before I was allowed to eat anything. Our ideas of ceremonial purity at that time were very strict. We had also daily physical exercises in the school. A circle was drawn about 15 to 30 feet diameter, a number of boys would be inside in the circle. It was the business of an equal party outside to drag them out of the circle. Those inside could not only resist being dragged out but could also beat the attacking party who could not retaliate but had to content themselves with attempting to drag them out of the circle. Their turn came and they would change places after all were dragged out. It was a rough exercise but it hardened the boys. I believe it is not played now. From there my father was transferred to Cannanore. My father's predecessor at that place was a Brahmin and we found that he was not in the habit of bathing in a tank at all, but had water brought to him into a bath room in the house. At first we were shocked, but when my mother was absent for more than a year, my father felt that if a Brahmin could have his bath in the house he could also do the same and so we gave up the habit of dipping ourselves in the tank. The Head of the school was an Englishman. I thus came in contact with an English teacher very early. My recollection of him is very pleasant. He was a very kindly person.

9. When at school in Cannanore we had a weird experience. Though it took place so many years ago my memory as to what then happened is as clear as if it happened yesterday. In that Taluq of which my father was Tahsildar there was a Brahmin village Munsif who on account of some family squabble got his brother-in-law, sister's husband, put into jail. His sister starved herself to death on that account; on coming out of jail, learning this, he went to the Western Ghats and learning magic and the Black art under eminent teachers learnt to control one spirit, Kuttichathan. From that time the village Munsif and his wife were tormented by this spirit. They could not take any food; when served they would find dirt and filth thrown into it. Their house was set on fire and any house they might enter would share a similar fate. When the wife slept dirt and filth would be thrown

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over her. He came to my father for leave. He would not enter the house, as he said on his entry the house would be set on fire. My father recommended his application for leave to Mr. Logan, I.C.S. who granted leave. In the mean time the couple lived in front of a Devi (Goddess) temple of repute there. They could take only consecrated rice from the temple. Adjoining the temple was an Illom of Kattumadath Nambudiripad who is regarded as the High Priest of this deity Kuttichathan. He allowed the couple to live in the house. My father was away on circuit. It was a semi fast day for us. My mother, myself etc. were taking cunjee when we heard the cry that the Illom was on fire. We all rushed out and found fire on the top of the building. Within a short time my father returned. Himself, his peons, the police and those in the locality tried to extinguish the fire but without success. The Illom was burnt to ashes. At that time a marriage ceremony was going on in the next house. There were pandals etc. The two houses touched each other and there were other adjoining houses, none of which was touched. This is said to be a characteristic of Kuttichathan. The Village Munsif and his wife suffered intolerable hardships. Finally at Tiruvalayan-gad Kavu, Calicut, the family deity of the Zamorin, the priest, a Moosad performed a buffalo sacrifice. After that as long as he lived in the presence of that Goddess, at the gate, he was not disturbed. When my father was subsequently transferred to Calicut he re-appointed him a village Munsif. To me this was proof if needed of elemental spirits with power to interfere with us. This was confirmed by a later experience.

From Cannanore my father was transferred to Calicut. The head of that school was a Glasgow Graduate, Colin Mac Isaac. He was a great favourite with all the boys. We all loved and revered him. He died soon after of some heart disease; about 50 years later I was in correspondence with his widow who was living in Edinburgh. We always had free access to his house. I passed the University entrance examination in that school; I continued my studies there passing the higher-the F. A. examination in the first class and was the prizeman of my year. My name is on a tablet in the College.

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10. In Madras, I joined the Presidency College about 1875. All our Professors in those days were Englishmen. Our Professors allowed us full freedom of speech. We had to write essays in those days once a week. On one occasion we had to write an essay on the declaration of independence by America. It was the anniversary of that day. There were some of us who wrote that England must behave better in India, otherwise Bombay would be another Boston Harbour. Our Principal Edmund Thompson took it in good part. In these days it would have been a matter probably for the C.I.D. Not only we the boys, but the Professors also were very free in their expression of opinion. I remember a few years afterwards Dr. Miller of the Christian College telling us that in case we sought independence it would not be the descendants of those who fought by Wallace and Bruce who would regret that day. Besides our Professors we the boys of this College and I presume other Colleges also associated freely with officials. All of us thought that we had a claim for advice and assistance from those Madras Officials in the Government, High Court, Revenue Board, and Secretariat etc., who had served in our District. This claim was willingly recognised and the officials welcomed us. The official who took interest in us Malayalam boys was Mr. Justice Holloway, and he told me once that Tanjore and Malabar consider that he must look after their boys; as Tanjore was his first District, and it was in Malabar that he served a long time. He would make me read his books which he got from England and explain the difficulties quite as well as any Professor. One of the books which I had to read to him was Stubbs's Constitutional History; another was Whitney's Study of Languages. This will give an idea of the kind of work that we had to do with them. Mr. Justice Holloway and myself often had warm discussions. Once he said that the English were the only people who had never been conquered. I denied it and said that honour could be claimed only by my people the Nairs, as the only European race, the Portugese who fought us we vanquished and the English never conquered us, whereas according to the French historian Thiers, no nation had suffered a defeat like the English, as the Normans of a French Duchy, conquered and enslaved

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them and were never driven out. He replied that Thiers was an ignorant fellow and he had failed to notice that the Normans and Saxons both came from the same stock. I said that if that were so we were all descended from the same stock and the argument lost all its force. His reply was I was conceited and impertinent.

11. Amongst the High Officials whom I met there, there was one whom I could not see without amusement. While a young Civilian, he was apparently under the impression that there was no legal marriage in Malabar, and he visited a certain girl of a respectable tarwad. The husband who was too timid in those days to remonstrate or take any action, adopted an ingenious device. On entering the house, the Civilian was surprised to hear the sounds of kettle drums, music and many things that ordinarily take place in a tamasha. When he came out he found an elephant with a golden embroidered head-dress, torch lights, bands, musicians, and a large crowd in front of the house. The husband came forward and told him that he was much honoured by the visit, that he had made all those arrangements to honour him and he trusted that in future also his Honour would inform him of any proposed visit. The Young Civilian expostulated but it was no good. The husband insisted upon being allowed to honour him every time he came. Though he immediately left the place the procession followed him for some distance. This cured him of his propensity.

12. While in the College I used to go out sometimes with a friend to visit the sacred places near Madras. I took a house boat in Madras, went down to Mahabalipuram. The trip was most enjoyable, on the moonlight night as the boat glided slowly along. The sea on the left, the swell of the sea breaking on the shore, the music of the surf, made one sleep. On the right side at intervals on the hill tops were small temples with their bells ringing. It was a dream. We arrived at Mahabalipuram in the morning. To visitors from over the seas it is the architectural beauty of the works that generally appeal; to me it is not so. It is the ancient stories that come to one's memory; Arjuna's Tapas visualized Arjuna. From there we went to Tirukkazikundram Hill on the top of which two Vultures (and only two)

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daily came to be fed by the priest. We went to a Paraya hut in the morning for a bullock cart; when he saw us he ran away at once. We thought at first that it was due to fear, but we learned afterwards that the Parayas consider the sight of any superior casteman in their village or hut as very inauspicious. I have similar pleasant recollections of the boat journey along the back waters in the West Coast. In the day time we were regaled by the songs of the women workers in the fields adjoining the canal. In the nights we hear the bells in the temples at short intervals. A few furlongs off we hear the bells in a church; the shores of the canals being dotted with temples and churches. At intervals there were cottages with the women reciting the Ramayana or the Mahabharata. The whole thing was like a dream and does not fade from one's memory.

I came to Madras while the great famine was raging. I was living in Mylapore in one of the streets round the big tank. All round the tank there were men women and children who had flocked to Madras from outside, dying and dead. All of them, men women and children, were only skin and bones. It was a horrid sight to see. I often dreamt of it, long after I moved from that street to a street at a little distance. In all Mylapore at that time we had only one pipe bringing water to the tank, and all of us had to fetch water from there for our cooking.

13. While a student in the College, the Prince of Wales, afterwards King Edward VII, visited Madras. We boys lined both sides of the Mount Road. The Anglo Indian boys cheered him. We Hindu and Muslim boys had not learned how to cheer then. We showed our regard for him by our respectful silence. The Maharajas of Cochin and Travancore had come to Madras to pay their respects to him. So also the Zamorin Maharaja Bahadur came here. The Zamorin and the Cochin Maharaja used to pass each other on the Marina without any recognition, as their ancestors were bitter enemies and generally fought each other in the Pre-British days. One day the Travancore Maharaja whose ancestors also were fighting them, but was an enlightened man, laughed at them and told them, "Here we are come from our distant countries to run like menials behind the carriage of a Foreigner whose servants we are. What is the use then of assuming

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all these airs, where is our dignity?" This made them heartily ashamed of themselves. The Maharaja of Travancore took one to the other. And thereafter they showed to each other the civilities appropriate to their position. In those days they considered it beneath their dignity to return the calls of Indian visitors. Now what a change!

14. When I took the B.A. degree I received the History prize and the prize for English essay. One of the text books which we had to read was 'Selections from Ruskin'. There was a reference in that book to a fight in Scotland. Mr. Thompson the Principal told us the class boys that he had searched various books and he had not been able to find any reference to that name. I was able to tell him, that that was the scene of conflict between the two clans in the "Fair maid of Perth". He was surprised. There were also many other occasions on which he tested my knowledge of History and in the certificate that he gave me when I left his College he said that I was one of the two boys he had during his period who were very good in History. Afterwards I joined the Law College. I passed the B.L. examination after the two years prescribed. I got the maximum number of marks in Hindu Law and very near the maximum in Jurisprudence. I was the first in my year. My mother died a few months after. I then became an apprentice under Mr. Shephard, afterwards Sir Horatio Shephard, a Judge of the High Court and later Law Adviser to the Secretary of State for India. I was for one year under him. I used to read all his cases, receive full instructions from the clients or Pleaders from the Lower Courts instructing him, and acted as his junior sitting by him in Court. The result was that his clients generally paid me some fee, and I was able to earn my own living and the heavy stamp fee for enrolment. I became wellknown and there was no one else from my District of Malabar then practising in the High Court; the result was on the day I was enrolled as a Vakil in 1880, I was engaged in 8 or 10 cases. At that time all the leading lawyers were English Barristers. No Vakil made more than Rs. 1000/- a month. But when I left the Bar in 1908 Sir Bhashyam Iyengar was making about Rs. 15000/- a month and there was scarcely any English Barrister who had such heavy practice.

CHAPTER II

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15. The jealousy of the English Barristers was very strong and long standing. Before the High Courts in India were constituted, the "Sadr Court" was the highest and final Court of appeal in the Provinces. It was officered only by Civilians and those who practised there were Vakils. In the Town of Madras itself there was the "Supreme Court" with two Barrister Judges. These two Courts were amalgamated and became the High Court. The Chief Justice was the Barrister Judge and all the others ranked in the order of their appointment. The Vakils before that time were not allowed to practise in the Supreme Court. Barristers however practised in the Sadr Court as Vakils. The question then had to be decided whether the Vakils should be allowed to practise in the "Supreme Court". The Barristers very strongly objected, Bittleston the Barrister Judge observing that he would not be a party to taking the bread out of the mouth of a Christian to put it into the mouth of a Pagan; but Holloway who had been appointed Judge carried the day with Chief Justice Scotland, and a rule was passed allowing the Vakils to practise on the original side of the High Court i.e., the old Supreme Court. The Barristers then banded together and would not receive anybody in their Chambers to undergo the training which was necessary to entitle them to be enrolled. The Judges therefore modified the rule about the training by passing a fresh rule that attendance in Court for a longer term, 18 months would qualify a candidate who had passed the Law examination for enrolment. T. Rama Rao afterwards, Raja Rama Rao, was the first Vakil enrolled under this rule. During the time of his so-called attendance, he was a High Court Interpreter and the Barristers proposed to object to his enrolment on the ground that

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compulsory attendance as an Interpreter was not an attendance under the rules to qualify him for admission. On the day of enrolment Mr. Justice Holloway took his seat a few minutes before the usual time, it is said as pre-arranged, and passed the order of admission and told Miller a Barrister, who arrived immediately at the usual time that he was too late to raise his objection.

The Barristers were so incensed against the then Chief Justice Sir Colley Scotland for thus allowing Vakils to practise on the original side, that on the last day he sat in Court, before retirement, they all walked out of Court so as not to take part in the valedictory address to him. There is a story about the appointment of this Chief Justice. The Lord Chancellor at that time was a Scot. It was said that he gave legal appointments only to Scotsmen. But when this Madras appointment fell vacant he could get no Scotsman to take it up. He accordingly gave it to a man who bore the name of Scotland. He proved however the best Chief Justice or Judge Madras ever had. In the other High Courts in India, Calcutta or Bombay, Vakils were not allowed to practise on the original side. This victory of the Vakils was due to the Civilian Judges of the High Court. There was always a long standing jealousy between the Civilian and the Barrister Judges which helped the Vakils very much. When the Advocate-Generalship fell vacant long after, Bhashyam Iyengar who was then the leading lawyer was put forward for that post by Harold Stuart, the Private Secretary to the then Governor, Sir Arthur Havelock, he told me that he anticipated opposition from the then senior member in Council, Mr. Bliss. But the latter to his amusement accepted it remarking "we will give one in the eye to those damned Barristers". It was only an acting vacancy, but that practically sealed the fate of the English Barristers as against the Vakils.

16. But I am anticipating. When I joined the Bar the leading Vakils were only on the threshold of their brilliant career. A Vakils Association was then formed and it was resolved that the Vakils should only act with other Vakils and that they should not act with Barristers. I refused to accept this mainly on account of my loyalty to Sir H. Shephard. The result was

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I was for some time boycotted by the other Vakils. However I prospered. Before I argued my first case I was offered and I accepted the post of a Munsiff i.e., the Judge of the Court of the first instance, but after a few months I resigned it and came back to the Bar. I served under the District Judge, Mr. Wigram, the father of Sir Olive Wigram who became Secretary to the King Emperor. Mr. Wigram was not a very sweet tempered man, and there is an amusing incident about him as Judge. A Mopla Vakil, rather an elderly man, while arguing a case before him said something which Mr. Wigram thought was absurd and he expressed his opinion in rather strong language. The Mopla Vakil who had never been treated like this before, stared at him for a few minutes and quietly said, "Sahib, my client pays me for representing to you all the arguments in his favour. You are paid by the Sirkar to listen to my arguments and decide the case as you like; why should there be any squabbling between us". Mr. Wigram could not help laughing and ever afterwards was always in good humour with him.

17. I joined the Bar at a time of great political excitement. Lord Lytton who was the Viceroy till about that time was very unpopular in India mainly on account of the Arms Act and the Vernacular Press Act. His successor Lord Ripon repealed the Vernacular Press Act and issued the famous Local Self-Government resolution in 1882, which if it had been carried out in spirit would have ensured a happy continuous political progress. That it was not so carried out was not his fault. His Ilbert Bill, and his speech in the Legislative Council in reply to Mr. Thomas, the Madras Official Member, is a striking testimony to the breadth of his vision, just as the opposition to him and the disgraceful attempt to kidnap him by Englishmen, official and non-official, show their narrowness. I was a Member of the Committee of which the President was Sir T. Madhava Rao, to receive him and entertain him in Madras. He left a very favourable impression on us.

18. Soon after I came back to the High Court, I was in 1882 appointed a member of the Malabar Land Tenure Committee. The Collector of the District, Logan, was appointed a special Commissioner to enquire and report whether the land laws required

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any change. This had been a burning question since 1840 when Conolly was Collector. Logan submitted a strong report in favour of Legislation for the benefit of the tenants. A Committee was appointed of which Sir Madhava Rao was the President and Logan, Wigram, myself, and another Nair Official were members. We strongly supported Mr. Logan, but on account of the strong opposition of the then Chief Justice Sir Charles Turner, practically nothing came of it. After the Montagu Chelmsford Reforms the new Councils came into being and now after a discussion extending over some years, an Act has been passed giving fixity of tenure to the tenants.

The same happened with our Religious institutions. More than in Northern India, there were great and wealthy religious institutions in Southern India with incomes, some of them of Lakhs of Rupees every year. Early in the 19th Century the Government had taken possession of all these temples. They reserved enough to carry on the worship and other expenses in the temple. The rest had been appropriated as Government property. After some years of management the Government ceased their connection with these temples on account of missionary agitation. The trustees who were then appointed mismanaged the temples and in many cases misappropriated the income. We tried our best to get a law passed for the proper management of these temples. I was the Secretary of the representative and influential committee that recommended legislation. But the Government of India always stood in our way. The Reformed Council passed the required legislation to prevent misappropriation.

19. There was an artillery corps of Anglo-Indians in Madras under the chief command of Mr. Branson the then Advocate General of Madras. The late Mr. Eardley Norton commanded under him. Two of my friends and myself enlisted without any opposition on the part of the men. We underwent training for some days when an order arrived from the higher command cancelling our admission.

Myself with two other friends made another attempt a few years afterwards when we thought the conditions were more favourable. We were admitted by the Commandant, an Englishman, Mr. Chambers, the head of the firm, Parry and Company

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at Madras. But this time the men objected to our admission and we retired. A third attempt during the Boer war will be mentioned later.

20. The late Ramaswamy Mudaliyar and myself started the Madras Law Journal; on his death I severed my connection with it. It is even now the leading Law Journal in this Presidency. I was also writing the leading articles in an Indian daily newspaper for some years. I started the Madras Review and my connection continued till I accepted office. I handed it over to Karunakara Menon who was the Editor of a daily paper with the funds then in hand. He discontinued it after some time.

The first political event, if I may so call it, in which I took part was a meeting in about 1882 to protest against the Government action in the notorious Salem riots which I have referred to later at some length. Such was then the feeling in the country that there should be no opposition to Government in these matters that the meeting had to be held within closed doors. Shortly after, Lord Ripon's Educational Commission came to Madras. Sir William Hunter the President requested me to write an essay on the customs and habits of the Nairs and other tribes in Malabar. I wrote one for him. I am glad to find that the authors of the well known book "West and Buhler's Digest of Hindu Law" have made use of it. All of us here in Madras disagreed with the policy of Lord Ripon's Commission. Our officials, educationists as well as others like Sir Muthuswami Iyer were against it. Ostensibly the Commission desired the Government should withdraw generally from higher education, to devote themselves to the education of the masses on the ground that with the resources at their disposal they would not be able to carry on both, and leave higher education generally to private effort aided by the Government. The Missionaries knew that at that time the Indians were not prepared to undertake the task, and hoped accordingly that higher education generally, if left to private affairs aided by the Government would fall into their hands. They did not foresee the consequences which will be mentioned later. In his successor Lord Dufferin's time, a Public Service Commission was appointed to meet the Indian demand to throw open the higher appointments to them. I was a witness before

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that Commission in Madras. There was at that time no Indian District Judge or Collector or even Deputy Superintendents of Police, nor in fact any Indian in the higher services. Sir Muthuswami Iyer when examined was asked by Sir Charles Turner a member of the Commission whether he thought that there was any young Vakil who was competent to be appointed a District Judge. Sir Muthuswami Iyer replied in the affirmative and told M. O. Parthasarathi Aiyangar afterwards a District Judge that if he had been asked the names he would have mentioned the names of Parthasarathi Aiyangar and myself. The orders of Government on the Report of the Commission were unsatisfactory. It resulted in a critical division of the services.

21. In the meanwhile the Congress had been started and the demand for representative councils had been pressed. Lord Dufferin advised the Secretary of State to make some small concession to the demand. His despatch though confidential got in to the public press. After that it was only a question of time. About this time in 1890 Mr. Bradlaugh, M. P. was invited to preside at the Bombay Congress. We felt in Madras that he ought to be asked to introduce a Bill into Parliament for this purpose. Krishnaswami Iyer and Sundara Iyer, afterwards Judges, framed a scheme on the model of the American constitution. All of us Madras delegates supported it. The other provinces had no constitution ready. We were accordingly able to get the Congress to accept it. Mr. Bradlaugh introduced the Bill into Parliament in 1890, I believe on these lines. Krishnaswami Iyer told me afterwards that when Sir Subramania Iyer and himself visited Mr. Justice Ranade after the Congress, he tore it into tatters and made them heartily ashamed of the measure telling them that with the English people one had to advance step by step; a lesson he said which he always bore in mind afterwards. The measure was finally passed only in 1893. Before that time however I was appointed a member of the Legislative Council as then constituted under the Act of 1861. I shall describe briefly the constitution of that Council.

When the Council of the Governor met for the purpose of making laws and regulations, in addition to the ordinary

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members of the Executive Council, other members were nominated by the Governor. But no business could be transacted other than the consideration of measures introduced into the Council by the Government. So it was only when any fresh legislation was required that the members had an opportunity of discussion. No member could ask any questions, nor had he the right of interpellating the Government as to any of their acts or anything that might be of importance to the country. Such was the Council which I joined as a member nominated by the Governor.

The only important Bill which was discussed and passed by this Council in my time was one to get rid of the old village system. According to ancient usage all these villages were little republics. They had their own revenue officers who collected the revenue due by the villages to the Ruler of the country, who had nothing to do with the individuals. They had their own police officials who had to make good to the owners the value of the property lost if they were unable to recover the same or to show that an outsider had carried it out of the village. The village had its own irrigation officials who looked after the irrigation of the village lands. All this was opposed to the revenue system of the East India company and the British Government and their police administration. But vestiges of village Government still survived and they were sought to be got rid of by this Bill. It gave power to Government to reconstitute all the villages and made all the village officials Government servants paid by them and for this purpose there was taxation imposed. I opposed the Bill. The only result my opposition had was to induce the Government to accept a suggestion made by another non-official member to reduce the taxation by half. My fate however was better than that of my predecessor in the Council, Mr. afterwards Sir Subramania Iyer. He told me that after he had fought a "Salt" bill tooth and nail and lost every amendment that he had brought forward and was leaving the Council after it was dissolved, Sir Grant Duff the then Governor asked him "I trust the interests which you represent have received the needful protection." Subramania Iyer told me that the Governor had not listened to anything or understood anything and that he had lost all along the line. My case at any rate was slightly better.

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22. Soon after this there was a reform of the Legislative Councils. Lord Dufferin had pressed for reform. Landsdowne his successor supported him. Lord Cross the Secretary of State finally agreed. Lord Salisbury for some time refused his consent. He told Lord Cross that once the elective principle was introduced the reform of the Legislative Councils would move at an accelerated pace which the British Government would be unable to stop, a prediction which showed his farsightedness. However in the end he yielded. By this statute the Governor may increase the number of nominated members, to twenty. He may make regulations under which such nomination may be made. This was to introduce the principle of election because the Governor might empower representative bodies to elect certain members whose names might be submitted to the Governor for appointment to the Council. The Governor of Madras accordingly empowered the District Boards, Municipalities, Chambers of Commerce and the University to elect their representatives. The members of council were given the right of asking questions and to discuss the annual financial statement of the Government. But no power was given to propose any resolution or divide the Council in respect of any such financial discussion or the answer to any question asked.

23. This Council Reforms statute was passed in 1893. Members nominated by non-official electorates were appointed to the Legislative Council. The first meeting of the Legislative Council elected under the new Law was on the 14th of November 1893. It was a red letter day. I was a member of that Council. On that day one of the non-official members moved to add a Proviso to a section of a Bill to provide for the conduct of business by the Board of Revenue. The Bill was not one of great general interest. It was intended to facilitate the despatch of business by the Revenue Board of Madras. The proviso was intended to preclude any member of the Board of Revenue from disposing of an appeal against an order which he himself may have passed as a Collector. The whole incident is so amusing that I venture to quote the proceedings.

“The Hon’ble K. Kalyanasundaram Aiyar :—The first amendment I beg to propose is worded thus :—

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1. To add to section 2 another proviso as follows:—

Provided also that in the case of any subject allowed to be dealt with by a single member of the Board, if the member before whom the said subject comes on for disposal happens to be the officer who, as Collector or otherwise, disposed of it before it came up to the Board, he shall not deal with it himself, but shall refer it to another member for disposal.

The Hon'ble R. Ramasubbaiyar seconded the amendment.

The Hon'ble Mr. J. H. Garstin:—I oppose this amendment to section 2 as entirely unnecessary. It is the invariable practice in the Board of Revenue that a member shall not dispose of any appeals against his own decision in another capacity. I think the addition proposed by the Hon'ble Member is nothing less than a severe reflection on the Members of the Board. I think we may leave the despatch of business in this respect with confidence to the Members of the Board.

His Excellency the President:—It is a matter of regret to me that the Hon'ble member has thought it necessary to introduce such an amendment at all. As the Hon'ble Member in charge of the Bill said, it is a severe reflection upon those entrusted with authority in this country that it is thought that such an addition to the Bill should be required. I hope after what has passed the Hon'ble Member will see fit to withdraw his amendment.

The Hon'ble K. Kalyanasundaram Aiyar:—I disclaim any intention of casting a reflection upon the Members of the Board of Revenue. I thought that was the practice; and if that was the practice I thought there was no objection to embodying it in the bill. After the statement from the Hon'ble Mr. J. H. Garstin, I have no objection to withdraw it.

The Hon'ble Mr. J. Grose:—The Hon'ble Member might just as well propose that the Member of the Board should dress properly and behave as a gentleman and propose such an amendment.”

The proposed amendment was then withdrawn.

At a subsequent meeting on the 12th of December the Government had to eat the humble pie and admit that appeals to the Board of Revenue had been disposed of by a member who had passed the original order.

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“The Hon’ble Mr. P. Rangayya Nayudu ;—VI. Will the Government be pleased to state the number of appeals from the district of North Arcot disposed of under the Act 11 of 1883 by the Revenue Board from January to June 1893 and how many of them were disposed of by Mr. William Joseph Henry Le Fanu as Acting Member of the Board of Revenue ?

The Hon’ble Mr. J. H. Garstin :—The number of appeals from the district of North Arcot disposed of by the Board of Revenue, during the period referred to in the question, was 56. Of these Mr. Le Fanu, as one of the Land Revenue Commissioners, took part in the disposal of 50, out of which number he disposed alone of 40 appeals against his own decisions as Collector of North Arcot. The Government are much surprised and concerned that this should prove to be the case and will issue orders to have the appeals alluded to hear again.

They are not aware whether the Hon’ble Mr. Kalyanasundaram Aiyar was in possession of this information at the last Council when he moved an amendment to insert a clause into the Revenue Board Bill to prevent members of the Board from disposing of appeals against decisions passed by themselves as Collectors. If he was, it is to be regretted that he did not say so at that time. Had he done so, the Government would not have opposed his amendment.

The Government will take steps to lay down a rule for the guidance of members of the board which will have the effect of preventing any recurrence of such an incident”.

Not only Madras but all India was convulsed with merriment.

24. The new Reformed Council was called upon to complete the task partly performed by the village Cess Bill which I have referred to. That Act destroyed the ancient village system as it prevailed in the Ryotwari lands where the villages were under the direct revenue administration of the Government. The new Bill which was finally passed did the same throughout the districts under the Zamindars or those who held estates under the permanent settlement as in Bengal. The salient features of this Bill were that it gave to all permanently settled estates-landlords subject to the supervision of the Government officials, the power

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of appointing all their village officers. But the power of suspending and dismissing them was vested in the Government. The method of paying the village officers was by grain fees deducted from the produce or by inams i.e., revenue free lands held by them but not by fixed salaries. All these methods were abolished and they were to be paid fixed salaries by Government out of a tax to be imposed for that purpose. Thus it gave the Government effective control. In fact the absolute control of the village officials was transferred to the Government and the zamindar had nothing more to do with them. All the inams granted to the village officers were resumed by the Government. I stated before that in Ryotwari districts under Government the villages had ceased to be really republics in many respects though they retained some powers. But it was different in these zamindari tracts. There the old system survived to a great extent though perhaps not in its entirety. The following account shows what those village republics were as they existed from time immemorial.

In the fifth report from the Select Committee of the House of Commons on the affairs of the East India Company, relating to the Madras Presidency, after giving a sketch of the petty communities into which the country is divided and of the various village officers and servants, beginning with the Potail (or head inhabitant), the Karnam, the Taliyaris and Toties, and describing briefly their duties, the Committee say, "Under this simple form of Municipal Government the inhabitants of the country have lived from time immemorial. The boundaries of the villages have been but seldom altered, and though the villages themselves have been sometimes injured and even desolated by war, famine and disease, the same name, the same limits, the same interests, and even the same families, have continued for ages. The inhabitants do not trouble themselves about the breaking up and division of kingdoms; while the village remains entire they care not to what power it is transferred, or to what sovereign it devolves, its internal economy remains unchanged, the Potail is still the head in-habitant and still acts as the petty judge and magistrate and collector or renter of the village".

One cannot view without regret the disappearance of these village communities. It may be doubtful whether it would be

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possible for a nationalist Government to restore these village republics. But it is almost certain that the attempt would be made. The opposition to this measure was very great as all the great landed proprietors were interested in it. But it was eventually passed.

24. I would request those who do me the honour to read this book to read the following lines, though it refers to a local matter, as it refers to the disintegrating influence of English law and the misery attendant thereon and the practical impossibility of any remedy by legislation under the British Government even when the people desire it and the Government give it their full support, if the few representatives of vested interests oppose such legislation particularly on the ground of religion. I have said before that my community was governed by a peculiar system of holding of property. Before the days of British Government the system worked very well. I am not aware that so far as economic sufficiency and female freedom was concerned women were better off under any other system. All the descendants in the female line of a common female ancestress formed one family. The females were the owners of the property and on division they alone were entitled to shares and the property was inalienable. The males assisted them to manage the property. Under the British administration of law this custom gave way to the exigencies of society. Principles of laws based upon individualism and the sacred nature of contracts were applied to this custom. The revenue system rendered sales inevitable if revenue was not paid, and the English law made sales inevitable if debts were not paid. The result was a disintegration of the old family system and the consequent misery of women. All this combined with the growing inclination in favour of wives and children under the influence of Western association went far to create trouble in the old maternal family. There was accordingly a great deal of healthy discontent. Writing in 1878 the late John D Mayne a great lawyer who had extensive practice amongst my community and was the leader of the Madras and later of the Privy Council Bar stated as follows. "Even I have witnessed continued efforts on the part of the natives to cast off their own customs and to deal with their property by partition, alienation, and devise, as if it were governed

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by the ordinary Hindu Law. These efforts were constantly successful in the provincial Courts, but were invariably foiled on appeal to the Sudder Court at Madras, the objection being frequently taken for the first time by an English Barrister. It so happened that, during the whole time of this silent revolt, the Sudder Court possessed one or more judges, who were thoroughly acquainted with Malabar customs, and by whom cases from that district were invariably heard. Had the Court been without such special experience, the process would probably have gone on with such rapidity that, by this time, every Malabar tarwad would have been broken up. The revolt would have been a revolution”.

I introduced a bill to legalize the customary marriages and provide for the succession of the wife and children to their father's property. It was referred to a Committee to take evidence and submit a report. They were practically unanimous in favour of legislation. The report is remarkable. They said. “It ‘huddles together’ as a family a number of distant relatives not necessarily drawn to each other by any bond of natural affection. It makes homelife (in the best sense of the word) impossible; for the father is a casual visitor, and the mother and children are but units in a heterogeneous flock, dependent on a practically irresponsible guardian who, from the mere accident of his being the eldest of the flock, is expected to be able to regard every member with an impartial love, and to prefer their interest to those of the wife of his bosom and the children of his loins.

“While attempting to maintain the impartibility of family property, it has been unable to prevent such property from being encumbered in every possible way, and the effort to get rid of the encumbrances demoralises the people to such an extent that Malabar has become notorious for forgery, perjury and reckless litigation.

“The rule which vests the management of Tarawad property in the eldest male, raises a man to power when he is in his dotage, —cuts short his reign,—results in frequent change of managers, —saddles each with obligations that he cannot possibly discharge, —creates a constant conflict between duty and interest, and by way of climax to the many temptations which invite him to provide for his wife and children by malversation and breach of trust,

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offers him the assurance that he cannot be called to account. Finally, by declaring the right of every member to receive maintenance from the Tarawad, from the womb to the grave, junior members are encouraged to pass useless lives in sloth and idleness without effort to better their condition.

“ Mill somewhere remarks that the laws of most countries are far worse than the people who live under them, and happily it is beyond dispute that the Marumakkathayam Hindus, in practice follow a higher and better way of life than that which is supposed to regulate their domestic rights and duties.

“ So strongly has the natural feeling in favour of wife and children become developed, that in North Malabar one stock objection to a marriage-law was that the people did not want what they had already got. According to the North Malabar witnesses the rule is that the union of a man and woman lasts for life. The wife lives with the husband. Divorces are almost unheard of, or are extremely rare. Respectable people set their faces against polygamy. The father is de facto the guardian of his wife and children, and educates the latter. In the absence of testamentary power, men, where they have the means, invariably make provision for their wives and children by gifts inter vivos; and if they were to die before having made such provision, their Tarawads would be forced by public opinion to make the widow and orphans an adequate allowance. Thus according to all the evidence given before us, a marriage-law in North Malabar and throughout the greater part of South Malabar, would merely legalise what is already the prevailing custom.

“ This leaning towards a married life, with its attendant obligation to rear and educate the children, is growing from day to day. Marriage is already claimed to be a social institution, and the gradual advance of the community towards patriarchal family-life has already gone far to make the Tarawad system unworkable in practice, and must (law or no law) eventually accomplish its overthrow.

“ The last argument to which we need allude is the desirability of removing from injured ‘husbands’ the temptation to take the law into their own hands. “ Nowhere ” says Mr. Logan, “ is neglect of the marriage tie more savagely avenged ” than in

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Malabar, and this opinion has been re-echoed by writers of all opinions, with approval. According to our colleague, Mr. Chandu Menon, the Nayar 'husband' had of old the right to slay the seducer of his 'wife' on the spot, with impunity; and he has still an excuse for taking private vengeance on the wrongdoer, because the law now grants him no redress.

"In the words of our President, "the proposed Act will on the one hand elevate and ennoble the precarious social marriage into a legal institution, whilst the strong arm of public law will on the other protect the domestic circle against the incursion of irregular passions and thereby remove one cause of acute suffering in that circle, and a strong temptation to the commission of crime."

"To the question "Is legislation expedient?" we would answer by an emphatic "Yes".

Yet after all this, as a marriage law would interfere with the sexual license of the Brahmins, and the property law with the opportunities for speculation of the managing members the law enacted proved very inadequate and was practically a dead letter.

25. All this shows the practical impossibility of legislation on social reform under the British Government, though the Government may give full support to the measure. But the discussions led the Travancore and Cochin Native States to take up the question and their Governments were able to enact the necessary legislation over-riding the opposition of orthodoxy and of vested interests in a manner which it was almost impossible for the British Government to adopt. The Madras Council constituted after the Montagu Chelmsford Report passed a bill introduced by my son Palat which carried out the necessary reforms; 30 years after my act; on account of the boycott of the Councils by the Congress party consisting mainly of orthodox Brahmins the opposition was very weak. The Anglo-Indian Judges do not allow any change in the customs following implicitly the old religious books of more than a thousand years ago. "The consequence of the Legislature and Judiciary being unable to effect any social reform was a state of arrested progress, in which no voices were heard unless they came from the tomb. It was as if a German were to administer English law from the resources

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of a library furnished with Fleta, Glanville and Bracton, and terminating with Lord Coke.”

26. Like female succession, in land revenue matters also our Kerala country was entirely different from others. We never paid any land revenue. As this might appear extraordinary, in particular as the land in the rest of India is treated as the private property of the ruler I venture to go into the matter in some detail. In 1766 the country till then under Hindu rule was over run by the Mysoreans for the first time and continued under them till 1792, when the East India Company acquired the country. Soon after the acquisition of the country by the East India Company, certain Commissioners were appointed to settle the District, and they reported thus in 1793 :

“The Rajas rights in general did not extend to the exaction of any regular settled or fixed revenue from their subjects, the original constitution of the Government only entitling them to call on their vassals, the Brahmins and Nairs, for military service; but although this general exemption from any land tax is said to have thus universally prevailed in the early times of the Raja’s Governments, it is however allowed that they were occasionally subject to some contribution for the extraordinary exigencies of defence against the invasions of foreign enemies, such as the Canarese and the Portuguese,” as is only natural.

Dr. Buchanan, who was asked by the then Viceroy in 1801 to report on the general state of the country, was informed by an English colonist “of great abilities and knowledge of the country and its inhabitants,” that the Government of the country being perfectly feudal, a system of revenue was unknown amongst its inhabitants, and that under Hyder (the ruler of Mysore) the Rajas were invested with despotic authority over the other inhabitants, instead of the very limited prerogative that they had enjoyed by the feudal system, under which they could neither exact revenue from the lands of their vassals, nor exercise any direct authority in their districts. He also informed Dr. Buchanan that the ancient constitution of the Government, though defective in many respects, was favourable to agriculture “from the land being unburdened with revenue :” and finally the Doctor says, “This much is certain, that in no country in the world is the nature of the species

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of property better understood than in Malabar, nor its rights more tenaciously maintained.

It is probable that the possession, corresponding to freehold, of jenmam land was originally inalienable, and confined to one or two castes. At present, however, any person possessed of money may become a purchaser of jenmam. It is still more probable that his possession was exempt from any direct burden except military service. There seems to have been no regular tax anterior to the Mohammedan invasion. The Rajas were supported by the produce of their own lands, and by certain fugitive forfeits or immunities, which were more singular than advantageous. In cases of public necessity they might have recourse to the voluntary or constrained assistance of their subjects; but their power was very limited, and it was seldom they could command more from a jealous and discordant aristocracy than a short personal service."

His conclusion is that under the Government of the Rajas there was no land tax.

The earliest English authority on Malabar land tenures said, in 1801, with reference to revenue on land, that "it is but recently that it was subject to any land tax. The Rajas, it is true, before there was a regular assessment, in proportion to their strength, levied contributions on the landed proprietors; but the Janmakaran (owner) never considered himself under an obligation to support the Rajas or defray the expenses of the State from the produce of his jenmam."

In the fifth Report of the Select Committee of the House of Commons it is said :

"It was represented by the natives that, previously to that period, the lands were not subject to any assessment; and although no positive evidence has been adduced to disprove this fact, it seemed to be negatived by traditional and general belief. It is concluded, that the proprietors of them must, at all events, have been liable to occasional contributions in time of war and invasion, bound, as they appear to have been, to military service; and if they paid a regular assessment, it must have been a very low one; for a Militia was the only army which the Rajas maintained; and they do not appear to have kept up any other establish-

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ment of an expensive kind. They had lands of their own, which must have yielded them a considerable revenue, and personal taxes."

Sir Thomas Munro, after making local enquiries, reported that the sources of revenue were;—

- “1. Extensive domain.
2. Customs and licenses.
3. Escheats of Hindu estates without heirs.
4. Fines where no heir, for leave to adopt, as usually one-third of the property.
5. Fines from the estates of all Moplas deceased, usually from one-twentieth to one-fifth of the value.
6. Fines from younger brothers on succeeding the elder in the sister's house.
7. Fines for offences, and heavy fees on law-suits.
8. All cattle having particular marks.”

And Mr. Ellis writing in 1816, says that the land is held “free of all participation or control, and formerly free of all rent.”

After a careful inquiry, the Board of Revenue reported in 1818 that :

“It is a most remarkable circumstance, that until the conquest of Malabar by the Musalman princes of Mysore, this right seems to have been held by the Jenmakars, free from any condition of a payment, in money or produce, to the Government; for until that period, a land revenue appears to have been altogether unknown to the people. Previous to that event, the province was divided into a number of petty independent principalities, and the revenue of the province consisted of a jenmam of his own hereditary lands; of a certain portion of all the property of which his Moplah subjects died possessed, levied under the denomination of Poorashandram, before the next heir could take possession; of imposts on trade and Mint duties; fines for criminal offences; protection money from fugitive subjects of other Rajas; escheated and confiscated estates; offerings by his subjects at the great annual festivals and the investiture of each senior Raja; professional taxes on weavers; distillers, etc., and the Royalties on gold ore, elephants, ivory, teak trees, bamboos, vessels wrecked on the coast, and a few others;

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but the Jenmakars or persons vested with the jenmam right, paid nothing to the Government. The Namboory and Nair Jenmakars may indeed be said to have rendered their dues to the public, by the performance of service to the State, the various rites of the Hindu church devolving on the former, and the defence of the country on the latter tribe; and the general tax levied on all the property of the Moplals, at their death, may be considered as having fallen on their lands, as well as on their other property; but the Namboories and Nairs did not contribute, either in kind or money, to the support of the State, and the tax paid by the Moplals was a general tax upon the land.

“Nothing therefore could be more complete than the property of the soil thus vested in the Jenmakars. After defraying the expenses of cultivation, the produce of the land, or its value, was their own, free from tax. The Jenmakar held the land on the tenure of the sword, and as he was entitled to subsistence money when called into active service, the condition of the tenure still left it a very valuable property. Hence, in Malabar, there were none of those hereditary village registrars who under the denomination of Curnums, Conicopillies, or Shambogues, were elsewhere universally found necessary by the Government to keep detailed accounts of the occupation and cultivation of the soil. The non-existence of a land revenue in that province rendered the employment of such persons unnecessary; and the Jenmakars, free from all interference of this kind, were the independent owners of the land. They held, by right of birth, not of the prince, but in common with him, and therefore may be considered as having possessed a property in the soil more absolute than even that of the landlord in Europe.”

Mr. Logan, who was appointed Commissioner, reported in 1881 that it has been a matter of accepted belief with the British authorities that prior to the advent of Mysore Mahomedans, there was no public land revenue in Malabar. In the Malabar Manual, published under Government authority, it is stated “It is certain that with two trifling exceptions, which are fully explained in the next section, none of the Malayalee chieftains were levying a regular land revenue when the Mahomedan invasion took place in 1766 A.D.”

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It appears therefore that native and Anglo-Indian authorities have been unanimous in favour of the view that there was no land tax in Malabar; that the lands were enjoyed rent or revenue free; that the doctrine that the King is entitled to a share of the produce has never been applied to the West Coast. There are in fact two circumstances that go to prove conclusively, that the king never claimed any share.

The division of produce was a well-ascertained fact. In the other Districts of the Presidency we find always a share set apart for the sovereign, when, after the expenses of cultivation, the produce is divided between the ryot or village and the ruler; but in Malabar we find, from the books and also from tradition, that in the division of the produce the king had no share. Almost all the authorities we have already referred to, refer to the division of produce among the various persons interested in the land. It would be profitless to refer to them all. We will only refer to the first and the last of them.

In voucher 39 of the Report of the Commissioners appointed to inspect this among other Districts in 1792, (the country itself having been ceded only in 1791), it is stated;—

“The extent of a field was judged by the quantity of nellu (paddy) seed required to sow it. Lands produced from 5 to 10 fold and, according to the known quality of the land, the quantity of the produce was estimated. Of this produce, one-third was allowed to the farmer for his maintenance, profit, &c., one-third for the expense of the Teers, Chermars, and other cultivators attached to the soil; one-third went as rent to the Jenmakar or the landlord.” It will be seen that nothing is set apart for the ruler.

The latest inquirer, Mr. Logan, the Commissioner appointed in 1881 to inquire into the Malabar Land Tenures, &c., states in his Malabar Manual “that the original Malayalee system of the land tenure was a system of customary sharing of the produce, each customary sharer being permitted the free transfer of his interest in the land.”

Referring to the report of the Commissioner in 1793, already referred to, Mr. Logan considers that he “seems to have been correctly informed as to the ancient system of the customary

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sharing of the produce which was described to him as already stated.”

Another reason for concluding that the Government had no share, is the fact noticed by Sir T. Munro and the Board of Revenue, that there were no Curnums-Village Accountants-in the villages, which circumstance points to the absence of a land tax.

Writing a few years later, Mr. Thackeray, who is often quoted as an authority in matters referring to Malabar, says;

“There is no proof that any regular land tax existed in Malabar previous to that event; tradition and general opinion seem to deny it. The proprietors of land were certainly bound to render military service, and were likely to contribute twenty per cent in case of invasions. The pagodas and the Rajas had lands of their own. The Rajas had other sources of revenue—from fines, royalties, imposts, personal taxes, and plunder, which were sufficient to support them. There was no army besides the Militia, nor any expensive establishments to support; so that there does not seem to have been any necessity for a general land tax; nor had the Rajas power perhaps to collect one. It is only great States that want to, or in India can, collect the land revenue easily.” Yet he recommended that the Ryotwari system should be introduced. His reason is this.

“It will be found still more adapted to the situation of the country, governed by a few strangers, where pride, high ideas, and ambitious thoughts, must be stifled. It is very proper that in England a good share of the produce of the earth should be appropriated to support certain families in affluence, to produce senators, sages, and heroes for the service and defence of the state, or, in other words, that a great part of the rent should go to an opulent nobility and gentry, who are to serve their country in parliament, in the army, navy, in the departments of science and liberal professions. The leisure, independence, and high ideas which the enjoyment of this rent affords has enabled them to raise Britain to the pinnacle of glory. Long may they enjoy it. But in India, that haughty spirit, independence, and deep thought which the possession of great wealth sometimes gives, ought to be suppressed. They are directly adverse to our power and interest. The nature of things, the past experience of all govern-

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ments, renders it unnecessary to enlarge on this subject. We do not want generals, statesmen, and legislators ; we want industrious husbandmen. If we wanted rank, restless and ambitious spirits there are enough of them in Malabar, to supply the whole peninsula ; but these people are at least an encumbrance, if nothing worse ; they can never do good, and at all events, consume a good deal, without rendering any equivalent service to the public. We must therefore avoid the creation of more ; though we submit to the necessity of supporting those who now are.

Considered politically therefore, the general distribution of land, among a number of small proprietors, who cannot easily combine against government, is an object of importance.” (P. 725 Fifth Report).

And hence he advocated the Ryotwari system, the principles of which required that the ryot should have only just sufficient to live upon till he got the next year's harvest and also enough for seed and other agricultural expenses. Periodical settlements are required for the expropriation of accruing wealth of the ryot as otherwise the purpose mentioned by Thackeray will not be carried out. This is the basis of the Ryotwari system.

There was no regular settlement for many years. After the Mutiny when the Madras Government was asked their opinion about the introduction of the Bengal permanent settlement into the Madras Presidency, the Madras Government replied that as the Nairs possessed full proprietary right in the land, any such permanent settlement was unnecessary, and when in the eighties a settlement was again proposed by the Supreme Government they replied that a settlement cannot be carried out in Malabar for the same reason. The India Government did not agree and they introduced the settlement.

The question had to be considered in 1883 by the Board of Revenue and the Government of Madras, when the claim of the Government to revise the Settlement in Malabar was questioned. The Board of Revenue admitted that “under the ancient native Rajas no regular settled or fixed revenue was levied from their subjects, the original constitution of their government only entitling them to call on their vassals, the Brahmin and Nair landlords, for military service.” They then refer to the admitted

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fact that contributions were levied for the extraordinary exigencies of defence against the invasions of foreign enemies. They cite with approval the statement of Major Walker's Report of 1801 that there was no regular tax anterior to the Mahomedan invasion. But they say, "It was not, however, to the native Rajas, but their Mahomedan conquerors, that the British Government succeeded in 1792" i.e., they appeal to the hated foreign dominion from 1766 to 1792 to support their claim.

CHAPTER III

VISIT TO ENGLAND

27. To instruct Counsel in an Appeal before the Privy Council, I went to England. My case happened to be the second one in the list. The first was taken up and the Appellant who appeared in person opened his case complaining that his opponent was an English Company and the High Court Judge who tried the case first was an Englishman and therefore the case was unjustly decided against him. In appeal he said the case was heard by two Judges both of them Englishmen and naturally the appeal went against him. When he said that, Lord Hobhouse who was the presiding Judge told him, "You mustn't say that, Mr. Mody." Lord MacNaghten who was also one of the Judges sitting at the other end of the table came up to Lord Hobhouse and advised him not to make any such observation as the Appellant might say if the appeal went against him, "When I went to the Privy Council there were five or six of them". Hobhouse after that never made any such observation about this matter. He told the Appellant who was arguing the case himself that if he would give the number of the page, Mr. Duke, the Counsel on the other side would read it to the Court; that saved them a lot of trouble. But the case took the whole day. If the case had been argued by Counsel it would not have taken more than five minutes.

I met on this occasion Mr. John, D. Mayne. He was the leader of the Madras Bar just before I joined. While in London after being called to the Bar, he wrote the well known book on "Damages" now usually known as "Mayne on Damages", afterwards edited by Lumley Smith. On account of certain remarks therein made all the Solicitors boycotted him. He found that he had no chance of any brief in London, and accordingly accepted a Professorship of Law in the Presidency College at Madras. It

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was a whole time appointment, but he persuaded the Government to allow him to take his Law classes in the evening, to leave him free to practise in the Courts, and he soon became the leader of the Madras Bar. The retainers that he obtained at the commencement of the year not to appear against those who paid them were much more than Rs. 50,000/-. He did not like Vakils at all, would not receive instructions from them, and would tell the Vakil who came to instruct him, to arrange the papers in chronological order and would then give him leave to go away telling him that he would be sent for when required. His books on Hindu Law and the Penal-Code were the leading treatises for a long time. I asked him about his practice in India; he told me that the case which in his opinion was his greatest success was a celebrated case about adoption in which he obtained his biggest fee of Rs. 40,000/- for a day or two. The matter for decision was the right of a widow to adopt. The widow set up a written authority which Mr. Mayne felt would not be accepted by the 'Civilian Judge' as he put it. In the alternative she put forward the consent of one *sapinda* to the adoption. The District Judge, decided both the questions in issue against him. In appeal which he argued before Mr. Justice Holloway and another Judge, he pressed the question as to the sufficiency of one *sapinda*'s consent as he knew that Holloway in his own words "was sweet" on it, though he also knew that there was not the slightest chance of the Privy-Council upholding him. He argued also the question of fact and persuaded Holloway not to express concurrence with the opinion of the District Judge but express a very halting opinion in favour of the authority of adoption. In appeal as he expected, the Privy Council held that the consent of a majority of *sapindas* was necessary, following a Travancore judgment. Mayne did not fight that question very much; but he fought the other question hard and got a judgment in his favour as to the genuineness of the authority of adoption. He told me that John Bruce Norton who was one of the Lawyers of the other side turned to him when the judgment was read and told him, "I call this the triumph of advocacy." He used to tell me many other anecdotes of Madras lawyers.

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There was a cab strike at this time ; thousands of men were out on strike. While in the National Liberal Club I saw a procession of strikers marching along the embankment to Hyde Park. I joined the procession and went with them to the Park. I saw John Burns there for the first time addressing a crowd. He got up on a tribune and took off his hat. "Put it on, John", cried the people and he replied "We all want in these days to cool our heads", or something of that sort and went on. I heard Dadhabhoy Nowroji also. On returning to Madras I found there was great and just discontent on account of the Government toddy and arrack policy in Malabar, which deprived the people of wholesome toddy and practically compelled them to use costly unwholesome Colombo arrack. I took part in organising a strike. There were four to five thousand Tiyyas out on strike according to the replies given to me in the Legislative Council. But it was soon put down as prominent English educated Tiyyas were given offices by the Government and all meetings were prohibited.

28. I was admitted a member of the National Liberal Club. I also attended the meeting of the British Congress Committee of which Sir William Wedderburn was the President. The National Congress Committee, like all Indians, deplored the then recent resignation of Gladstone. We always felt that so long as he was the head of the Government or was even in Parliament there would be no reactionary policy in India. Gladstone was venerated in India. In his controversy with Professor Dicey about the conquest of Egypt he had declared that Prof. Dicey's argument that Egypt was necessary for England to keep India had no force, as England was in India in accordance with the wishes of India and would leave it when India no longer wanted her. We all knew that he was a great friend of freedom. His speeches in the Midlothian campaign were full of sympathetic references to the East. He condemned the Vernacular Press Act. Our Indian boys in Edinburgh had worked for him during the great election and their services however small had been thankfully acknowledged by him. The result justified our anticipations. When he became Minister in 1880 he sent to us a Viceroy full of faith in freedom. In the Club there were frequent discussions

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about the resignation of Gladstone. Mr. Labouchere who frequently came there said it was a conspiracy by Asquith, Grey and Haldane, to turn out Gladstone. I think from what Labouchere was saying at the Club that he was of the same opinion as those who said some years after, that "Gladstone was made to resign by his colleagues and Morley was the mouth piece of the ultimatum", (Reminiscences. P. 220) though this is denied by Asquith. Gladstone himself is said to have stated "not retirement but put out". This supports Lloyd George. (See Gardiners Harcourt. 11,262). (As to Morley, see Asquith 50 years p. 218). Morley's own account is that of a man who does not wish to give out the whole story. He is not candid. Asquith and his colleagues would seem to have felt that if Gladstone remained longer Sir William Harcourt would be his successor and they did not like that. It appears that Gladstone offered to lead a campaign against the House of Lords for having rejected the Irish Bill and some other bills. He wanted the Military and Naval estimates also to be cut down. This was too much for his colleagues. In fact the questions then in issue formed the essentials of Liberalism, and not to allow Gladstone to fight for these questions, marked the absence of Liberalism and the growth of Imperialism. After what Argyle and Morley said of him, I am not surprised that Indians are accused of subordinating public to personal interests. The Duke of Argyle said in the House of Lords that Gladstone was pushing forward the Bill as he wanted office; Lord Morley has not hesitated as I see from the life of Asquith to charge Gladstone with bluff when he threatened resignation. Lady Asquith says that according to Morley, "Gladstone's mind was a busy mind of counterfeits". He was not capable of reading the character of Gladstone correctly though associated with him for years. His life of Gladstone may be a great work. But Gladstone's biography can be written only by one who in addition to the qualifications possessed by Morely is not only a deep student of financial problems but can appreciate Gladstone's veneration for what is noble and great, his intense love of freedom, his deep sympathy with the under dog, his deeply religious bent of mind and is also a student of Theology and Philosophy. Gladstone surrendered the Ionian

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Islands not to modern Greece but to the Greece of Homer and Plato, Aeschylus, and Sophocles, to the Greece where "Burning Sapho loved and sang, where Delos rose and Phoebus sprang". His letters from Naples on the tyranny of Bónba, his pamphlet on the Bulgarian atrocities and his campaign in favour of Balkan independence, his denunciation of the Armenian atrocities, and his final efforts for Irish Home Rule, should be dealt with by a master of words who would transfer to his writings the glow and the holy fire of Freedom which burns in every nerve and fibre of his own. A religious man would have scorned the imputation of any sordid motives to Gladstone. Not that religious men do not act from sordid motives, but religion in Gladstone kept him out of anything low or sordid.

CHAPTER IV

CONGRESS AND SPEECH AS PRESIDENT 1897 (13TH CONGRESS)

29. In 1897 I was invited to preside at the Amraoti meeting of the Indian National Congress. The Congress was started in the following circumstances. In 1882 Sir Ashley Eden the Lieut. Governor of Bengal wrote to the Government of India that in his opinion Indians who belonged to the covenanted Civil Service should be empowered to exercise jurisdiction over Europeans brought before them in their capacity as Criminal Judges. A bill known as the Ilbert Bill was brought before the Legislative Council for that purpose. There was an extraordinary outburst on the part of the Anglo-Indian community. The liberty of European British subjects was declared to be in peril. It was said that the investment of British Capital in India would be deterred. Lord Ripon was personally insulted by the Anglo-Indians at the gate of the Government House and the Non-Official European community absented themselves almost without an exception from entertainments at Government House. There were plans to kidnap Ripon and put him on board an out-going steamer. The opposition was led by the Lieut. Governor of Bengal, a man appointed by Ripon himself at that time. The bill as it was introduced was modified and passed in a form by which the privileges of European British subjects were extended rather than diminished and their exceptional position before the Law was recognised. The Indians learned their lesson. They gave an ovation to Lord Ripon when he departed from India. This was unusual. Such homage had never before been offered to any ruler. The spectacle of a whole nation rendering such homage had never before been witnessed in Indian History. Indians took up the Anglo-Indian challenge and started the

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Indian National Congress to impress upon the rulers the Indian view. And it was time that such a movement was started.

30. When the Civil Service was created, India was in a state of disorder; property was insecure; communications were defective, the people were oppressed by the lower class of officials; there was repression in the name of religion. The Zamindars and Poligars etc., who had no place in the new system of Government, were all powerful. The people were completely under their domination. From their oppression the people had to be protected. The village administration was not made use of as it was incompatible with the principles of the British land revenue administration. Caste assemblies could not be trusted to deal fairly with other castes. The people were accustomed to rely for everything upon their rulers, but in the days of the East India Company the real rulers lived in a country far away. It was therefore necessary that there should be a Service to protect the people from all oppressions; this task was well performed by the Civil Service.

The Civil Service kept the peace between Mahomedans and Hindus; and between various sects among the Hindus and Mahomedans. They protected the weak and the poor against the mighty and the powerful. They often stood between the people of India and the Court of Directors whose despatches, always full of platitudes and pious resolutions, generally ended with demands for more money. What was more creditable than any of these, the Civil Service protected as far as lay in their power the people against their own countrymen. They strenuously resisted the attempted colonization of India on the avowed ground of the oppression of the people that was bound to follow. They fought the planters in Bengal and Madras in the interests of the coolies, to the sacrifice often of their own interests. They silently but effectually stamped out various loathsome, horrible practices which were carried on in the name of religion. It is not probable that the Indians left to themselves would have been equal to this task. Any service might be proud of this record.

But with education, long peace and all the blessings that came in its train other conditions arose. Fresh needs and healthy

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discontent at the stationary state of things, a sure sign of good Government, showed themselves. The people of England realized the situation and through the Parliament made their declaration of policy in 1833; as usual with all foreign Governments all the appointments which carried any emoluments worth speaking of were reserved for Englishmen. They were all thrown open by that declaration to all, irrespective of class, creed or colour. As usual with all conquering nations the East India Company confiscated all property in the land and claimed to be the landlords of the soil, and enforced the landlord's right to enhance the rent and as far as possible, get rid of all intermediaries between themselves and the cultivators; after the mutiny the Crown issued a proclamation guaranteeing security of property. The East India Company denied education to the people of India as it would imperil their own supremacy, The British Government created Universities and laid down a policy for the education of the people of the country, for their intellectual and political progress. No political power was allowed to Indians by the East India Company who followed the usual policy of the conquering races. After the Mutiny, Indians were admitted to the Legislative Councils and Lord Ripon, Viceroy under Gladstone, introduced Local Self-Government. Above all what is now important for us, the system of administration of Justice under the East India Company who were for a paternal type of Justice was got rid off; High Courts were constituted and Barristers from England were appointed Chief Justices. There were various problems concerning the social and economic reconstruction arising out of the transformation of the joint family system into an individualistic regime. Nor was the Civil Service competent to deal with the delicate questions arising out of the change in the social and religious conditions of the country, when the old restraints were passing away; above all there was scarcely any serious attempt to deal with the increasing destitution of the masses and all the problems arising out of it.

It was in these circumstances that there was the lamentable agitation connected with the amendment of the Criminal Procedure Code, commonly known as the Ilbert Bill, in 1883-84. Its effect was to introduce a new line of political cleavage in India.

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Before the time of these unhappy dissensions the division had been, between civilians and Indians on one side and non-official Europeans, planters, merchants, and military men on the other. The agitation connected with the Bill drew all Europeans together; it stirred up the factor of race animosity and it set up an alliance, tacit or expressed, between civilians and all Europeans who were interested in maintaining a privilege which seemed to be threatened by the claims of the educated Indians. From this time Indians regarded all Englishmen in India as opposed to their interests and progress, and they felt that they could no longer count upon the Civil Service as their friends. It was therefore the abandonment by the Civil Service of their true functions to help the Indians that led to the starting of the Congress and to its ultimate elimination 40 years later by the Montagu Reforms as India's ruling class.

Those who started the Congress were undoubtedly men who were attached to the British Government. A. O. Hume justly called the father of the Congress was a retired civilian. Sir William Wedderburn who took part in the organisation of the first Congress held at Bombay was in the Civil Service. W. C. Bonnerjee one of the leaders of the Calcutta Bar and the President of the first Congress at Bombay, had his home in England, and was more an Englishman than an Indian.

In order to show their loyalty those who originated the Congress requested the Viceroy, Lord Dufferin, to allow Lord Reay or some high official to preside over the Congress. Lord Dufferin approved the proposal as showing the desire of the Congress to work in complete harmony with the authorities, but he pointed out that many difficulties would be involved if a high official presided over the Assembly. The idea was therefore dropped. But the authorities were friendly towards the first Congress; at the second Congress at Calcutta, Lord Dufferin invited the members to a Garden Party at Government House. Similarly at Madras next year Lord Connemara invited them. At the next Congress in Allahabad we found that all this was changed. Sir Auckland Colvin the Lieutenant Governor openly attacked it in a pamphlet which he issued in the form of a letter to Mr. Hume the Secretary of the Congress. The ostensible reason

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He assigned in that pamphlet for this change of attitude was the two dialogues which were printed as an appendix to the Madras Congress Report in which Mr. Hume had condemned the British Indian Government as tyrannical and oppressive and responsible for the down-trodden condition and the woes of the Indian masses. The Moslems began to range themselves against the Congress. The Hindus in the United Provinces started the cow protection movement which widened the gulf. Lord Dufferin followed suit, but his successor in 1891, the Vicery Lord Lansdowne, officially declared that he regarded the Congress movement as perfectly legitimate which private persons were free to promote, and represented in India what in Europe would be called the more advanced Liberal Party as distinguished from the great body of conservative opinion which existed side by side with it. But in 1897 when I was invited to preside, all this had changed at least in the Bombay Presidency.

31. Riots took place between the Hindus and the Mahomedans in August 1893 in connection with the right of passage of a Hindu procession along a public road in front of a Mosque. They formed the topic of songs whose seditious nature formed the subject of discussion in the High Court. The Mahomedans suffered severely and they no longer created trouble in Bombay.

Local causes other than those arising out of the Mahomedan trouble intensified the feeling. The Maharattas had inherited traditions of glory and independence: of successful struggles against their Mahomedan rulers which were scarcely, if at all, weakened by the British conquest, which they attributed to internal dissensions and treachery to the national cause. Their present condition did not tend to reconcile them to their lot. The revenue settlement had ruined the peasantry and driven them into the arms of the money-lending classes to their ruin. The Government had recognized the gravity of the situation only after riots in which the peasants had revenged themselves by cutting off the noses of the money-lenders. Not till then did the Government afford them relief as against the money-lenders. But they left alone the primary cause, the Revenue system. Tilak in a public speech after his election to the Legislative Council advocated free and technical education and

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permanent settlement. He was not alone in his advocacy of the interests of ryots and others. Deccan had a group of men, Ranade, Gokhale, etc., second to none in India, who were not behind him in pressing for redress of the ryot's grievances. It was under these conditions that the people came to believe that the Government were siding with the Mahomedans. Mahomedan rule had enforced respect to their religion by stopping music, etc., when processions passed their Mosques. This was, of course, inconsistent with the free rights of passage conceded to every one under British Law. Further, the greater portion of the Presidency of Bombay was under Hindu, not Mahomedan rule, and the practice of stopping music, etc., had not, therefore, been everywhere enforced. The Government, however, in Poona, a strong Hindu centre, had allowed the Mahomedans this privilege. This and the conduct of the officials confirmed the Hindus in their belief and made a few identify the Government with the Mahomedans.

Tilak attributed the riots to the instigation of Government officials and denounced Lord Dufferin by name as the original instigator of this policy. The Hindus had the fruits of the policy in Northern India before them. In self-protection Tilak, and several others immediately after, advised Hindus to take to physical exercises with the result that the Indian schools started physical drill and gymnasia were opened. Orthodox revivalism was encouraged by appeals to Gita and Ganapathi celebrations. The spirit of manliness and independence was attempted to be fostered by the Sivaji cult.

Tilak had aroused orthodox feeling against the Government in connection with the age of consent legislation. On the top of all this came many national disasters. In 1896 there was an outbreak of famine in the Bombay Presidency. Mr. Tilak sent out his emissaries in order to advise people not to pay Land Revenue if they were unable to do so. He told them that they would be justified in withholding it. The Government did not like this and prosecuted some of those emissaries. The Sarvajanika Sabha was punished. Then followed the outbreak of Plague. The Government appointed a Plague Committee who segregated the sufferers and made house to house searches.

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These searches were conducted by British soldiers. Mr. Gokhale denounced the outrages committed by the British Soldiers. Later, he had to apologise as he could not secure evidence to substantiate his statement. The Officer in charge of these plague measures, Mr. Rand, was murdered on the 22nd June 1897 the day of the Diamond Jubilee of Queen Victoria. On the same day Lieut. Ayerat was also murdered. This cruel murder infuriated the Anglo-Indian Community. Tilak had defended the killing of a Mahomedan Commander by Sivaji. He had also said that "No copperplate was given to *Mlechas* to rule Hindustan" a word which was understood by his opponents to mean Mahomedans and Christians. He had also been preaching the futility of the mere constitutional agitation which was being carried on hitherto. Considering the part he had played in the Hindu Mahomedan Riots and his defence of Sivaji, he was entitled as an accused to the benefit of the presumption in his favour that he was referring to the Mahomedans and not to the British Government. Tilak was tried and convicted by the High Court. Many Newspaper Editors were arrested. Certain leaders of the Hindu Community were deported under the regulations of 1818. There is little doubt that it is from that moment that the Maharattas became inimical in spirit to the British Government. That disaffection was mainly due to the agitation conducted by Tilak and his friends in these circumstances.

32. The work before the 1897 Congress then was clear, as pointed out in the introduction to the Congress Report. The year 1897 was a year of calamities to the Indian people. Famine, pestilence, earthquake, floods, fire, war, political prosecutions, race-feeling, distrust,—all contributed to fill the cup of human misery to the brim. Even the proverbial Oriental fatalism winced under the combined effect of these misfortunes, and men asked each other what had this country done to deserve this heavy trial. The bubonic plague, the unfortunate Poona murders and the sudden recrudescence of distrust and race animosities, which followed from them, caused infinitely greater trouble and proved a source of infinitely greater anxiety than anything else. The dislike of the reform movement represented by the

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Congress assumed from the time of the Poona occurrences a violent form. We had accordingly to attack the old regulations of 1818 and 1819 and 1827. We had also to protest against the changes proposed in the existing Law of Sedition in the direction of greater stringency and also against the proposed amendments of the Criminal Procedure Code, on account of these Poona troubles.

Like other Non-Brahmins of Southern India I had not been taking a prominent part in the Congress Sessions. Our position was not very agreeable. On our journey to the north to attend the Congress meetings our Brahmin friends would often ostentatiously avoid our company when taking meals. This is done by Brahmins in the north only in the case of low castes. They would also tell their friends we were Sudras which in Northern India meant a low caste. To us who belonged to the old ruling race in this Province this was repellent and as we did not want to create a scene, we stayed away from the Congress. In 1897 however I was specially chosen to preside, and I felt it my duty to accept the unanimous choice, in view of the circumstances above set forth.

In my Presidential address I confined myself mainly to Tilak's trial and conviction, and also to the action taken by the Government under the special regulations which enabled the Government to arrest and imprison a person without any Judicial enquiry or trial. Of course there were many general observations about the Government. Mr. W. S. Caine, M.P. wrote to me, "I think it is the ablest speech that has ever been delivered from the Presidential chair and I am glad that you avoided the error into which many Presidents fall, of making a three hours' speech. I reckon that yours cannot have taken more than an hour at the outside."

33. Among the more important resolutions which were moved at the Congress was one by the Hon'ble Babu Surendranath Banerjee with his usual brilliance and eloquence on the exercise of the extraordinary powers vested in the Government. I give below the resolution itself as it is applicable even to the present time.

"That this Congress respectfully deprecates the exercise by the Government of the extraordinary powers vested in them by

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Bengal Regulation III of 1818, Madras Regulation II of 1819, and Bombay Regulation XXV of 1827 at a time of peace and quiet, and submits that such powers should be exercised only under such limitations as will ensure their being put in force with utmost circumspection and care and under a sense of the highest responsibility by the Government.

(a) "This Congress therefore urges that none of these regulations should be put into force except after notification by the Local Government concerned that the circumstances contemplated by the preamble of Regulation exist in its Province or in some definite area within the Province, and that it intends, if necessary, to exercise the powers vested in it; and further that in no case should such powers extend to keeping a person arrested under them in custody for a period longer than three months without his being brought to trial before a Court of Justice.

(b) "That this Congress while feeling that the Government of Bombay must have acted under a sense of responsibility, in arresting the Sardars Natus under Bombay Regulation XXV of 1827, is yet of opinion, that five months having now elapsed from such arrest, it is the duty of the Government, in the interests of Justice, and also to allay the disquiet and uneasiness which has been created in the minds of the people at large by the arrest, to bring them, the Sardars Natus to trial without delay, or, if the Government have no sufficient evidence against them to place them before a Court of Justice to release them."

He condemned the quartering of the Punitive Police at Poona, the imprisonment of Mr. Tilak, of the Poona Editor and of the incarceration of the Natu brothers. He laughed at the suggestion that there was a conspiracy to subvert the British Rule and concluded with a moving peroration.

34. Another resolution equally important related to the change in the Law of Sedition. In the Penal Code of India there was no specific provision against Sedition, as Macaulay was of opinion that the people of India were so timid and down trodden that criticism of Government should be encouraged. But Sir James Stephen introduced a Law of Sedition in 1870. However he said that the Law would not be applied unless

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there was some incitement to violence. The High Court of Bombay refused to follow that view, and following the opinion of the High Court of Bombay the Government proposed to legislate that the words "encourage ill-will, hatred, contempt, should constitute Sediton. The reason put forward was that they would thereby assimilate the Law of Sediton in this country with the law of the same subject as it exists in England. Mr. W. C. Bonnerjee who was a leading lawyer of Calcutta pointed out that this change did not proceed on the lines of the English Law of Sediton at all. But he said with great force that even assuming that it did the Government forgot the English machinery for its administration. "In England, as we all know, trials for sediton are held before a Judge, who is a countryman of the prisoner and by a Jury, who are also countrymen of the prisoner; and no trial can take place unless a true bill has been found against the prisoner by Grand Jury who are also countrymen of the prisoner. Let Mr. Chalmers give us this mode of trial, and we shall hail him, however severe he may make the law, as the greatest law giver that has ever come to this country." He concluded with certain observations which are of great significance even to day. "I should have thought that seeing that the country has just been passing through a very severe affliction in the shape of famine, that there has been a recrudescence of the plague in various parts of it, and that other circumstances, notably the Press prosecutions in the Bombay Presidency, have stirred the mind of the people to its very depth, this is just the time where a wise legislator, even if there was necessity for it, would hesitate long before embarking on a process of action which is sure to give rise as Mr. Chalmer's Bill has undoubtedly given rise, to great terror on the part of the people. But we, of course, according to our rulers, have no idea of the proper time and occasion for changes in the law." It was the disregard of these observations later that led to the terrible outbreak in the Punjab (and to the loss of the Anglo-Indian Empire). There were many other important resolutions on many important subjects but I do not think it is necessary to refer to them here.

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35. I cannot close these observations about the Congress without noticing one gratifying feature which was the large number of ladies who were present throughout the session. There was only one lady delegate. But the number of lady visitors exceeded that on any previous occasion. It is possible some of them came to see the sight, but the majority evinced a degree of interest not to be expected in mere sight seers. They were as punctual in their attendance as any of the delegates and watched the proceedings with keenness. The women of India were beginning to take more and more interest in the subjects which enlisted the sympathy and roused the activity of their male relations. The events of the year had profoundly stirred the feelings of all classes of the Indian nation and in particular of the Maharatta community. The ladies took the unusual step of displaying numerous specimens of Silk and Lace Embroidery work prepared by Indian ladies, in an Exhibition hall in the Congress Camp. In spite of the prevalence of the plague, the display showed the resources of powers of organisation of the ladies particularly of Mrs. Joshi, wife of one of the well known Congress leaders and the skill and dexterity of the ladies in Berar and Bombay Presidency.

36. On the whole, events of this year left an indelible mark in the History of India as it created among the Maharattas, perhaps the most virile race in India, an ineradicable feeling of hostility against the Government.

CHAPTER V

HIGH COURT JUDGESHIP AND LATER APPOINTMENT TO THE VICEROY'S EXECUTIVE COUNCIL

37. About 1900 the appointment of Government Pleader and Public Prosecutor to the Government of Madras fell vacant. This was regarded as a stepping-stone to the High Court Bench. I happened at that time to visit Sir Arthur Havelock the Governor of Madras. In the course of conversation he asked me who in my opinion should be appointed to this post. I replied that I should be appointed, and when questioned for my reason I said that all my seniors were too old for the appointment and as to my juniors there was no reason to pass me over. He told me that he was going to appoint another man, when he found that morning there was a strong article in an Anglo-Indian newspaper protesting against my possible appointment. Tilak in Bombay had recently been convicted of sedition and there was a strong feeling amongst Anglo-Indians that this appointment which brought one into confidential communications with the Government should not be given to an Indian. The Governor referred the question of my appointment to the Chief Justice Sir Arthur Collins, who assured him in reply that though he had nothing to say about the policy of the appointment of an Indian he was quite satisfied that the Government could entirely rely upon me and there was absolutely no reason for not appointing me. I was accordingly appointed.

Many important things happened during my term of office. The most important Criminal case was the prosecution of the Maravars for their attack on the Nadars in the Tinnevelly District. The attack was made during the day time and was continued for many days. The local authorities were unable to check it. I had to go down to prosecute. I was given *carte blanche* by the Governor, Sir Murray the Inspector General of Police, and by

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Mr. Bedford the Collector of the District. I found on arrival that the Police intended to prosecute not only those who were engaged in this attack but all the Marvar Chiefs like the Rajah of Ramnad and others, because the Police and the Nadars were quite sure that without their assistance and connivance the local Marvars would not have ventured upon this open attack, and they promised to procure evidence, of course false evidence. I had to interfere and put a stop to this. There was another step which the Police had taken. The actual culprits had taken care to create evidence of *alibi* by bribing officials, Sub Registrars and others, to record their presence before them at far away localities with thumb-impressions. Finding that such evidence was irrebuttable the Police substituted the brothers and fathers of the real culprits in their place. When I found that such was the case I withdrew the charges against them also. After the conviction of about 300 of the rioters I was told by Mr. Moberly, a sessions Judge that one of the men, of a respectable family who was hanged was innocent. It was said that he also had *alibi* evidence which showed that he was present before an Official at a distant place but at the last moment the official failed him and he was convicted and hanged. As a penance for his sinful act the official who was a Brahmin used to read, it was said, a chapter of the Ramayana every day. But this did not save him as he became of unsound mind. The man who was convicted and hanged, Mr. Moberly told me, became a Christian at the foot of the gallows and made his wife and children also converts, declaring that a Brahmin-the official who failed him was a Brahmin-should never be trusted. I received what was to me a very large fee. My wife when she heard that I was in a way responsible for the death of an innocent man became very uncomfortable and suggested that we should give away that money to charity. She grew restless and sleepless. The amount was deposited in Arbuthnot and Co. The Firm failed. She felt happy though we lost other monies also and she was all right afterwards. We got on distribution some dividend which was very small. We invested it in certain National concerns like Tatas and others which then were not prospering. It so happened that the war came and the shares rose very high in value and we got back almost the entire sum. She

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felt that this was an indication of the Divine Will and that she could safely keep it.

38. It was while I was Government Pleader and Public Prosecutor that war was declared with the Boers in South Africa. A notice was issued by Lord Curzon to all heads of Departments asking them whether they would volunteer for service in South Africa. It was sent to me in the usual course. At once I replied accepting the offer. The Government was no doubt surprised, and I received a reply that the Government of India while appreciating the loyal spirit which prompted the offer were unable to accept Mr. Sankaran Nair's services, 23 March 1900. Why? It was also at that time that I went to the Delhi-Durbar. For us Southerners Delhi was bitterly cold; we had tents fixed for us which afforded us scarcely any protection. The cold in the nights was intolerable to me. The Prince of Arcot was my neighbour. He suffered so much that he went away to another residence where he died, I have no doubt of what he suffered in the tent. In the daytime however it was grilling. We could not stand the heat. My seat as those of the Madras Zamindars was just below the Mosque. Venkatagiri Zamindar a blunt man who was sitting two or three chairs away from me was grumbling that they would have put up a covering to protect them from the sun if they had been allowed to do so. The Pathan chiefs from the Frontier were sitting behind me. What interested them most was the artillery. "Shabash" they were frequently crying. At the Durbar itself I saw the insult to Lord Curzon* when the officials as well as the non-officials cheered the ninth Lancers.

39. I had often to advise Government on seditious articles in newspapers. Mr. G. Subramania Iyer was the founder of the now well known "Hindu". He really created public opinion in Madras. He was one of the noblest and ablest of my friends. On many occasions though I had to tell Government that in law his articles were seditious and he would be found guilty under the Penal Code, I was able to persuade them not to take any step against him. Similarly I was able to save Kasturi Ranga Iyengar his successor as the Editor of the Hindu on two or three occasions. He received on one occasion a severe warning which might have been followed by a prosecution.

* See later para 41.

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40. I was requested in 1901 to be the Madras Secretary of Lord Curzon's Education Commission. Sir Thomas Raleigh was its president. He announced to me that Madras was the first town they proposed to visit. But he was not able to give me any information as to the purpose of the Commission or the subjects for discussion. But I was able to gather from the letters to me what he wished to be discussed. The general impression that I gathered from his letters and afterwards from personal conversation with him was that the visits to these Universities was only formal and what they really wanted was to gather information to reform, as they called it, the Calcutta University. I drew up accordingly a number of questions myself to be put to the witnesses. When the Commission assembled, Dr. Miller who was the first witness began to answer the questions one by one. Sir Thomas Raleigh had not the questions before him. Then I told him that they were mine. He was pleased with those questions and had them printed and circulated to all the witnesses in other parts of India.

The object of the Commission was to carry out Lord Curzon's unfortunate policy. I had already pointed out that the educational Commission in Lord Ripon's time had practically handed over Indian education and in particular secondary and higher education to private effort. In India it was to be really State aided education. The results of this were however most unfortunate from the Government point of view, particularly in Bengal. Education passed entirely out of the hands of Government. Graduates were manufactured in very great numbers. Naturally they became discontented as there was no place for them in the British administration except as low-paid clerks. Russia showed that an educated middle class cannot co-exist with despotism and tyranny. Freedom of speech and writing and education must be subversive of tyranny and privilege. Lord Curzon therefore wanted to get rid of English education for the masses on the plea that what the villager requires was a knowledge of the vernacular that he might not be cheated by the money-lender and the tax-gatherer and that he might be able to keep correct accounts. He wanted higher education

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to be imparted in the eastern classics Sanskrit, Persian, Arabic etc., on the ground that their literature was not at all inferior to the English literature and the Indians therefore should not neglect them. He wanted Secondary Education in English to supply clerks to Government offices and to English Firms. It was this policy of his that made him very unpopular in Bengal and created a feeling of restlessness and discontent. Nor was he very tactful or successful in carrying out this policy. In Madras we all gave evidence against his views, although practically Madras was not very much affected. In Bengal however he did a lot of mischief. He destroyed the indigenous system of education which suited the people. As to higher education he was entirely foiled by Sir Ashutosh Mukherjee who was appointed Vice-Chancellor of the University and who had in the discussions in the Legislative Council somehow led him to believe that he would support Lord Curzon's policy. But he did the very opposite. He so framed the rules as to circumvent the Education Act passed by Lord Curzon altogether, though ostensibly they appeared as if intended to carry out the purpose of the Act. His Post Research Department was intended to carry out the very thing which Lord Curzon hated. How the Indian Government desired to get rid of it will be referred to later. By that time I had become the Education member in the Government of India and the Post Research Department was safe.

41. I was first appointed to act as a High Court Judge by Lord Amthill, I believe, on the recommendation of Sir Henry Winterbotham who was a member of Government. I acted as a Judge on three occasions but when a permanent vacancy occurred there occurred a hitch in very curious circumstances. The question of Reforms was then being discussed and I wrote an article which was printed in the Contemporary Review then under the Editorship of Sir W. Bunting who thought very highly of it. The London Times also wrote a one column appreciative notice of it. But it drove the Anglo-Indian world to fury because I had stated in that article that in India the English Jury invariably acquitted an Englishman accused of any crime against an Indian. This was an old story in India. Without going back

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to old times but confining myself to a recent date, Lord Curzon punished a Regiment who screened one of them who murdered an Indian cook. The Anglo Indian world condemned Lord Curzon. I was present at the Delhi Durbar when the Anglo-Indian crowd insulted Curzon by cheering these Lancers when they marched past before him. In Madras itself very shortly before I wrote this article there was an instance of an Englishman killing a washerman who had asked him for his wages. I had experience myself of this tendency. In Travancore an Englishman killed a cooly but he was acquitted by the Madras High Court after a trial by Mr. Justice Boddam who showed his bias in a very marked manner. After the trial there was an application for sanction to prosecute the Travancore officials and the Travancore witnesses. The applications came before Sir Subramania Iyer and myself. We looked into the evidence and were of opinion that the accused in the case should not have been acquitted and accordingly we refused the application. I was quite satisfied that I was right. However the Government by a majority yielded to the agitation of the Anglo-Indians. If they had been unanimous the Secretary of State would have yielded but as there was one member who was for appointing me as High-Court Judge, Lord Morley had to consider all the circumstances of the case and he came to the conclusion that there was no reason for passing me over. But the Government of Madras raised a technical difficulty that for that vacancy a Barrister should be appointed under the rules. Lord Morley accordingly appointed Mr. Wallis afterwards a member of the Judicial Committee of the Privy Council and appointed me Advocate General. This was the first time an Indian was appointed to the post of Advocate General by the Secretary of State. He promised that on the next vacancy the appointment would be offered to me. Within a few months the next vacancy occurred and I was appointed High Court Judge; but this short delay had serious consequences, because under the pension rules I would not be qualified for my Judicial pension as I had to retire in my 60th year when my service would be short of the qualifying period by a few months. What this led to will be stated later. As an

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Advocate General I got on very well with the Government and the High Court. I remember a marginal note in two cases one referring to Sir Bhashyam Iyengar another to Sir John Wallis made by a member of Government, "wait till Sankaran Nair assumes charge, as he will tell us something practical."

However my relations with the non-official Europeans were never again as cordial as before. They came to regard me as their illwisher. Sir Arthur Collins, the retired Chief Justice of Madras and Sir Horatio Shephard who was my master told me in London that what I had written in my article did not overstate the position and they gave me instances in their own experience. At the same time they told me the Anglo Indians would never forgive me and I must be prepared in future to face their unreasoning opposition. I received congratulations from various parts of India from officials, non-officials, and from various communal associations. I believe this was due to the fact that not only was I a Congress man but also connected with various social reform movements. The following characteristic letter was from an old friend, L. D. Swamikannu Pillai, who was then holding a high office and was afterwards the President of the Legislative Council. He wrote, "I write a line to tell you how glad and happy felt at your long deserved and long expected elevation to the Bench of the Madras High Court. In your hands the rod of Justice will never be other than straight, her scales will never be other than equipoised, and rarest merit of all perhaps, one may safely predict of you that whatever you say or do will be marked by that unflinching singleness of purpose and that unerring certainty of aim which have always been your distinguishing traits. Long may the annals of justice in this Presidency record your judgments and may their echoes resound in the ears of future and distant generations!"

I was first appointed to act for Mr. Justice Benson on the 8th of July 1904; next to act for Sir Subramania Iyer on the 17th of March 1905; and again to act for a third time for Mr. Justice Davies on the 29th December 1905 and after that I was confirmed as stated before.

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42. It was shortly before my permanent appointment that I attended the Calcutta Congress of December 1906 presided over by Dadabhai Naoroji. We had many preliminary meetings at the Durbhanga house where Sir Firozshaw Mehta, Gokhale and Surendarnath Banerjee, passionately pleaded for moderation in order to create a calm atmosphere for Lord Morley the Secretary of State. They were strongly opposed by Tilak, Babu Bepin Chandra Pal and Arabindo Ghose, who wanted not only to confirm the resolution passed in the previous year for boycott of British goods but also to go further and pass resolutions advocating Swadeshi and boycott in general. After a heated discussion resolutions on Swadeshi and boycott were passed by the Congress. The Congress also laid down that the Swaraj, or Self-Government as in the colonies, was the goal to be attained by the nation.

Next year the Congress was held at Surat. It is said that in a list published a few days before the meeting of the Congress Self-Government and boycott on which resolutions had been passed at the Calcutta Congress were omitted by Gokhale and the moderate section. To this Tilak and Arabindo Ghose strongly objected, and they resolved to prevent this attempt to go back on the old resolutions. There was a violent collision at the Congress meeting when in order to enforce their purpose Tilak wanted to oppose the nomination of Dr. Rash Bihari Ghose to the Presidential chair. The Congress was violently dissolved, the nationalists headed by Tilak and Arabindo Ghose, and the moderates headed by Firozshaw Mehta, Gokhale etc., finally separated. The two parties were not to meet together again for many years to come.

Mr. Tilak was prosecuted for sedition in 1908. He was tried by the Bombay High Court and sentenced to six years transportation. He was released in June 1914. Then after the declaration of the war he joined the Congress again. The fate of Arabindo Ghose will be referred to when I deal with Bengal. The Congress with which I was associated thus came to an end and I had nothing more to do with the Congresses held in the subsequent years. After this Calcutta Congress, Bepin Chandra Pal, who had taken a leading part there-in, came

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south, and set the whole of the Southern Presidency on fire by his fiery speeches.

As Advocate General I had to advise Government on these speeches. Dadabhoy Nowroji at the Calcutta Congress, had urged Colonial or Dominion Self Government as our ideal to be fought for attainment as early as possible. In these Madras speeches Bipin Pal argued that this was an impracticable ideal, that there cannot be any such relation between India and the White races. He really advocated Independence, at least so I understood him as did Sir Valentine Chirol in his "Indian Unrest". This advocacy of Independence or absolute severance of the British connection was regarded by me as seditious and I advised Government accordingly. When he heard that the Government were going to prosecute him he left Madras for Bengal. To be safe he went to England. But his speeches had done their work.

Our young men became very excited and there were conspiracies and open attacks on the British. One was an extraordinary conspiracy hatched in the forests in Travancore. In Tinnevely a Collector was murdered. I took part as Judge in the disposal of these cases and think we succeeded in putting down the movements against Government.

43. While on the Bench I tried to restore our ancient Malabar usage. I have already referred to our family law according to which inheritance ran in the female line, though the managing member was the eldest male. The result was that he took all the income of the property and gave it to his own wife and children. In order to protect the family from him, very often there were family agreements between himself and the other members of the family which restrained him. But Mr. Justice Holloway decided that he could not divest himself of the obligation to manage. The result was chaos. Before me there was no Malabar Judge on the High Court Bench who could rectify the error. My first task was to set this right. Family agreements were upheld from that time onwards and there was some relief to the Tarwads or families. According to our usage the properties of the females were inherited by their descendants in the female line. But there also Holloway, according to his theory of the law,

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had decided that her property on her death must lapse to the family or tarwad and should not be inherited by her children exclusively; I got rid of this law also. There were other reforms in our Malabar Law which were badly needed but I was not able to do much more as I left the High Court for the Government of India. Looking back I do not now remember any decisions of mine which created great excitement. I felt that Barrister Judges, English Lawyers, in particular did not give full effect to our Hindu Law which gave women economic sufficiency. I accordingly tried to restore the Law so far as I could. I was also of opinion that the English Judges had enforced the caste rules in all their rigidity without regard to the qualifications or usages which made them elastic. My decisions were in that direction much to the disgust of many Orthodox Brahmins. The big Zamindars became devoted to me before I left the High Court. The Government were practically getting rid of the permanent settlement by imposing by executive action various water rates for water which the Zamindars took from the channels constructed by the Government through the Zamindari lands. When these channels were constructed by the Government the Zamindars had given up their own channels which had to be filled up by Government to construct these channels and there was an implied undertaking by Government to allow these Zamindars water from these channels. Such had been the practice for many years, but latterly the Government were apparently advised that as the channels and their water were their property, they were entitled to impose water rate. Similarly from the time of the permanent settlement, early last century, the Zamindars were using the water of the rivers for irrigating their lands. The Government claiming the rivers as their own, imposed a water cess for water taken by the Zamindars for irrigation. The real fact was that at the permanent settlement with a few exceptions the assessment comprised the full net produce at that time less a small percentage for the Zamindars expenses including cost of collection. The Zamindars were then told to look to the cultivation of the waste lands in their Zamindaris by the waters of the rivers to increase their wealth which implied of course that they were entitled to take waters from the rivers. The Zamindars

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were using the water during the whole of the century. Various Judges however upheld the Government claim. But my dissenting opinion was accepted by the Judicial Committee of the Privy Council. If it had not been accepted the permanent settlement would have been wiped out. The great Zamindars of that day like Vijayanagaram, Bobbili, Venkatagiri, ever after became devoted to me. In respect of the caste system also there was a decision of mine which upheld a marriage between a Christian woman and a Hindu when it was accepted by the Hindu Community. This created a great sensation, and the legal member of the Viceroy's Council said in the Council that he could not think of any other Judge who would have had the moral courage to pass that decision. I do not remember at present any other cases which need be now noticed by me. There were various decisions which have now become out of date as their principles have been accepted in subsequent legislation.

44. Before me there were three other Indian Judges appointed to the High Court. Of all the Indian Judges, Muthuswamy Iyer, the first Indian Judge I think, was the most learned. He had a good teacher Mr. Justice Holloway. In Holloway's time he was to be seen in his library late at nights pouring over Law books to study questions which he had discussed with Holloway. The then English Judges of the High Court used to discuss with him questions of Hindu Law. Then and afterwards while on the Bench he would go down to his native village in Tanjore to gather Pundits round him to discuss the questions of Hindu Law before he formed his own opinion.

While he was a Judge of the Small Cause Court a grass-cutter paria woman brought a suit to recover a few rupees from her employer, as she was dismissed in the course of the month and the employer pleaded that she was not entitled to any payment. Muthuswamy Iyer wrote a learned judgment which extended to 70 foolscap pages reviewing all the English Cases beginning with Cutter V. Powell. He read the Judgment to the woman translating it to her and as he stopped at intervals she would say 'yes' "yes" till he came to the end and she understood then that she was not to get anything. Then she burst out "Oh: you sinner. Is it for this that this 'papan' (Brahmin) took all this trouble," and weeping

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left the place. As she was leaving the Court House Muthuswamy Iyer's colleague Ranganatha Sastri who was coming out saw her, asked her and found out the reason why she was weeping. He asked her to file an appeal which was heard by himself sitting with Muthuswamy Iyer and another Judge and they reversed the Judgment. The late Ramaswamy Mudaliar, a Vakil of this Court, went to England as a delegate and on his return Muthuswamy Iyer asked him whether his old friends had said anything about him. Ramaswamy Mudaliar showed some reluctance and when pressed said that Sir Charles Turner asked him whether Muthuswamy Iyer would have the moral courage to sentence a Brahmin to death.

After Muthuswamy Iyer's death there was a movement to erect a statue to him. Mr. Bliss a member of Government objected to it on the ground that as Holloway in his opinion the greatest Judge of Madras did not get a statue, it was not right that Sir Muthuswamy should have one, and the resolution at the public meeting to raise subscription for a memorial was worded so as to leave the form of the memorial to be settled afterwards. At the public meeting which was presided over by Lord Wentock the Governor, the resolution was moved in that form. Mr. Parameswaran Pillai, a Nair from Travancore, who was then the Editor of the "Standard," moved an amendment to insert in the resolution that the memorial should be a statue. Mr. Powell, the Government Pleader, whose father was a great friend of Muthuswamy Iyer, seconded the amendment and when it was put to the vote it was unanimously carried, no one voting against it. Mr. Bliss who was present left the hall immediately. His great friend Mr. Justice Subramania Iyer followed him. Krishnaswamy Iyer and Sundara Iyer, afterwards Judges of the High Court who were followers of Sir Subramania Iyer also left the hall. Mr. Bliss then threatened that he would not allow the statue to be placed in the High Court buildings. The Chief Justice dared him to do it as he was the custodian of the High Court building. The amount necessary for the Statue was soon subscribed, as all the Judicial officers interested themselves in the collection; and the Statue made in London under the superintendence of Sir Philip Hutchins, an old friend of Muthuswamy

Iyer (then a member of the Secretary of State's Council) was put up in the High Court.

Sir Arthur Collins, a Judge of sterling independence was succeeded by Sir Arnold White. The latter, Mr. Hannay the Registrar and myself were returning from England. On board the steamer I told him that Sir Arthur Collins told me that in India, if the Judiciary were to retain the confidence of the people they must keep the Executive at a distance. Mr. Hannay, the High Court Registrar, burst out saying that Sir Arthur was absolutely wrong. He said the Judiciary must work harmoniously with the Executive and at the same time retain its independence.

45. While on the Bench I was invited to the Delhi Durbar of 1911. At that time it was not the practice for Hindu ladies to go to Government house or to attend Government House parties. My wife had gone to England to see our boy who was in Oxford. When we were invited to the Durbar of 1911 by Lord Hardinge, Lord Carmichael the then Governor and a friend of mine told me that after having lived in England for some time, it would not be courteous for my wife to decline the invitation to dine with the King Emperor and Empress. We accordingly accepted it. After that acceptance we had to accept the invitation of Lady Carmichael to dine with her. My wife had a great reputation for orthodoxy among the Hindu women in Madras, and they felt that they could safely follow her example in going to the Government House. Since then it has become a common practice. Before that time it used to be said that there were no ladies in Madras like the Parsees in Bombay or the Arya-Samajists in Bengal to associate socially with the English. Now the whole thing is entirely changed. Even in the case of males, invitations to private social functions were a recent innovation and very infrequent. The first invitation to a dinner was by the Hon'ble Mr. Carmichael a member of Council when his daughter was married to Mr. Wedderburn. The persons invited were Mr. Justice Muthuswamy Iyer, Humayun Jah Bahadur and Seshia Sastri, afterwards Sir Seshia, Dewan of Travancore. They went to the dinner and took their seats, but took no dinner. The two Hindus did not take even fruits.

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While on the ridge at Delhi witnessing the procession of the King and Queen and the free movements of English women the wife of Mr. Seshagiri Iyer afterwards a Judge of the High-Court drew my wife's attention to the freedom of the English ladies and told her that she wished God would make her an English woman in her next life and not a Brahmin.

This reminded us of our English experience. In England on our first visit, while strolling in the streets and parks, we found the husband or father generally carrying children in his arms though the wife or the mother was strolling with him. My wife told me in our language "look here, the men are carrying the babies in England, not the women, you too will have to do it hereafter." Further she was treated with great consideration by the policemen. They would take her always across the roads so that she would go out alone from our hotel. They would get taxies for her and give directions to the chauffeur. When we returned to India on one occasion she had to ask a Police constable to render some assistance. He refused telling her "what madam, I am here on duty." I had to remind her that this was not England.

46. While at Delhi in connection with the Durbar, the then member of the Madras Executive Council became seriously unwell and had to leave suddenly for Madras. It is probable that if I had asked for that appointment then I might have got it. Lord Carmichael, the Governor was there at Delhi, and the Viceroy and the Secretary of State, the two other persons concerned also were there. But my wife and I thought that it would be better for us to remain in the High Court, as I would then be an independent person and could retire after a peaceful time, and so I did not ask for it. But on our return to Madras, Lord Carmichael nominated me for the post when it fell vacant on the death of the then member. But some of my Brahmin friends went on a deputation to Lord Carmichael and told him that I was a strong anti-Brahmin and should not therefore be appointed. At the same time they and their friends sent numerous telegrams to the Secretary of State and Viceroy stating that a High Court Judge should not be appointed to a High Executive post. Lord Carmichael told me that his recommendation to appoint me had

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not been accepted. I was not sorry however. I had applied for an extension of my term as High Court Judge by a few months to enable me to earn my pension. I received a reply that the consideration of the question must be deferred till near the expiry of my period of service. This was very annoying. It was true bureaucratic red tapism. It was necessary for me therefore to be appointed as a member of Government if I should be safe about my pension.

47. Accordingly I went to London. Mr. Montague who was then Under Secretary to the Treasury interested himself in my favour. The Secretary of State, Lord Crewe, at their weekly political breakfast brought before them the question of my appointment as a member of Viceroy's Executive Council. Mr. Ramsay Mac Donald afterwards Prime Minister, supported me. Lord Crewe accordingly wrote to Lord Hardinge the then Viceroy suggesting my name for appointment as a member of his Executive Council. I believe he asked Lord Pentland and Lord Carmichael about me, and they both supported me and when a vacancy came a year later during the time of Lord Pentland by the retirement of Sir Ali Imam I was appointed. My predecessors Sir S. Sinha and Sir Ali Imam were Law Members. But I could not be the legal member not being a Barrister, and was therefore appointed as the head of the administrative Department of Education, Health and many others. It was understood when (Sir S. Sinha) was appointed that an Indian would not be appointed as the head of the administrative Department for many years to come. The Government had to break through that rule in my case. If Sir Reginald Craddock who was then the Home Member, who refused to consider my application for the extension of my term by a few months, had foreseen the consequences of his refusal he would have acted otherwise and built a golden bridge for me.

48. Lord Carmichael left Madras and was succeeded by Lord Pentland. Both Governors Lord Carmichael and Lord Pentland showed great confidence in me. In all judicial matters particularly where Indians were concerned, even in appointments to the High Court, they always sought my advice and were generally guided by me. After he left Madras Lord Carmichael wrote to

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me a letter in which he said: "I have whenever I had opportunity told both the Secretary of State and the Viceroy that I feel certain that you would be a suitable man to fill any post where good judgement and discretion combined with knowledge of Indian conditions are essential. I formed my views about you from personal knowledge in Madras; comparison with others since I left Madras has not altered them." He became immensely popular in Bengal. In fact a well-known politician writes thus of him; "Lord Carmichael has evoked a feeling of personal loyalty everywhere in Bengal, so much so that the writer of a revolutionary tract warns his fellow workers against "this Scottish enchanter who is gilding with his subtle alchemy the chains by which England is to hold India in future. The older generation of the educated community thus stand divorced from the workers in the cause of rebellion, who are thus cut off from that financial assistance which enabled Barindro to prepare his bombs and carry on his propaganda untroubled by the pressure of economic necessity driving him and his followers to resort to violence to procure the sinews of work." Lady Carmichael also was very popular in Madras. In a remarkable address presented to her, the ladies of Madras said: "Time shall not expel you from our hearts. To day, on the threshold of our severance, we know you as a friend whose going shall mean a wrench of pain to us. You will not wonder then that the Hindu ladies of Madras can offer you no conventional words of praise or thanks. Our hearts are too full for either. We pray that Divine Providence may bless and enrich you with all that gives power and happiness to a woman's earthly career, so that you may be spared to continue and perfect elsewhere the lessons you have learnt and taught during your sojourn among us at Madras. When we are parted and the women of Madras perhaps remain dim shadows in your greater and more crowded life, it may warm and strengthen you to read in this farewell, sitting by the firelight of your own hearth at home, that in saying good-bye to you we tender you, the expression of our deep and our enduring love."

49. It was during the time of Lord Pentland that a statue was erected in Madras to Lord Ripon mainly through my efforts.

CHAPTER VI

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50. On the 14th May 1915 Lord Pentland Governor of Madras wrote to me that he had been directed by the Viceroy Lord Hardinge to offer me the post of Education Member of his Executive Council in succession to Sir Harcourt Butler. The nomination was announced by the Viceroy on the 22nd. The warrant of appointment by the King under the Government of India Act, signed by Sir Austen Chamberlain, who succeeded Lord Crewe, was received by me in August, and I took charge at Delhi on the 2nd November.

Yet it was with a good deal of regret that we left Madras. We had a good number of cows which had grown up in our compound. There was an abandoned calf with broken legs. It roamed about in our compound until it grew up to a good milk giving cow. It was very affectionate and so were all the cows towards my wife. She was reluctant to part with them, and she had to distribute them amongst her friends who promised to look after them without giving them away. We had to part with our dogs too. I came to Madras from my own District in 1875 and had been there 40 years and my wife had been in Madras 30 years. We had made numerous friends; all the members of the Bar and other Indians with whom I had to associate had grown up with me. We had to leave them all to go to an unknown place to work with strangers. The Reforms were being discussed at this time and it was not likely that I would find myself in agreement with my Civilian colleagues. Already papers were commenting upon what I was likely to do.

Till I left for Delhi I was feted by all classes of people. The Bar gave a great dinner to me, the Advocate General presiding.

To this dinner the Advocate General invited Sir Leslie Miller who was a Judge of High Court but was at that time the Chief Justice of the Mysore High Court. He delivered a strong speech

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about the relations between the Executive and the Judiciary. It was understood at that time by many to be a covert attack on me for my attitude towards the Executive and general aloofness and consequent isolation in society. I have already referred to a conversation I had with Sir Arthur Collins when he told me that "if you want to retain the confidence of the people in India you must keep aloof from the Executive." In fact the first Chief Justice of Madras kept himself aloof from Government House and declined every invitation which was not clearly official. Even a civilian Judge like Mr. Justice Holloway did not attend Government House when anything concerning the Executive was before the High Court. The greatest Chief Justice in India, Sir Barnes Peacock, it is said, refused to belong to any Club in Calcutta to avoid any embarrassment that might arise in the course of his duty from the formation of social connections. Many Judges thought that it was not enough that a native of India when litigating against an European merchant for instance should get justice, but it was of great importance that nothing should occur to justify even the bare suspicion that there could be a difference that a Judge happened to be on dining terms with one of the parties or not. The possibility of that belief, however unjustified and unfounded, must be guarded against. The High Court itself had often issued orders to our subordinate judicial officials, like Subordinate Judges and Munsiffs, not to accept the hospitality, if they could avoid it, of those who might become litigants in their courts. Civilian District Judges generally decline such invitations to create a belief of stern impartiality. I did not see myself why the same rule should not apply to the High Court. Sir Muthuswami Iyer acted the other way and created a bad impression, that he was subservient to the Executive not only in his civil decisions concerning the rights of the crown and the people of the country but also in criminal cases. It is of course easy to say that a Judge cannot be expected to live in seclusion, but though it may not be easy to draw the line it is easy enough in practice.

There was a good deal of dis-satisfaction at the appointment of a High Court Judge to the Executive Council on the ground that it would make the judiciary amenable to Executive influence. One such appointment had already been made from the High

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Court of Madras. Not only as regards the executive but it was surmised that an Indian Judge too often yields to his European colleagues and surrenders his own opinion in cases in which he would not have yielded to an Indian Colleague. Sir Sayyid Ahmed Khan, the founder of the Aligarh college was a pet of the British Government and an uncompromising admirer of British officialism. At their behest he organised and led the Mahomedan opposition to the Congress. His son Mr. Justice Mahmud who was a Judge of the Allahabad High Court was of a very different character. When on account of his independence he had to retire, the misfortune opened the eyes of Sir Sayyid Ahmed and he wrote as follows in the Aligarh Gazette.

“In my opinion the time has not come yet, and perhaps will never come, when our European friends, conquerors of this country, and naturally full of pride of their conquest, will condescend to sit on the same bench with a conquered and naturally hated Indian, who is desirous of performing his duties with equal honour and respect requisite to his high position. If the Indian wants to keep up his self-respect as an honest and well-bred gentleman, his life becomes unbearable. On the contrary, if he yields to his European colleague (who, on account of his being a member of the conquering race, regards himself as an altogether superior person), or if he acts on certain directions, he can be happy. But if an Indian desires to obey the dictates of his conscience, and if there is even a little blood of his ancestors in his veins, then he cannot perform his duties. It is no secret that the treatment which English people accord to their own countrymen, and that which they accord to the Indian are as different from one another as black is from white. People might brag and contend that it was otherwise, but the wise alone know the whole truth of the matter”.

The Chief Justice and the other Judges also invited me to dinner. The leading Indians in Madras did the same. Lord Pentland, the Governor invited the chief officials to meet me at dinner and gave me a photograph signed by all of them. The biggest entertainment however was given by the great Zamindars of Vijayanagaram, Venkatagiri, Bobbili, Ramnad etc.

I was the President of the Pinjrapole-Society for disabled and abandoned animals and I did a lot of work there. I was also

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President of the society S.P.C.A., also of the society to assist helpless children. It was with regret that I severed my connection with all these.

51. Of course, I received various congratulations from my friends and also from various others. I particularly valued a letter from Mr. J. L. Rosario who was for some time Advocate-General of Madras. He had known me almost from the time I was enrolled and commanded universal respect. He wrote to me, "I am sorry however that the High Court loses you for we can ill-afford to be deprived of the services of one who has always been sturdily independent." Another interesting letter was from Motilal Ghose, the Well known Editor of "Amritabazar Patrika", Calcutta. He wrote, "there is no good in hiding the fact that you enter into your new office under certain unfavourable circumstances. You are not a persona grata with the Government; so you will have to elbow out your way single handed, unhelped, unsupported by any of your official colleagues. It is Sir Reginald Craddock who now runs the Government of India. He is a civilian of civilians and his honest conviction is that the best way of governing India is by the constant application of the whip on her back. You have thus an uphill and formidable work before you". The English-Commercial paper "Capital" of Calcutta said that "as Nair is of courage and ability his fate may turn out sad if we get a Tory Viceroy".

If all this is true, my appointment is the highest compliment that can be paid to the Government. I received a letter from Sir Arundel who was a Madras civilian who wrote to me, "I have a further personal pleasure in your appointment in that I was Chairman of the Committee of Lord Minto's Executive Council which was appointed to consider and report on the advisability of appointing distinguished Indians to the Executive Councils. Of this Committee two members, of whom I was one, reported in favour of this measure, one voted against it, and the fourth declined to vote owing to his limited knowledge of India and of the details of administration. Mr. (now Lord) Morley, with whom I discussed the matter at length on my return to England in 1906, said it would be almost impossible for him with liberal principles at the masthead of the Government to oppose in

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Parliament a proposal of this nature which had been made and advocated by two members of the Viceroy's Council".

52. Shortly after my appointment and before I went to Delhi I was asked by various persons about the policy which I proposed to follow. I have not got a copy of my letter to Mrs. Besant but I have got her reply to me.

August 5, 1915.

Dear Sir Sankaran Nair,

I should like very much to have half an hour's talk with you re-*Self-government*. I thoroughly agree with you that we should ask for it straight out.

Yours sincerely,
(Sd.) Annie Besant.

As usual with her she lost no time. She stepped into the arena at once, attended the next Congress held at Bombay in December 1915, carried the Self-Government resolution against the President Sir S. Sinha, and began the great agitation for Home Rule which will be referred to in its proper place later. Some members of the Government proposed that steps should be taken against her immediately after the Congress. By this time I had taken charge and we persuaded Lord Hardinge not to interfere with her at that stage.

53. Before I leave Madras I would take to say a few words about bribery etc., in the administration of justice. My father told me that in his early days when the statements of witnesses in cases of robbery etc., had to be recorded, the Magistrate would ask the witness the name of the robber and very often the witness would not be able to give the Tarwad name, but only the personal name say for instance, Raman or so without the name of the village or Tarwad, the Magistrate would then ask the bystanders, the full name of every suspicious or notorious character who bore that personal name and included them all in the statement. The result was that every one of that name who had a bad character was implicated and punished and the locality was thus rendered safe from robbers.

English Barristers in those days were often retained for the purpose of preventing accused persons from being tortured.

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There was an English Barrister in Malabar who was always retained for this purpose by the accused. He used to sleep in the police station to prevent his client from being tortured, and in that way he made a good income. When any offence was committed, the Police went down to the village, made very careful enquiries and ascertained who the real offenders were, and once that was ascertained they did not consider improper to put pressure upon them in various ways to obtain full information about the occurrence, and if it was a case of stolen properties even torture them to surrender it. These details were often sufficient to enable them to secure evidence for their conviction, and if genuine evidence was not available to concoct the necessary evidence. Where a particular kind of crime is epidemic they did not hesitate to include all criminals in the locality though they may not have been concerned in the particular offence under investigation, and the assessors and the Juries did not hesitate to return a verdict of guilty, if the accused in the dock were really Criminals, though not guilty of the particular offence then being tried. I am not aware that the Police deliberately tried to get innocent persons convicted. As regards the lower Subordinate Judiciary the bribery in my earlier years was of a peculiar kind. The Judge would decide the case justly according to the evidence. But the successful party afterwards would present to him a certain sum of money. The decision itself so far as I know was not influenced by any bribe which might afterwards be forthcoming. This is only in the case of Indians. In the rare cases when an Englishman went astray the case was altogether different. Under Sir Philip Hutchins there was a corrupt English Judge who generally took bribes. Sir Philip knew it, with the result that he reversed every judgement of his. The latter then adopted the device of deciding every case against the party who bribed him. Those judgements were reversed in appeal and the man who gave the bribe was satisfied. When Sir Philip knew this he stopped that practice and began to decide the case according to the merits.

Though it was with great regret that I left Madras I derived great comfort from the reflection that I was going to serve a chief who had endeared himself to all India, whom it should be

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a pleasure to any Indian to serve, and as will appear later, I was not disappointed.

54. In his famous Delhi Despatch Lord Hardinge had foreshadowed provincial autonomy - not mere delegation of powers to executive governments - as the next step in Indian political evolution. This involved the enlargement of the provincial legislative councils, and increased powers over the executive. Naturally, the Bureaucracy did not like it, and under their guidance attempts were made both in India and in England to belittle the importance of that pronouncement and to belittle its significance, but the words are there in black and white; the transfer of the capital of India from a provincial capital was justified only on the basis of provincial autonomy. More important than this in its political results was the modification of the partition of Bengal. Indians outside Bengal were very little concerned with any internal adjustment but they soon came to recognise that the issue involved was whether the will of the Bureaucracy or that of the people was to prevail. The former had prevailed upon the successors of the Viceroy and the Secretary of State, who were responsible for the partition, to declare it final. The people, however had not acquiesced in it and for years they had been carrying on an agitation to set it aside. They had declared that the reforms which had been granted would not restore peace to the country till the cancellation of the partition. Lord Hardinge's modification of the partition, therefore, was a distinct triumph for the party of constitutional agitation. It enlisted the sympathies of all thoughtful Indians on the side of the British Government, and it removed the feeling of despair which had taken hold of all those who stood for peaceful agitation. They only once had a Viceroy - more than a quarter of a century ago - who dared to cross the Bureaucracy, and he had been foiled. Lord Hardinge's success therefore secured him the goodwill of the people, which stood him in good stead when he had to carry through many unpopular measures. The immediate effects, however beneficial, were nothing to the splendid results which followed soon after. The Agadir incident took place in 1911, and whether Lord Hardinge had in view of the great storm that soon burst, it is impossible to say. But if he had that in view, he

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could not have done anything more beneficial in the interests of the Empire than the modification of the partition. If to the Muhammadan unrest, which was sure to follow and which did follow the war with Turkey, had been added the Hindu unrest, it would have been difficult for Lord Hardinge "to bleed India white" and despatch the Indian troops to the battle fields of Europe. Again shortly after the partition, he had to deal with the South African and emigration problems. He expressed his open sympathy with Indian sufferings against his own race in a manner which neither the British Government nor any Viceroy had done before. He expressed his sympathy also with the passive resistance movement in South Africa. He must then have realised that the lesson would not be lost upon the people of India that if passive resistance was justifiable in South Africa, circumstances might justify it in India also against the British Government. Lastly he roused the enthusiasm of India by sending Indian troops to fight side by side with the English against the first military nation in Europe. His sentiments as to the admission of Indians into the commissioned ranks were well known; and if he had his way there is very little doubt that he would have organised the man power of India in a fashion that would have enlisted the sympathies and called forth the enthusiasm of all India. I felt that I was bound to get on well under such a Viceroy and I was not disappointed.

55. I had an official residence at Delhi. I found when I went into residence two tents with police constables in my compound who, I was informed were placed there for my protection. I could not understand it as there was nobody from whom I apprehended any danger. But I was told that there was a bomb thrown into the compound of one of the members in council, and from that date there were two tents with policemen in the houses of all the members for their protection. I requested in vain the police Superintendent to remove them from my house. There were small thefts in my house very often. One day we caught the policemen in the act with the stolen property in their possession and I turned all the policemen out of the compound, when the police officer in charge of them coolly informed me

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that the policemen were there to protect me and not to look after my property.

I was welcomed by Lord Hardinge. In spite of differences of opinion I got on very well with him. Lord Morley once told me that Lord Hardinge was the most tactful of men and he had not seen his equal in managing men. My experience is the same and till he left I was able to administer my departments to my entire satisfaction. I was not merely a figure-head, outside my department I was able to co-operate with him fully without having formally to differ from him. Where he did not accept my suggestions I acquiesced and accepted his views.

56. The Archaeological Department was under me. Its head was Sir John Marshall who was an enthusiast. It would be difficult to find one more capable. I had the fullest confidence in him and my task was easy. The present archaeological Department dates from 1862 when General Cunningham was appointed Director, but down to Lord Lytton's time the Department was ill-equipped and deplorably understaffed. He appointed a Curator of ancient monuments for three years. But after him no successor was appointed. Doctor Burgess succeeded General Cunningham as Director General in 1885. He retired after four years when the post of Director General was practically abolished and there was no longer any Curator to look after conservation, but on account of the protests of the Royal Asiatic Society and other persons, the Department was launched into existence shortly before the arrival of Lord Curzon. It was Lord Curzon who properly organised the Department and equipped it for its work in the fields of conservation, exploration and epigraphy. Thousands of monuments had perished not so much as the result of the ravages of time and processes of natural decay but owing to the iconoclastic vandalism of the Mohammedans and the Englishmen. In fact we have even had a Viceroy who wanted to demolish the Taj Mahal! I remember an amusing incident in this respect.

For the use of the visitors to Delhi Mr. Natesan, the Madras Publisher, had issued a guide book in which he said that the English soldiers had destroyed many things of great architectural beauty. Lady Benson came up to me and in great indignation

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denounced Natesan for making that statement. She told me that it was such writings that created disaffection in the country, that if in her own country foreign soldiers had done anything of this sort she would "hate them". I told her to speak to Mr. Natesan at once who was in Delhi. A short while afterwards she came back to me and said ruefully that Mr. Natesan told her that he had taken it from Ferguson's well known book on Indian Architecture, and she added "You know Ferguson was a fanatic," to my great amusement.

As head of the Department, one of the matters which early engaged my attention, was the disposal of a Buddha relic. The Archaeological department had unearthed a relic of Buddha, and it was decided by the Government of India to deliver it to the King of Siam. I informed the Buddhist leaders in India that if they would build a temple for worship I would give them this relic to be worshipped there. Though, the matter was really settled during the time of Lord Hardinge, the final orders were passed only later when I received the following letter of thanks from the Anagarika Dhammapala.

4 a College Square,
Calcutta,
19th March 1918.

Dear Sir Sankaran Nair,

This is midnight; and I am writing this to you to express my sincerest gratitude for the kindness shown to the Maha Bodhi Society, which manifested itself in the announcement you made that the Government of India was prepared to present a Relic of the Buddha to the M. B. S. provided a Vihara was built in Calcutta to enshrine the Relic.

On the 25th May 1918 is the 2462nd anniversary of the Parinirvana of the Buddha. That day we hope to lay the foundation stone of the proposed Vihara at 4a College Square. May we expect you on that day in Calcutta?

Yours sincerely,

The Anagarika Dhammapala.

57. Before Lord Hardinge left India he opened the Benares University. While at Madras in 1912, Mrs. Besant had asked me to assist her in starting the University. I refused to do so in a

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letter to which wide publicity was given. In that letter I had said that I was against any sectarian university as it was bound to breed ill-will and create strife. After that I met Sir Theodore Morison in London where I told him that the projected Pan Islamic University at Aligarh was a very great mistake as it would bring Moslem students from all over Asia to Aligarh and foment disloyalty in India. It is possible that this had some effect as the University actually started was on different lines and mainly confined to Indian Moslems. When I joined the Government of India, Pandit Sundarlal of Allahabad who with Pandit Madan Mohan Malavya are responsible for the Benares University, came to me and after a long discussion with him I found that it was not going to be a sectarian university as I had originally understood, but there was a strong modern side to it. I assured him that I would render all assistance in my power. I learned from him that Lord Hardinge and my predecessor Sir Harcourt Butler were the only friends of the University but all the others, civilians as well as the Educational Departments, were hostile to it, and throwing every obstacle in their way. I was able to get him a good annual grant from the Government; and even afterwards during Sir James Meston's time I was able to render good assistance to the University. In fact they were not able to comply with the conditions laid down by Sir Harcourt Butler for starting the University. The buildings were not ready and would not be ready for years to come. On the advice of Sir James Meston, the Lieutenant Governor, I dispensed with that condition. I attended the opening function by Lord Hardinge.

58. It was there I met Mr. Gandhi for the first time. On the 6th of February Mr. Gandhi delivered an address to the students at Benares. He began by an attack on English as a medium of education and a common language for India, and deplored the fact that he had to use English in addressing his audience that night. At the recent Congress meeting at Bombay, he said, the only speech which gripped the audience was delivered in Hindi. He then went on to discuss the fitness of Indians for self-government, which he said, should be judged by their conduct, not by their ability to make speeches. Take municipal affairs. The insanitary condition of Indian cities was a disgrace to the people.

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Benares was a stinking den. He had to confess to his opponents in South Africa that Indians had strange ideas of cleanliness. Witness, for example, their manners in railway carriages. Then again consider the poverty of the people in India. Yet at the laying of the foundation stone of the Hindu University the jewellery worn by the Indian princes presented a gorgeous show, which would have surprised even a jeweller from Paris. To show loyalty to the King surely it was not necessary for princes to ransack their jewel boxes. Agricultural experts said that the problem of India's poverty could be solved by making two blades of grass grow where one had grown before. But would the poor cultivator be able to keep for himself any share in that extra blade?

Mr. Gandhi then turned to the measures taken for the protection of His Excellency the Viceroy during his visit to Benares. These precautions horrified him, he said. Was it not better that even Lord Hardinge should die than live a living death? He was an anarchist himself but he deprecated crimes of violence. He honoured these young men for loving their country and being willing to die for it, but, he asked them, was their conduct honourable? If he found it necessary for the salvation of India that the English should be driven out, he for one would declare that they must go. Then if he were to meet an honourable death, his name would go down to posterity, not as an assassin, but as a man who died for his convictions.

At this point there were interruptions from the audience and Mrs. Besant asked Mr. Gandhi to say no more on that subject. Mr. Gandhi attempted to explain his meaning but without much success. After order had been restored, Mr. Gandhi went on to speak of the Indian Civil Service. The members of that Service, were, he said, not wholly bad. After all, they had been gentlemen once, and if during their stay in India they had become arrogant and overbearing, Indians should ask themselves whether they were not in part responsible for this deterioration of character. At the end of his speech he reverted to the subject of self-government. "We shall never be granted self-government," he said, "Britain will never be a party to giving self-government to a people who will not take it themselves."

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Next day Mr. Gandhi wrote to the Maharajah of Darbhanga expressing regret for the incident and stating that his sole object in referring to the Viceregal visit was to express the very strong views he held against all acts of violence and so-called anarchy.

So far I know this was his first public utterance after he left South Africa for good and settled in India to begin his work. I am not aware that this speech has been published before and it may interest my readers and the disciples of Gandhi to know the views that he then entertained.

59. This was during the time of Lord Hardinge. He left India within a few months. Lord Hardinge was extremely popular. He once ruled Madan Mohan Malaviya out of order which I thought was wrong. The latter quietly submitted to the ruling. He told me afterwards that the reason of his submitting to a wrong order was that, "He is our own beloved Hardinge. I don't want to annoy him." In one of my tours a number of Indian gentlemen including certain chiefs in the province had come to receive me at the Railway station. I asked them, when they spoke to me very feelingly about Lord Hardinge, what he had done for them. In reply they told me, that when he came to that station, alighting from the carriage without speaking to the officials who were there in front of him, he came straight to the place where all these Indians were assembled, and it was only after speaking to them that he went back to speak to the officials. They felt then that they had a Viceroy who would always be accessible to them and this was all what they wanted.

His great popularity was shown in a striking manner when strong attacks were made on him by the Mesopotamia Commission and others in England. There was a spontaneous outburst from all classes in India of confidence and affection towards himself, which no doubt more than compensated him for the worry and anxiety caused by the criticism about which Indians were quite able to judge. He must have appreciated it very much.

60. The appointment of Lord Chelmsford was welcomed by all the Anglo-Indian papers and was not welcomed by the Indian press. Lord Hardinge requested me to get into touch with all the Indian papers to ask them to welcome Lord Chelmsford's appoint-

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ment, and I accordingly wrote to all the leading Indian papers the following letter. I state this here in view of the strained relations between me and Lord Chelmsford towards the latter part of my service.

(Private and confidential)

34, Alipur Road,
Delhi, 19th January 1916.

My dear

“I notice that all the Anglo-Indian papers have welcomed Lord Chelmsford’s appointment very warmly. They evidently think that he is a Tory Reactionary and that the present policy, will be departed from. Our Indian Papers have not, apparently for that reason, been welcoming his appointment. This is a mistake. I have been speaking about the matter to Lord Hardinge. So far as things stand at present, I have got very high hopes of him. I trust therefore that you might legitimately see your way to welcome him.”

After this all the Indian papers welcomed him. The Editor of the “Leader” wrote to me that he was modifying an article of condemnation into one of welcome,

From the very first Lord Chelmsford’s treatment of me was cold and distant. It was in striking contrast to that of Lord Hardinge. It may have been partly due to his own natural disposition as he was of a reserved temper. It is possible that certain communications made to him had something to do with it also. Mr. Hussan Imam, leader of the Patna Bar and a brother of Sir Ali Imam, told me that the Under Secretary of State for India told him that he had heard that Lord Hardinge was unduely influenced by his brother Sir Ali Imam, and that while they had no objection to throw one or two of the highest appointments to Indians, they had the strongest objection to the Viceroy being under the sway of an Indian. It also appeared that on board the steamer in which Lord Chelmsford was coming to India, Sir Ali Imam told Chelmsford, that he should take into his confidence and work harmoniously with the Indian member who would look after his popularity with the Indian public. In addition to this I committed what now appears to be a mistake. Lord Hardinge had specially impressed upon me that I should

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keep him informed of public opinion about the Government from day to day and I was very careful to do so. In conformance with this I told Lord Chelmsford that it was freely said in the bazaars that in his time the Indian Empire would be lost, as was apparent from the fact that though Lord Hardinge was responsible for the Mesopotomian expedition Kut surrendered only after he left and after Chelmsford came. Chelmsford replied that he had absolutely nothing to do with that expedition. But I felt that he was annoyed.

61. In the meantime I had been carrying on the ordinary work of my own department. I put forward a scheme of primary education for all India, and the Council accepted it with the exception of Sir William Meyer who opposed it. I had great hopes of the scheme being accepted as Mr. Montagu who was then the Secretary of State had assured me in London that he would be very willing to pass such a scheme. But he withheld his sanction on the ground that pending the reforms such a big scheme should not be carried out, as it would have to be worked by the Local Boards which in all probability would not any longer be under the direct control of the Executive Government. I also passed the Patna University Act. In that matter the Local Government wanted the University, or in other words higher education under their control. The Indian politicians on the other hand were very anxious that the Government should have no control over it. I tried hard to reconcile the official representatives of the Local Government and the politicians. But they would not be reconciled. I then put forward a scheme of my own which I considered reasonable in the circumstances of the case. It did not go far enough to satisfy the nationalists, but it went sufficiently far to excite the apprehensions of the Local Government. Finally both the parties had to accept it. I was very pleased to find that the Act met with the approval of such a veteran educationist as Sir Surendranath Banerjee.

Local Self-Government.

62. One of the most important of the questions in which the progressive party is interested is Local Self-Government. In 1882 Lord Ripon issued his well-known resolution which

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contemplated that there should be a large majority of elected members on the Local Boards and Municipal Councils, and that the chief executive officer or the head of the local body should be an elected non-official; but as it recognised that the application of this rule must vary considerably in different parts of the country and hard-and-fast rules of general application could not be laid down, a good deal of discretion was left to the local Governments by the legislation which was undertaken between 1883 and 1885. Lord Curzon practically changed the policy of Lord Ripon. I shall state the case of the Calcutta Corporation to illustrate what he had done and what we had to do to get rid of his policy.

At the time of Lord Ripon's Self-Government Resolution of 1882 the city of Calcutta was governed by an Act passed in 1876, which was modified in 1888, but not in material particulars. Under the Act so modified the total number of Municipal Commissioners was fixed at 75 of whom two-thirds were elected by the tax-payers, 15 appointed by the local Government, 4 nominated by the Chamber of Commerce, 4 by the Calcutta Trades Association and two by the Port Commissioners. The Corporation was declared to be the supreme authority in the administration of municipal affairs, to fix the rates, to control expenditure and to supervise generally the affairs, of the city. Great interest was evinced by the voters. In 1898 as many as 64 percent of them came to the Poll. "This notable interest in municipal elections was equalled by the keenness with which the Commissioners attended to their duties." (Progress and condition of India 1901-'02, Page 93). Yet by the Calcutta Municipal Act 111 of 1899 of Lord Curzon the number was reduced to 50, of whom 25 were to be elected and the other 25 nominated. Of the General Committee consisting of 12 persons, one-third should be appointed by the elected commissioners, one-third by the nominated commissioners and one-third by the Government. The Corporation, the General Committee and the Chairman were to be co-ordinate authorities, instead of the Corporation being the paramount authority as under the old Act. The General Committee and the Chairman in whom the entire executive power was vested

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were not to be subjected to interference by the Corporation except in cases specially provided for. The control of the local Government under the new Act was complete. They could interfere upon their own motion without any complaint, they could raise the rates, and even contract a loan.

Subsequent to this Act, according to the Blue book, the lack of interest in the triennial elections has been a disappointing feature. In 1903 only two seats were contested and in 1906 only ten. In 1909 in spite of an amendment to the Rules, which facilitated the registration of voters and increased the number on the roll from under 10,000 to over 28,000, there were contests only in eight wards and only in three of them was any real interest evinced.

The Act was condemned by the Lucknow Congress of 1899 which passed the following resolution.

“That this Congress expresses its disapproval of the reactionary policy, subversive of Local Self-Government, as evidenced by the passing of the Calcutta Municipal Act, in the face of the unanimous opposition of the people, and by the introduction into the Legislative Council of Bombay of a similar measure, which will have the effect of seriously jeopardizing the principle of Local Self-Government.”

It excited violent opposition and led to great agitation. This policy was followed throughout India and the Municipalities and the District Boards whenever they came before the Legislative Councils were officialised.

In 1907 the Decentralization Commission, one of whose duties was to enquire into the working of the schemes of local self-government and to suggest improvements, was appointed. In 1908, Lord Morley, in his Reforms Despatch issued in October, informed the Government of India that in his opinion “it seems necessary to attempt without delay an effectual advance in the direction of local self-government.” He drew their attention to the fact that the constitution of the local bodies departed from what was affirmed in the Resolution to be the true principle of local self-government, in that it still had generally the chief executive officers as chairman of the Municipal and District Board Committees and that the

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control was not exercised from without. He further pointed out that the official element within the local bodies had been in many places predominant.

63. The report of the Decentralization Commission was issued in 1909. The failure of the local boards, as a whole, they found, was largely due to circumscription of their powers and resources; it was admitted that the principle of election was not developed, that official Presidents continued to be appointed, and that there was a large element of truth in the contention that the boards had practically become a department of Government administration; that their work was done by official elements within the board themselves or by a Government department at the board's expense; that their proceedings were subject to excessive outside control, and that, in the circumstances, they could never become, as Lord Ripon intended them to be effective instruments of Local Self Government. The commission recommended, accordingly, certain important modifications in the existing law, though it did not go the full length desired by the resolution of Lord Ripon and by the despatch of Lord Morley.

This was the position of local self-government when the Morley-Minto Reforms Councils met. The Councils were naturally anxious for the development of local self-government. But the resolution on local self-government by the Government of India Act of 1915, which as usual consisted of generalities, left the matter entirely in the hands of the local Government, practically ignoring Lord Morley's despatch and the recommendations of the Decentralization Commission. It is impossible to deny the force of the criticism that Bureaucracy responsible for the system of administration for a quarter of a century, and for such a resolution in the face of the pronouncements referred to, cannot be really expected to carry out the intentions so often formulated; and that this was so, is clear from their general attitude. Even in those times when the question was being so fiercely agitated, a Provincial Government, considered one of the most liberal, decided to relieve an Indian Chairman of a Municipality of his executive duties though he was admitted to have done very well, on the ground that a civilian

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would have done better. It refused to appoint a non-civilian as chief executive officer on the ground that it must have a person who has had "the education and peculiar training in the general administration which falls to the Indian Civil Service," for the post of the chief executive officer of a Municipality. It is impossible in these circumstances to expect any real advance. As to Panchayats, the Decentralization Commission said that it was most desirable that their work should be free from interference by the lower government subordinates, as men of this class have their own reasons for opposing any real local control, but as a fact all the schemes that have since been framed by the local Government made them really Government departments. There was a large proportion of the nominated element proposed for the village councils. They are invested with large powers, but the executive control was really vested in the President or Chairman and the village council itself is reduced to the position of an advisory body. The Chairman is generally appointed by the Government or his appointment is made subject to Government veto, and he is entirely under Government control. The result of all such legislation would naturally be to create a machinery for interference with village life, and this very often tends to form another engine of oppression in the hands of the lower officials.

64. Out of 710 there are 413 municipalities which contain a majority of elected members, but on account of the centralization of the executive authority in the hands of the chairman, their powers are not very great. Again we have only 235 municipalities which contain elected non-officials as chairmen. Obviously it is only the municipalities which contain not only a majority of elected members, but also elected non-official chairmen that by their constitution can exercise real self-government. And of such municipalities there are only 181 in number out of a total of 710. The case of district and local boards is still worse. In nearly all the provinces the district officers are ex-officio chairmen of district boards. In the whole of India, district and local boards are 198 and 537 respectively. Of these, only 13 district boards and 43 local boards have

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elected non-official chairmen. Only 83 and 173 respectively, have got a majority of elected members. I have already said that it is only those bodies which contain a majority of elected members and elected non-official chairmen, (and only 13 district boards and 79 local boards are so constituted) that by their constitution are able to exercise any real control, but even the powers of such boards are so restricted by legislation and government rules that their management cannot be effective. This was the situation when I took charge of the Department.

65. Soon after I became a member of the Government, the India Government submitted a despatch which was accepted by the Secretary of State which would make the Board and the Municipality practically independent of the officials. I was however not satisfied with it but it went sufficiently far to discard the policy of Lord Curzon. My apprehensions however were justified by what took place shortly after. In the resolution that we had issued we had made no exception in favour of cities like Calcutta, Madras and Bombay, and did not recognise the principle till then accepted that whatever might be the case with other Municipalities, these Municipalities must remain under official control. A bill to amend the Calcutta Municipality Act was sent up to us, the Government of India for sanction. This Bill however did not comply with our despatch and maintained official control. I took objection to it on that ground but I was over ruled by my colleagues. I felt then whatever resolutions we might issue, there was no guarantee that they would be carried out in spirit, and Municipalities and District Boards would be allowed freedom. But as it was understood that Local Self-Government would be placed under Indian and non-official control under the new reforms which were then under contemplation, I did not further press the matter about this Bill, but resolved to see that the reforms would give us complete control over Local Self-Government. I was in frequent communication with Lord Carmichael in whose time this Bill was introduced and he dropped this Calcutta Bill and it was not further proceeded with.

CHAPTER VII

EDUCATIONAL POLICY OF THE GOVT. OF INDIA UNDER LORD CURZON.

66. But the most important and troublesome task before me was the educational policy throughout India and in particular the question of the higher, secondary and primary education in Bengal. The question of education in Bengal was very much complicated by the great distrust with which Lord Curzon who was responsible for the educational policy was regarded in Bengal. As his policy had a great bearing on the political evolution of the country it may be desirable to refer to it very briefly.

I shall state Lord Curzon's educational policy, to be fair to him, as far as possible in his own words to a mutual friend. His idea was to give elementary education to the masses in the vernacular, and to reserve English education for a select minority. But this idea was mainly based on practical considerations. He believed that under existing conditions the vernacular was the only possible vehicle for imparting elementary education to the masses, and that as regards higher English education we should look rather to quality than to quantity. He used often in conversation to compare English education in India with classical education in England. Elementary education in England was not classical. Elementary education in India should not be in English. A very large proportion of Englishmen are content with the classical education they received in grammar schools and public schools, and only those who are destined for particular professions go in for higher university education. Lord Curzon was alarmed at the tendency amongst Indians to regard English education in schools solely as a preliminary to university education though in India far less than in England was there any possible

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outlet for more than a limited number of university products. Moreover this tendency was, in his opinion, responsible for another equally mischievous tendency to lower the standard of admission to the privileges of university education, with the result that, as a matter of fact, there was no longer any definite line of demarcation between school and college courses, and the first year or two of so-called university education was devoted to what should properly have been the final school course.

He was influenced by his desire to develop the great material resources of India and of equipping young Indians to take hand in the regeneration of native arts and crafts as well as in the larger fields of modern commercial and industrial enterprise. According to him for that purpose the vernacular could provide the whole educational equipment required and English would be as much out of place as Latin and Greek would be in a Board school or a Commercial lower middle class school or an Artisan's institute in England.

67. One evil, however, he never clearly foresaw. As stated by Sir Valentine Chirol, the real conflict in India would be between the two forces which he was apt to confuse, as jointly antagonistic to his ideals of paternal government for India, namely between the advocates of constitutional progress in the domain of politics combined with social reform and religious enlightenment, and the champions of political rights for an intellectual oligarchy bent on perpetuating the social and religious enslavement of the masses. He certainly never foresaw that the study of the ancient classical languages of the Orient which he encouraged partly out of a scholar's regard for the classics of all countries, and partly as an antidote to the destructive potency of English education as a mere solvent, would lead to the demand for, and the granting of, denominational universities which must ex-hypothesi be fundamentally hostile to the whole spirit of the West. Even within the more modest limits and for the more modest purposes mainly contemplated by Lord Curzon in recommending vernacular education, it may lend in a lesser degree to serve the same reactionary ends.

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This criticism that Lord Curzon did not recognise the effect of English higher education for political progress, social reform and religious enlightenment was fatal to his entire policy. It may be doubted whether it was mere confusion as Sir Valentine states or whether it was not intentional. It was never doubted either by Macaulay who laid down education in English as the Government policy in India, or by those who started the universities in 1858, that mass education could not be imparted in English but only in the vernaculars. But what they envisaged was that such education should be imparted by those who had received higher English education. And their reasons were ethical, just those reasons which Lord Curzon entirely ignored. They wanted English education in India for social reform, religious enlightenment and political progress; in other words to get rid of caste altogether so that there might not be any inequality between a Brahmin and an out-caste. This would naturally lead to a claim for equality between an Indian and an Englishman which Lord Curzon resented, but which Macaulay and those Englishmen who agreed with him welcomed. Higher English education would lead, it was expected, to the amelioration of the conditions of women, to their uplift in all directions, to their equality with men in all respects. Higher education would also lead to education in citizenship, to training in Self-Government and ultimately to Self-Government. This was welcomed by Macaulay and his allies. The splendid results attained by Western culture outside India have amply conformed this view. Lord Curzon's educational policy would have stood in the way of Japan attaining eminence in all the arts of war and peace. The renaissance in China was due to the culture imparted by higher English education to the Chinese men, and women in particular, by Americans, in China and in America. The results have been equally glorious in the Muhammedan world. It is the Western culture that has created the new or Mustapha Kemal Turkey, a vindication of Macaulay's policy. Lord Curzon's educational policy would have perpetuated Khilafat Turkey. Macaulay's India was proceeding in the direction of Kemal Pasha's Turkey. Great men like Gokhale would not have come to the front if Curzon's policy had been enforced in India.

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It is these men and their like who have to instruct the masses in their vernaculars. For English higher education to be opened to such men, it is essential that they should have opportunities of sound primary and secondary education in English, as without such good foundation there can be no good higher education. This is impossible, if such higher education is restricted to a few select persons as Lord Curzon intended. Bengal confirmed this view, and as I had to deal with the question of Bengal education I now propose to deal with it. In fact Lord Hardinge told me soon after my appointment that he had Bengal and the Calcutta University in view when he offered the appointment to me. I shall first deal with higher education.

68. Sir Ashutosh Mookerjee the Vice Chancellor with marvellous skill was building a Post Graduate Department and encouraging Higher English education in the Calcutta university. For that he had to use funds which really ought to have been utilized for Secondary Education. He did this by placing his own interpretation upon the rules framed by himself which according to him gave him the full control. The Education Department of India had already prepared a draft for the appointment of a commission to go into the financial condition of the University. My acceptance of this would have resulted in the elimination of the Post Graduate Department, which was then doing very good work and which had since turned out such splendid results, and placing great obstacles in the way of Bengal Higher education. I supported Sir Ashutosh Mookerjee and he was grateful to me for it. I received from him the following letter.

77, Russa Road North,
Bhowanipur,
Calcutta.

The 28th June 1917

My dear Sir Sankaran,

The telegram about the Post Graduate Regulations came here on Tuesday night. You can imagine how pleased I am to find that my labours have not ended in vain. Every supporter of the scheme will be grateful to you for your help in effecting

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such a reform. I will set to work at once and the new system should be in operation in the course of next month.

Yours sincerely,

(sd.) Ashutosh Mookerjee

Subsequently I was able to get rid of the original plan and get a commission appointed to suggest reforms for the future and Sir Ashutosh Mookerjee was put on the commission.

77, Russa Road North,

Bhowanipur,

Calcutta,

The 17th September 1917.

My dear Sir Sankaran,

The papers yesterday published the resolution on the Calcutta University Commission. I need hardly assure you that it will be my best endeavour to make the most of the opportunity you have given us. This will be a turning point in the history of our University.

The "Statesman" published an editorial paragraph yesterday on the subject of the Commission (copy enclosed). It will not take you by surprise, but it will show you what desperate effort will be made to poison the ears of the members who are coming out from England; possibly the attempt has already commenced at home. My position will be very difficult in these circumstances.

yours sincerely,

(sd.) Ashutosh Mookerjee.

Extract from the "Statesman" dated 16th Sept., 1917.

"The constitution of the Commission on the University of Calcutta had been in large measure anticipated. The surmise that Sir Ashutosh Mookerjee would be a member is confirmed and the question that remains to be solved when the commission meets in November is whether Dr. Sadler will prove strong enough to cope with the masterful and clever man who has long dominated the University. On the whole, we are disposed to believe that the odds are in favour of Sir Ashutosh Mookerjee. Dr. Sadler knows probably more about Education in all its aspects than any other person in the world, but it is by no means certain that he possesses that strength of will or the

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knowledge necessary in order to penetrate into the shams of the Calcutta University. The object of Sir Ashutosh Mookerjee will be to show that white sepulchre is an active progressive home of learning, and it will need all the resolution of the other commissioners to discover the squalid truth”.

My own Secretary Sir Henry Sharp also was very much disappointed. Here is his letter below to show the nature of the opposition.

Educational Commissioner,
With the Government of India.

March 15th, 1917.

Dear Sir Sankaran,

I ought to let you know that after speaking to Maclagan, I have written a letter to the P. S. V. protesting against the proposed composition of the Calcutta University Commission. The P. S. V. tells me that he is placing it before His Excellency. I think you are probably tired of the subject. To me, who has been struggling for ten years against the reactionary forces in Calcutta, it is a matter of vital import.

Yours sincerely,
(Sd.) H. Sharp.

I have given above the article from the Statesman and the letter of Sir Henry Sharp to show the feeling of Englishmen on the matter. As a matter of fact the assumption that there were no members of the Commission with special knowledge of the conditions in India of education is absolutely unfounded. Mr. now Sir Ramsay Muir was on the Commission. He had Indian experience, taught students; he had visited many colleges, he had read examination papers, discussed the problems connected with university education with many teachers both Indian and Englishmen. He had a first-hand knowledge not only of Oxford but of the modern English Universities where the essential problems of university work were being freshly considered, and he had some acquaintance with the university systems of America, Germany and other countries. I held in my hands at that time a long memorandum written by him in which he had criticised at great length the defects of the Universities in India and in particular the schemes for the Universities in Patna

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and in Decca then under contemplation. It was a strong hostile criticism. Such a man was not likely to be unduly influenced by anybody. If Sir Ashutosh Mookerjee could not get such a Committee to support his University I could not help it. The University was thus saved. I rescued the University from disaster also another time. After I joined the Council of the Secretary of State and before the Government of India handed over the control of the the University to the Ministers of the Calcutta Government, the Government of India sought to introduce a Bill into the Viceroy's Council to officialise the University. On my strong advice the Secretary of State refused his consent to the publication and introduction of the Bill.

69. I shall now deal with the primary and secondary education in Bengal.

The question of modelling the lines on which Primary education should be based appears first to have been taken in its relation to agriculture. In 1904, on the Report of the Education Commission, the Government of India or rather Lord Curzon, laid down the educational policy in the following words. "The aim of rural schools should be not to impart definite agricultural teaching but to give to the children a preliminary training which will make them intelligent cultivators, will train them to be observers, thinkers and experimenters in however humble a manner and will protect them in their business transactions with their landlords to whom they pay rent, and grain-dealers to whom they dispose of their crops". "The Government of India regard it as a matter of the greatest importance to provide a simple, suitable and useful style of school for the agriculturist and to foster the demands for it among the population". A Committee appointed to prepare a syllabus on these lines in Bengal accepted the principle as applicable both to urban and rural areas, and their syllabus provided for the compulsory teaching of certain subjects in both rural and urban, and for certain supplementary subjects which were to be optional in rural and compulsory in urban areas. The whole thing proved a failure. In his report on public instruction in Bengal for 1913-14, the Director of Public Instruction said.

"Two conclusions emerge. The first is the general desire for English education. The second is the tendency to regard an

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education which does not go beyond the primary stage as of little or no value for its own sake, and the consequent reluctance to send a boy to a primary school, or at any rate to keep him there for the greater part of the course, unless the parent sees some prospect of sending him on to at least a middle English school. The whole system of primary education needs to be overhauled in the light of the needs of the various sections of the population.”

Later on, he said :- “But we can never hope to break down illiteracy and raise the general standard of intelligence so long as the poorest classes regard primary education of little, if any, value except as a means of sending their boys on to schools where English is taught in the further hope, as a rule, of raising them up to the already overcrowded sphere of clerical and unskilled employment.”

After suggesting certain improvements, he concluded :— “But all these will be of little avail unless and until the primary school secures the confidence of those sections of the population whose urgent need it is that their children should acquire those rudiments of knowledge without which the general raising of these several communities is impossible. No general educational system can be without its effect on the social structure; but no educational system can be regarded as sound, unless each of the various stages of it is to some extent complete in itself. The existing state of affairs in Bengal indicates that we have largely failed to appeal to those who more than all others depend for their advancement on primary education.”

Then about the middle vernacular schools in which the teaching of English was prohibited he said they were on the decline both in number and in efficiency, in spite of efforts by the Department to encourage them. He said; “The general public has little interest in schools which do not include English in their curriculum.” In his report for the next year 1914,'15, he continued to insist upon the unpopularity of the schools which did not give English education. “The growing popularity of middle English schools and the gradual extinction of the middle vernacular schools are but evidences of the popular desire for what is known as English education, and a strong feeling is rapidly growing up that there is no longer a place in the educational system for the purely

vernacular middle school. The exclusion of English, even as an optional subject, from the curriculum of middle vernacular schools is responsible for this attitude, and parents and guardians have come to look upon the years spent by their sons and wards in vernacular classes beyond the primary stage as so many years wasted."

This policy resulted in calling into being many venture schools, as the people were determined to get education of the kind they wanted, if the Government would not give it to them. These venture schools have been growing up indiscriminately without any proper control. They are said to have been incapable of giving any useful English education. The private schools were overcrowded owing to the rapidly increasing demand for English education. Those schools were mere sheds, dirty and shabby. If therefore English education is not given in the primary and middle schools it became clear that boys will not be attracted to them and the number of private schools will go on increasing. The Local Boards did not evince interest in the Government system of education which had no relation according to their ideas to the subsequent career of their boys. To me it did not appear reasonable to require the Local bodies to open and manage schools, unless the courses of study do not exclude the subjects which they wished to be taught and which are necessary to interest them in the progress of their schools.

A Committee called the District Administration Committee was appointed to report on this as well as other questions regarding District administration. The Committee consisted of 5 civilians. There was no educationist or non-official member. In their report the desire for English education is throughout deplored and represented as something to be deprecated. They speak of the dangers of spreading among an Eastern people a Western education cut down to the lowest possible cost, with no regard to religious training and with little regard to moral training. In their opinion the prevalence of Anglo-vernacular schools was undesirable. They disapproved of the racial and political unrest consequent on the spread of English education. They condemn its disintegrating influence on the frame work of Orthodox Hindu Society. They complain that even the cultivating classes and the Muhammadans

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are coming into the English educational field in rising strength. According to them the High Schools are manned by generally incompetent teachers.

Referring to the results of political agitation, the Committee say, "The efforts of Government have failed to prevent this, for power mainly lay with the syndicate whose views of the situation and as to discipline and propriety were by no means always identical with those of the Education Department, and the authorities of various schools were able to play off with success the first against the second. The department saw what the schools were really like. The syndicate did not." The remedy proposed was that the recognition of schools should rest solely with the Director, that all schools should be placed entirely under the control of the educational Department, that teachers should be registered, and the district officers should have the power to veto the appointment of teachers and members of the school committees. District magistrates mean of course police officers. They would get rid of the University entrance examination. This is intended to deprive the University of any voice in the selection of students for admission into the University studies. They would increase the cost of education.

Of course I made up my mind not to accept these recommendations, for the very obvious reason that they intended to get rid of higher English education for having produced the very results which they were expected to produce by Lord Macaulay and those who were responsible for starting the Universities in 1858. I declined accordingly to take any steps to carry out these recommendations though often invited by my colleagues to bring forward my proposals for that purpose. By this time Sir S. Sinha became a member of the Government of Bengal and was placed in charge of the educational port-folio. He agreed with me and there was no further trouble. But I realized at the same time that the Civil Service being opposed to English higher education and determined to carry out Lord Curzon's policy, it was essential in Indian interests to place the control of education in Indian hands and therefore make it a transferred subject in the coming reforms.

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70. The following note of my colleague Sir William Meyer shows the attitude of the civilian members of Government and the Civil Service.

“The experience of the last few years has of course brought home to us clearly the mischief of what Sir Reginald Craddock styles a system of ill-regulated education. But for that system the Government, acting through the Education Department, must be held mainly to blame. It is the educational officers who are principally responsible for the patent defects of the existing system—the looking at quantity rather than quality, the excessive weight given to examinations, the dull uniformity aimed at in respect of text-books, grants-in-aid and so forth, the prescription of unsuitable text-books, and the foisting on India of curricula which had been evolved in England and not been so brilliantly successful there. No doubt there are broad-minded Inspectors of schools, but, as is apt to happen in bureaucracies, the subordinate officers tend to be much more narrow and pedantic,” or in other words they wanted to enforce Lord Curzon’s policy, carry out the recommendations of the Bengal Administration Committee, and discourage English higher education as much as possible. To prevent all this I felt that it was necessary more than ever to make education a transferred subject.

CHAPTER VIII

WAR AND INDIAN EFFORTS

71. Before taking up the question of Reforms I shall dispose of the questions relating to the "Great War". The princes of India, spontaneously, before the Emperor, the English people, or the Viceroy called for their assistance, placed themselves and all their resources at the disposal of the Viceroy. It was nothing else but their disinterested chivalry that prompted their action. Their ancestors were the trusted lieutenants of the Moghul Emperors and in fact the Moghul Empire itself was of their creation, and they jumped at this opportunity of emulating the deeds of their fathers in the defence of the Empire. The aristocracy of the country were not less forward in placing their resources unasked at the disposal of the Viceroy. Many of them made contributions beyond their means. They were generally the descendants of Rajahs and Zamindars who ruled the country in the ancient days. They had no place in the English scheme of administration. Their proper sphere, military activity and governance of the country, was denied to them; and they took this opportunity to show their loyalty and their readiness to render any help in their power. Not less forward were the educated classes. They not only supported the Government in the press when an indifferent or passive attitude might have caused embarrassment, if not trouble, and though they were not accepted on the terms on which the corresponding classes are received in the army elsewhere, they enlisted as privates and otherwise performed duties far below their station in life. They did this like the others, to remove from the minds of the rulers any lingering doubts of their loyalty, to show their readiness to bear the burden of the Empire. Long before there was any apprehension of any danger to India they pressed for the employment of Indian soldiers in Europe. These personal services were not rendered for

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pay. They did not stop to consider the merits of the struggle. The sons and relatives of the great Indian chiefs and the educated classes claimed to fight in the defence of the Empire in pursuit of their high ideals. The Indian soldiers shed their blood in France, in Gallipoli and elsewhere. All these produced a great impression upon the English mind and the enthusiasm with which England from one end to the other showed their appreciation of Indian effort and the tributes paid by all classes of persons from the Prime Minister downwards, sent a thrill of pleasure throughout India. India was ready for any sacrifice. They were only waiting to be led.

72. But when they turned to the Bureaucracy they received a chilling reception. They found coldness and sneer in the place of cordial welcome. The material resources of India were not organised as they ought to have been, and will never be until Indian intellect is enlisted in the task. The manhood of India was not organised. The co-operation which the Indian Bureaucracy required was the co-operation of master and servant; the co-operation of the Indian servant who obeyed without question the orders of his European master; such co-operation as was commended by Sir Michael O'Dwyer in the Council. They only required a mercenary army of sepoys to serve for pay. The loyal service which the educated classes and the relatives of the Zamindars were able and willing to render out of patriotic motives and other ideals were almost spurned aside. If anything was proved in this war, it is the need, on account of the great wastage of officers, of Indians educated in military art to lead their own men. But the Bureaucracy showed great reluctance to give them the necessary training for admission into the commissioned ranks. The Indians were told that the matter was one which required careful consideration, for which the time was not yet. The conduct of the Government in this respect may be compared with that of America which only joined the war very late. While the Government were only considering the question of educating Indians to receive the doles of commissions which they might be prepared to give, America had established a training camp at Fort Des Moines, where 1200 Negro student officers were being moulded into shape to lead the Negroes joining

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the American army in France. Those of the students who are judged fit at the conclusion of the term were to be given commissions as Captains and Lieutenants. It is certain that if the manhood of India had been organised as it ought to have been, England might have dominated the East, and probably fulfilled the expectations of the Ex-Viceroy who wished to see the horses of Indian troopers stabled at Potsdam. It is impossible to deny that without the Indian army England could scarcely hope to maintain her position in the East. In ancient days, Muhammadan soldiers fought with success under Vizianagar Kings against Muhammadan rulers, and at the great battle of Panipat a Mussalman soldier upheld the Hindu flag, and it is said might have restored a lost battle if his Hindu comrades had been equally staunch. A Hindu General conquered Hindu Kingdoms for the Moghul Emperor and a Hindu Viceroy ruled Muhammadan Kingdoms like that of Cabul for his Muhammadan master. Against their own recreant sepoys at the time of the Mutiny, the princes and the people of India supported the East India Company. But instead of building on these foundations the Bureaucracy sneered at them, and openly in the Legislative Council tried to explain away similar incidents. The real objection of the Bureaucracy is believed to be the impossibility of refusing constitutional freedom to their own prejudice if the services offered were accepted.

73. The whole fact was that the Government did not and would not ask India to do all she could. Out of a population of 300 and odd millions of which at least 50 are composed of fighting races, it would have been easy to raise and train without resorting to compulsion an Army of almost unlimited size. India could have furnished not only combatants and labour units but also officers. The peoples of India wanted the development of their industries. This 'Swadeshi cry' was regarded as seditious. Statesmanship would have encouraged it only taking care that all the machinery and workshops could have been adapted to the necessities of the War. An Indian expeditionary force a million strong, over and above her own defensive needs, self sufficing with their own uniforms, tents, guns, ammunition would have dominated the entire east, both Africa and Asia. But India was

treated as a subject race and they had no Self Government. They could not determine their own policy. The Indians rallied to the cause of the Allies, as they regarded War as a struggle for liberty. They wanted free enlistment. They wanted commissions for educated Indians. There was no limit to the sacrifices which they were prepared to make. Of course there was the hope that Self-Government would follow. And if the Indians had been allowed to make their free choice, they would have made an unlimited contribution to the War, in men, officers, supplies and money. The emotional conditions for such a patriotic rally were all present. There was only one condition, that was wanting a promise of Self-Government; but neither the Indian Government nor the English Government were prepared to give it. Very early in the War, Indian students in England were refused admissions to Officers' Training Corps. When Indians wanted free enlistment they were told that it would be impossible to find enough English officers acquainted with Indian languages to command the new levies. French Officers who spoke neither Servian nor Greek were training Servian and Greek Regiments. Germans who spoke no Turkish were training and commanding Turks. It would have been easy to find educated English speaking Indians in large numbers who would soon have become capable junior officers under a few English seniors, who need not have been numerous, and need not have spoken an Indian language. The real point was that the Government did not care to give commissions to the new generation of educated Indians. It would have been dangerous, as the Government wanted that everything should go on as before. It would have been the right thing to do if England had meant to give India her place as something more than that of a subject people in the Empire. In fact it would have been the safest and the most popular policy.

74. Nevertheless I heartily concurred in placing all our resources at England's disposal. All Indian railway resources were devoted for the prosecution of the war; Military railways overseas had been supplied with stock and materials and were entirely equipped with personnel and engines, and rolling stock from Indian Railways. In fact some of our Indian lines were pulled up to furnish rails. Besides feeding her armies serving outside India,

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India's wheat, though ostensibly only the surplus, was placed at the disposal of the United Kingdom and Allies. Other grain was supplied to Egypt and Salonika and all grain required in Mesopotamia, Persian Gulf, Aden, and East Africa, and rice and flour for Egypt and flour for Salonika in addition to the requirements of civil population in Mesopotamia were supplied by India. The Government took these at prices lower than the market prices. Though England realized the full market value and something beyond from others, yet India was not paid that additional sum.

75. It was in the course of one of our discussions on this matter that we the Non-Military members discovered that there were British Soldiers in the East whom we were feeding. It was shortly after the Debate in the House of Commons about the dismissal of Gen. Maurice, Sir William Meyer asked our Commander-in-chief how he reconciled this fact with the contention of Lloyd George that the British troops were all in the Western Front and not in the East. Sir Charles Munro said that it was not true, but only a "pious aspiration". Having mentioned Sir Charles Munro, I might refer to what he did once in the Council. He was in charge of a certain Bill. He was attacked by a non-official English member Mr. Ironside, I think. He asked Sir William Meyer who was sitting next to him, with myself next, whether he should reply. Sir William asked him to do so, as otherwise some might think that that speech was unanswerable. Sir Charles who was deaf of one ear muttered, "I did not hear one word of what the blighter said", and then spoke for half an hour; not one word having anything to do with Mr. Ironside's speech. But his earnestness and emphasis no doubt impressed the members, who however knew nothing about the subject.

76. There is a remarkable passage in the Indian Diary of Mr. Montagu about Sir William Meyer. "But he proceeds afterwards to complain bitterly of the treatment of India by the India Office and he shows in it as great an absence of imperial patriotism as could be laid to the charge of any nationalist Indian, and a complete ignorance of the dangers which lie before the Treasury which is financing the Allies. He regards everything from a very narrow Indian point of view. As long as India is a subject nation it would not be right to saddle her with the expenses of a war

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with which she has no direct concern; were she a partner it would have been entirely different.”

There was good reason for Sir William Meyer's complaint. In fact, when Mr. Montagu charged him with disregard of imperial interests, it is to be regretted that he failed to record what Sir William Meyer in all probability told him. The Government of India had to make a contribution to the Imperial Exchequer for War expenses, besides maintaining her own troops in the War theatres. They found that considering the financial situation they could not give more than fifty million pounds. Sir William Brunyate who was a member of the Council of the Secy. of State discussed the matter with him and he agreed that that was a fair contribution, but we were then asked by the Secretary of State to contribute a hundred million. It appears that a less amount was declared unacceptable by the Prime Minister and the Chancellor of the Exchequer. We found that it would not really have been possible to pay the interest on more than 75 million and even that only with difficulty. It appears to me that there was ample justification for Sir William's complaint.

CHAPTER IX

GROWTH OF THE CONGRESS & MORLEY—MINTO REFORMS

77. Lord Chelmsford took up the question of Reform soon after his arrival. It is desirable here to state the situation in the Government of India as it confronted me. I have already stated that I was President of the Congress in 1897, and I have stated therein the origin of the Congress and what was done on that occasion. A very brief account of the Congress activities is necessary to realise what according to me were the Reforms required.

The first Congress demanded an enquiry into the working of the Indian administration on account of the distressing deterioration of the condition of the people. The second Congress which met at Calcutta in 1886 and which was really the first Congress composed of delegates from the various parts of India, after passing a resolution of congratulations to Her Majesty, passed the following resolution;—

“That this Congress regards with the deepest sympathy, and views with grave apprehension, the increasing poverty of the vast numbers of the population of India, and (although aware that the Government is not overlooking this matter and is contemplating certain palliatives) desires to record its fixed conviction that the introduction of representative institutions will prove one of the most important practical steps towards the amelioration of the condition of the people.” It will be observed that representative institutions were demanded in order to deal effectively with the increasing poverty of India. It is also remarkable that many amendments were proposed putting forth palliatives for the poverty of the masses like the permanent settlement, wider employment of Indians, encouragement of indigenous trade, etc., but they were all rejected, and the above-mentioned resolution was carried.

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78. The official report of the Third Congress recorded that “The Indian Community despair of obtaining any material alleviation of the misery they see around them, until they can secure a potential voice in the administration.” And it was added “It is this conviction, more than anything else, that is giving such an intense earnestness to their efforts in the direction of representation.” Accordingly when General Booth of the Salvation Army, commending “to the attention of the Congress the claims of the millions of India’s starving poor,” suggested certain schemes, the Seventh Indian National Congress passed a formal resolution that the relief of the millions of half starving paupers, whose sad condition constitutes the primary *raison detre* of the Congress, cannot be secured by any palliatives; and said, “It is only by modifying the adverse conditions out of which this widespread misery arises, and by raising the moral standard of the people, that any real relief is possible. As regards the first, the Congress programme now embodies all primarily essential reforms; as regards the second, in every Province and in every caste, association, public or private, are working with a yearly increasing earnestness.” Among the primarily essential reforms that are referred to by the Congress is a system of technical education and the encouragement of indigenous manufactures for the relief of poverty—a subject which was taken up by the Congress as early as 1887. Some of the other proposals are embodied in the following extract part of a resolution passed by the Congress:—

“Resolved. — That this Congress, concurring in the views set forth in previous Congresses, affirms that fully fifty millions of the population, a number yearly increasing, are dragging out a miserable existence on the verge of starvation, and that, in every decade several millions actually perish by starvation.”

* * * * *

“That hence it has become imperatively necessary that the cost of the administration be greatly reduced.....by (1) a strict economy in the commissariat, Ordnance and Store Departments; and in the civil branch, (2) by the wide substitution of a cheaper indigenous agency for the extremely costly imported staff; and (3) that measures be at once taken to give, as was

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promised by the British Government thirty years ago, fixity and permanence to the Land Revenue demand and thus permit capital and labour to combine to develop the agriculture of the country, which under the existing system of temporary settlements, in recent times often lasting for short periods, in some cases only extending to 10 and 12 years, is found to be impossible." This resolution was moved by an English lawyer practising in the mofussil. He recalled the words of Lord Derby in 1878 when an invasion of India was feared: "A full treasury, a prosperous and contented people—these are the real defences of the country." And he said, "Millions have not, from year's end to year's end, a sufficiency of food. From one day to another they do not know, what every one of us knows every day of his life, what is to have their stomachs full."

In fact, all these speakers laid emphasis upon the same growing poverty of the people.

It is only necessary for the present to refer to one other subject which also has an important bearing on the objections to reform. In the words of the Second Congress "a complete separation of executive and judicial functions has become an urgent necessity." The first resolution on this subject was passed in 1886.

In the subsequent Congresses and Industrial Conferences, all these questions and many others with the same purpose in view have been thoroughly discussed in detail by competent persons, many of whom have risen high in the Government service and have been honoured by Government and by the people of the country. The Congress has never ceased to press forward the necessity of reforms in all these directions. They form, however, only some of the reforms suggested to cope with the widespread and growing destitution. Particular attention is here drawn to them partly on account of their importance, and partly because the assumed incompetency of the proposed Legislative Councils to deal with these questions is alleged to be the reason for further narrowing the scope of reforms. For more than 25 years these proposals have been put forward, long before any Home Rule movement was thought of or advanced. Representative institutions were claimed for the relief of the increasing poverty of the people, and not merely to satisfy the ambition, though perfectly

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just and natural, of the educated Indians to obtain an increasing share in the administration. It is possible that if these grievances had been redressed things might have taken a different aspect.

79. The following was the statement by A. O. Hume in the official Report of the Congress of 1890:

“Millions of educated and patriotic men, than whom no more loyal or loving subjects are numbered in the vast Empire, that owns the sway of our beloved Queen Empress, are treated as political helots to gratify the class prejudices and *amour propre* and fill the pockets of a handful of bureaucrats, the average men amongst whom are, positively, less qualified for rule, in India, than a very considerable proportion of those whom England permits to misgovern.

“India’s people, free born British subjects, are denied the smallest fraction of those fundamental political privileges which, as British citizens, are their inherent birth right.

“Ninety-five per cent of all the most important and responsible offices in the country are monopolised by the Europeans, on salaries fully double of those that would secure quite as, in many cases far more, competent Indians for the majority of these posts.

“One-fifth of the entire population tremble on the verge of starvation, to perish in millions whenever the smallest natural calamity of drought or flood increases by one iota the insecurity of their position, and the money wrung from our pauper population, by the cruel taxation of the first necessities of life...the money which is all our Government has had to show for the 20 odd millions who in recent years have succumbed to famine and its consequences is ruthlessly squandered in bloodshed, and in wicked, and idiotically mismanaged, aggressions on feebler neighbours, to gratify the ignoble cravings for personal distinctions and titles of individual members of a Simla cabal.

“Almost every indigenous art and industry has been crushed, and agriculture, the one art on which now

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depend nearly ninety per cent of the population, is slowly deteriorating under a grasping rack-renting system of temporary settlements, and with it, our crops and our cattle.

“The masses are persistently demoralised despite the orders of the House of Commons; an iniquitous system of excise, calculated to stimulate drunkenness and all its attendant crimes and vices, is still retained, only slightly and superficially reformed, in some provinces, in all its original iniquity in others.

“Under a barbarous and obsolete system, miscalled Justice, Executive and Judicial, Fiscal and Police powers are so combined in one functionary, that powers professedly granted for one purpose are practically utilised in furtherance of others, for which no civilized Government in the world would nowadays, dare to confer them.

“There is practically no justice in India for the poor against the rich, or the non-official against the official, and the Police, who should be protectors of the poor and the honest, are their terror and their worst oppressors.

“What wonder, if some of us (a), who come of sterner sires, at times, despairing of justice at the hands of man, cry out in bitterness of heart. “How long, O Lord, How Long?” But the patient East, sublime in its resignation and charity, longs only to forgive and to forget the past, and prays only for justice, however tardy, in the present; and wrongs that long since would have roused Teutonic or Gallic nations' frenzy, tolerated in remembrance of the civic peace and order, educated and other benefits, unquestionably conferred by England, awaken in the mind of India's people (far truer Christians, though they know it not, than that proud Nation which permits all this evil, and is answerable for it, before God and man) only the mild reproaches embodied in the words with which we headed these articles.”

This was written in 1890. From that time the Congress, and later the Legislative Councils, have been drawing attention, without

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success, to the various measures responsible for the condition therein depicted.

80. The Morley Minto Reforms which were in operation when I took charge had proved ineffective to redress the grievances above referred to. Those reforms and the conditions in India before 1916 have to be dealt in some detail to explain the situation that in fact confronted us in 1916.

So far as Legislative Councils and the required legislative reform were concerned they proved impotent and useless to redress the grievances. The hopes entertained by those responsible for Morely Minto Reforms that they would enable the Government to gain additional opportunities of becoming acquainted with the drift of public opinion, and that the Indian publicists would be enabled to exercise considerable influence upon the Government who would thus remedy all real grievances, were not fulfilled. Resolutions regarding Education, Local Self-Government, Industries, Services, Revenue, and Finance have almost always been thrown out. The exceptions, if any, are negligible.

To take a few instances: (1) The Home Member, on behalf of the Indian Government, had made a solemn promise in 1908, when the Bengal Partition agitation was at its height, to effect gradually the separation of judicial and executive functions.. a reform essential in the interests of the administration of justice and especially of the poor. The non-officials pressed in the Councils for the performance of the promise. The Government refused to carry it out. (2) The denial of the right of the people of a country to property in their land (for the unlimited right claimed and exercised by the Indian Government to enhance the rent to any extent without the sanction of the legislature is tantamount to it) the absence of any legal protection to capital invested in and labour applied to land, can scarcely be defended and has been responsible for great destitution. Strenuous efforts were made by non-officials for some alteration in the law but without any avail. (3) The destruction of the Indian industries by the East India Company, the subsequent neglect by the Government to take the necessary steps to revive them and encourage industries, has materially contributed to the destitution of the masses. Scarcely any efforts were made to foster Indian industries or

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increase Indian wealth in spite of the efforts of the non-official members, though the Government said "we would like to see the economic condition of the ryot improved."

81. A great grievance was the Medical and Health Departments. There was no Indian Medical Civil Service. The Medical Military Service officers were the District Medical Officers liable to be taken away when the military service required it. That service was practically closed to Indians. For the whole of India there were only two or three Medical Colleges which imparted a very inferior type of education to a few to serve as subordinate officers on very inferior pay to the Indian military Medical Service Officers. In vain had the reformers in the Legislative Councils been pressing for the admission of Indians into these services, for the improvement of these Departments and for increased facilities for medical and sanitary training. But everything was in vain. I take the liberty to refer here to an experience of mine which illustrated the difficulties in our way.

When I took charge of my office I found that there was a determination on the part of the Indian Medical Service to keep Indians out of the Medical and Health Department. Very rarely did the local Governments, with one Indian member, succeed in recommending the appointment of an Indian to an important post; when they did it was often vetoed by the India Government who was advised by a Director General who was an Indian Medical Service Englishman; in the very few cases in which the India Government might uphold the local Government's recommendation it had to run the gauntlet of the India Office. There was a tropical School of Indian Medicine in Calcutta. But no students were admitted into it as at that time no Englishmen were available, all being required in the war. I admitted with the permission of Lord Hardinge three persons, but before the actual admission, Lord Chelmsford came, whose attitude was soon apparent. I accordingly dropped the matter, determined of course, that before I left the Government of India, the English monopoly of the Medical Service should disappear. It was essential in public interests that this should be carried out. It was practically difficult to get anything done in the face of English vested interests. The Sanitary Department recommended to me that certain villages

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in Bengal were infected with Malaria and should be evacuated. The villagers protested, and Lord Carmichael the Governor wrote to me that the Zamindar an Englishman, owner of those villages supported the villagers and had threatened to shoot any Sanitary Officer who went there. He advised me to drop the matter. To give another instance, all over India the pits dug by the Railway authorities by the Railway Line formed a breeding ground of Malarial Mosquitos, but the English Medical Service would not interfere with them.

Generally, so far as sanitation was concerned, I stated my views in a speech that I delivered at a Conference of the Sanitary officials. "We can," I said, "claim the most revolutionary and certain discoveries in regard to malaria, and yet malaria carries off its hundreds of thousands from our midst every year. We can claim the theory of plague infection, and yet for 22 years this scourge has infested our country. We are carrying on valuable research on the subjects of hookworm, leprosy, and other diseases, yet our labour force is disabled by hookworm, and the leper is too often found among our villages. Our rural tracts are insanitary, our cities are frequently models of unsatisfactory housing. We cannot hold our hands while millions perish and national vitality is lowered."

I came to the conclusion that these Departments of health and sanitation should be transferred to Indian control in the public interest.

82. I have already referred to the unrelenting war waged against English and other education in particular for political reasons. I cannot help referring to another measure. Lord Ripon introduced a scheme of local Self-Government. Lord Morley had insisted on its being carried out. The Decentralization Commission had recommended the various steps to be taken. Literally, no progress was made. More important than all this was the question of the Indian Civil Service which indeed formed the governing class in the country. It was essential if there was to be any useful reform that they should be relegated to their rightful position as Civil Servants and not masters, and that they should be placed under the control of the popular representatives, and further the service which was practically closed to

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Indians should be opened to them. The Reformers pressed therefore for the Civil Service examination to be held in India also. But they did not succeed. The other Civil Services were practically in the same position in so far the admission of Indians was concerned.

It is not perhaps right to pass over the attempt to introduce a Civil Marriage Law. It is thrown in the teeth of the Reformers that they make no serious attempt to get rid of the evils of the caste system. For this purpose, Mr. Basu introduced a Civil Marriage Bill, without which any such attempt must be fruitless. This was necessary to remove the legal disability enforced by the British Government which compel a Hindu to adhere to his caste restrictions against his conscience. Such a measure was essential to remove the sense of degradation and the real hardships of the caste system. It was also essential in the interests of the women who have now to submit to caste restrictions as regards marriage. Indian opinion was divided. But the Government opposed the measure without leaving it to the Legislative Councils for decision. Lord Sydenham said the other day "India's most pressing need is the abolition of the caste system and here lies a magnificent field to work for real Indian patriots. Such patriots exist but not in the small body of political agitators who are demanding power for their own needs." Lord Sydenham knows what support was given to this measure by himself and his friends.

It is impossible for me to refer to the various other measures, but we can form some idea of the activities of the reformers from the list attached to a memorial presented to the Secretary of State and the Viceroy of some of the subjects which the reformers had been practically vainly pressing upon the attention of Government.

83. These are the questions in which all India was interested and which all India pressed upon the attention of Government. But so far as myself and others who were called social reformers were concerned, there was an over-riding consideration which made us claim full responsible Government. For many years from the time of the third Congress which was held in Madras in 1887, I took a leading part in the Social Reform

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movement which was started to get rid of the caste system amongst Hindus and also for removing all the disabilities imposed on women by the Hindu Law. I was President of the Social Reform Association in Madras and also presided at the annual Indian Conference in 1908. Professor H. B. Lees Smith afterwards a member of the Labour Cabinet was present on the occasion and about my addresses he wrote to me; "They are without flattery, the most illuminating statements of their subject that I have read and if you were to follow me when I returned to England you would find me reading extracts from them in many a lecture or public meeting." My speech on that occasion created a sensation. I had referred in that speech to the human sacrifices that was allowed and enjoined by the Hindu religion. This speech was made after an article which I wrote in the Contemporary Review which made the non-official Englishmen dislike me very much, and which has been already referred to. Therefore they were agreeably surprised by this speech which they said was a brave thing for me to say.

Before this address and after this address, I was holding monthly and often weekly meetings in Madras, where various social reform questions were discussed by several speakers. There were many amongst us in those days who cared more for social reform than for political reform. But reluctantly we were forced to the conclusion that social reform could be achieved only by political reform, that is to say, that for the uplift of women, for the abolition of caste, and for the elevation of the low classes, political progress was essential, or in other words Parliaments were necessary, where they could pull their full weight and would have their proper effective voting strength. We were hoping that the Morley-Minto Reforms would give us Parliaments of that nature. We were sadly disappointed. We found that the electorates under the Morley-Minto Reforms did not comprise women, low castes or even the non-Brahmin castes in their proportionate strength. I expressed these views shortly after the Morley Minto Reforms came into operation.

For this purpose I wrote two articles in the Contemporary Review of August 1911 on social reform which at that time

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created a stir. As the considerations which I then put forward have a bearing on various questions now under discussion, I venture to refer to them.

84. I first pointed out what the Government had already done. They had made the criminal law applicable to all castes, and the immunity of Brahmins from legal punishment was no longer recognised; the last relic of such privileges, exemption of the Benares Brahmins from death penalty, was abolished in 1817. The practice of drowning children in the Ganges, in fulfilment of vows to Mother Ganga, the inhuman parents often pushing their children with their own hands into the river, was rendered a criminal act. Similarly, the practice of exposing children in the Sunderbans or Saagor Islands was rendered punishable by the Government in the early part of the last century. It was the practice of Brahmin creditors to enforce payment of real or fictitious debts by Dharna. This had been made a crime. The putting down of infanticide, which often took place in the darkness and privacy of the Zenana, through means practically impossible of detection, required more than half a century of stern vigilance and incessant pressure on the part of British officers, who had to face the undisguised hostility of native opinion. Burning a widow alive on the death of her husband was declared a crime about 1830, despite the indignant protest of orthodoxy. Slavery was abolished in 1843. Coming down to times within the memory of men now living, the Penal Code in 1860 declared the intercourse of a man with his wife under ten year of age to be rape, although the Hindu law was silent on the point; the dedication of girls under sixteen to a life of prostitution, under the pretext of religious sanction, was constituted an offence. In 1891 the age of consent by a wife to intercourse with her husband was raised from ten to twelve years. Where the injustice was patent, the British administrators interfered, even outside the domain of criminal law. The Hindu Law which deprived a convert of his property and many of his civil rights, was abrogated in 1850. Widows were allowed to marry in 1856. The religious law which compelled a person to pay the debts of his father and grandfather, under the penalty of the deceased being excluded from heaven, was not generally

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enforced, and in one presidency, where the courts enforced it the Legislature, in 1866, repealed the law by legislation. These achievements alone, in the face of strong opposition, would, apart from all other reforms, constitute a record of which any Government might be proud.

85. I wrote that this was nothing, compared to what remained to be done. In 1835, Macaulay decided for the Indian Government that the great object of the British Government ought to be, "the promotion of European literature and science among the natives of India." This object was steadily kept in view. The increasing study of English literature and Science in schools and colleges, under English teachers, and through the medium of English books, journals, and periodicals had the natural and anticipated result of bringing the intellect of English educated India under the sway of the principles and ideals of Western Civilisation. The Press and the public platforms contributed their share. The Railways and Post offices brought the various races and Provinces of India closer together, and widened the out-look of young India. Facilities of travel to England brought India more in contact with English habits and civilisation--all this while the administration of common laws tended to produce a feeling of unity, substituting ideals of Western civilisation for those of ancient India.

I pointed out the differences between those ideals of Western civilisation and of ancient India. In India the original religious teachers were also law-givers. They aimed at preparing their followers for citizenship in an invisible and future world, and endeavoured to draw away their thoughts from this earth. They inculcated submission to evil, distress, and misery, as things transient and unavoidable. The law was therefore included in or rather was conterminous with, religion and morality, and there was no difference between religious, social and legal morality. On the other hand, the English law aims, not at punishing sin, not at making people religious or moral; it concerns itself with protection of person and property, and has very little to do with feelings and principles of honour. For instance, it punishes, but to protect society; legal mora-

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lity enforced by law, therefore, is very different from religious or social morality. The English law recognises equality of all human beings in the eye of the law, does not deny education to any class; it does not divide people into separate compartments; it allows every person to pursue any calling at pleasure. The Hindu law, on the other hand is based on immutability of caste, and its divine origin. It stamps the members of each caste with an inviolable character of superiority or of abject degradation, and imposes on them the consequent obligation to follow their caste occupation. Thus to the majority of the people the reading of sacred books is a sin, and literature being forbidden to them, the degradation of some of the castes was the necessary result. The English, unlike the Hindu law, does not treat women as man's property, to minister to his passion, pleasure, or comfort. The Hindu sacred books denied education to women, except so far as may be necessary for the purpose of ministering to man, and bound her to accompany her husband to the next world to attend to his comforts. The one law is individualistic, and based on the inviolability of contract, with the result that success attended energy and labour. The other was rooted in communistic and family bondage, and was one of status-fostered indolence and stifled all energy. The English law is one under which a race has made astonishing progress, and is suited, therefore to the needs of a progressive community; the Hindu law and usage, on the other hand, were the product of a society either already enslaved or on the road to slavery, and were suited to a stagnant society.

86. It is natural that there should arise a sharp conflict between the exigencies imported by a belligerent civilisation with such ideals and the teachings of the Hindu Shastras. These fresh ideals required the removal of a good many practices like polygamy, infant marriage. Women had to be allowed equality so far as civil rights were concerned. The caste system had to be abolished. Civil Marriage Law was required in the interests of women and of the non-Brahmin castes, different laws of inheritance were required in the interests of women, free education was required in the interests of the lower classes, higher English

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education was required in the interests of political progress and scientific knowledge, all this had been found to be practically impossible of attainment under the Morley Minto Legislative Councils. It was due to the fact that the persons interested were not represented in the strength to which they were entitled in the Legislative Councils. It was also due to the fact that there was a large number of members directly or indirectly nominated by Government. The Councils had neither power nor responsibility. Radical reforms were therefore required.

Though very high testimony has been borne to the moderation and capacity generally of the legislative councils and of the Indian leaders, it was quite clear to the popular part that the bureaucracy would not, if they were able to do so, give way when their own interests were involved, or, generally speaking, when they had made up their mind and that they would not fight Indian orthodoxy. Such was the conclusion arrived at by the Indian public, and they have not accordingly hesitated to regard these legislative councils as sheer waste of time and nothing else. The idea that any real reform was possible was abandoned in the face of the attitude of the Civil Service.

87. The latest Congress before we dealt with the Reform questions was that held at Bombay in December 1915. It reflected the situation. Sir. S. P. Sinha was the President. His address was welcomed by the bureaucracy as a statesman-like utterance and held up as an example to be followed by our politicians. He declared that our ideal was self-government i.e., "Government of the people, for the people, by the people". This was accepted by all the Indians. But he went on further to declare that this "goal is not yet". He asked for a declaration of policy by the British Government and the Government should take steps to move towards Self-Government "by the gradual development" of popular control over all departments of Government and by "the removal of disabilities and restrictions under which we labour both in our own country and in other parts of the British Empire.

88. From this date the bureaucracy swore by Sir. S. P. Sinha. The opposite point of view was put forward by a number of Hindu and Muhammadan speakers, among whom were the

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Hon. Mr. Surendra Nath Banerji, the leader of constitutional party of reform, and Mrs. Besant, the leader of the Home Rule Party. The following resolution moved and seconded by them shows the attitude of the Congress. "This Congress is of opinion that the time has arrived to introduce further and substantial measures of Reform towards the attainment of Self-Government as defined in Article 1 of its constitution in this country, so as to secure to the people an effective control over it, amongst others by

(a) The introduction of Provincial Autonomy including financial independence ;

(b) Expansion and Reform of the Legislative Councils so as to make them truly and adequately representative of all sections of the people and to give them an effective control over the acts of the Executive Government.

(c) The reconstruction of the various existing Executive Councils and the establishment of similar Executive Councils in Provinces where they do not exist ;

(d) The reform or the abolition of the Council of the Secretary of State for India ;

(e) Establishment of Legislative Councils in Provinces where they do not now exist ;

(f) The re-adjustment of the relations between the Secretary of State for India and the Government of India ; and

(g) A liberal measure of local Self-Government."

The Congress pressed the necessity of these changes on account of the powerlessness of the Legislative Councils as then constituted to effect any substantial reform as I have indicated above.

89. The difference between the Congress view, which was also mine, and the official view which was that of Lord Sinha is vital. Lord Sinha based the case for reform on the aptitude of Indians to run the Government of the country. The result was that the Reforms granted must keep pace with education, experience gained, and capacity proved ; as these could never be satisfactorily established at least to the satisfaction of all our Rulers, and certainly to the satisfaction of the English people who were so far away, every scheme for Reform had to be accompanied with safe guards and provisions to deal with exceptional situa-

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tions. The result was that it was possible to nullify, at least defeat, every Reform through these exceptional provisions, and experience has proved that such was the case in India. Lord Sinha was never in politics, was not a member of the Congress before he was invited to preside over it in 1915. Hence he easily accepted this view and fell into this error. The Congress and those of us who had been in active politics believed on the other hand, as I have explained, that India was suffering so grievously under the British Government that it was essential that the continuance of the Anglo-Indian Government as then constituted should not be tolerated in public interests, and that it was absolutely necessary that 'policy' should pass into Indian hands, and we felt that such transfer was bound to be beneficial considering the nature of the regime which was to be displaced; that after a hundred years of British Government there was sufficient Indian political intelligence and Indian administrative ability to carry on the Government and if there was not, it was not likely ever to come under the British Government and experience alone could supply that. This accounts for the respective proposals of Lord Sinha with which the officials were in agreement and the Congress resolutions with which I agreed. With such divergent views a compromise between me and the other members of the Government was the only solution. I was for it. Till Montagu came, it will appear later, Lord Chelmsford and other members who followed him would not hear of it.

90. It was clear after the great efforts already made by the Dominions and India in the war that they would not be satisfied with the position hitherto accorded to them in the British Empire, and that India would not be content to live with her internal administration entirely in the hands of foreigners. It became therefore the policy of the politicians interested in India to submit their views upon questions that were likely to arise at the end of the war. The late Mr. Ghokale, who then dominated the Indian side of politicians, submitted a statement which was forwarded to the Government of Bombay by H. H. The Aga Khan in March 1915. He asked therein for the grant of Provincial Autonomy, half the members of the Executive Council of six being Englishmen and the other half Indians. In the Government.

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of India he was of opinion that the official majority should be continued in the Legislative Councils which would give the Government of India a reserve power to pass legislation over the heads of Provinces. He wanted two out of the eight members of the Executive Council of the Viceroy to be Indians. The demands put forward by the Indian National Congress as already stated included Self-Government within the Empire, fiscal autonomy, increase of the Indian members in the Executive Councils. Sir Reginald Craddock, the Home member of the Government of India submitted a memorandum to the Government giving his views. I have not seen it.

91. The Secretary of State asked the Viceroy to submit his views. Lord Hardinge prepared a memorandum and obtained the opinions of the Lieut. Governors, Commissioners, etc., thereon. The proposals made by him at that time were bound to be not very progressive. But in two respects his proposals were far more advanced than those which were being put forward even 16 years after that date. He wanted a Military College to be established in India at once, and that all English Cadets for the Indian army should after examination in England go through their course at the Indian Military College along with Indian Cadets. He pointed out that the Indian commissioned officers so selected would not find themselves in direct command of British soldiers as they would at first be appointed to Indian Regiments. As they rose in the service their orders to the British troops would be through the medium of British officers. He said the difficulty had been overcome on the civil side of the administration, and there should not be greater difficulty in requiring that a qualified Indian of superior military rank should be obeyed by his junior English officers than that an Indian Collector should be obeyed by an English assistant Collector. This view startled our opponents.

In the case of the Provincial Legislative Councils he would give an elected majority composed of representatives of constituencies in which the majority of voters were Indians, that is to say, an elected majority over the non Indian or European members, official and the nominated members all three combined. This proposal was far more progressive than that advanced even in

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1930. As to the Government of India, he proposed an equal number of officials and non-officials. Among the latter, not more than 1/5 to be nominated, but he would give permission to official members to speak and vote according to their convictions on all questions, except in cases of importance, where the Government may demand that the official members should vote with them. His proposals generally were conceived in a far more liberal spirit, as would appear later, than those of the Government of Lord Chelmsford who succeeded him.

Lord Hardinge left India within a few months after I took charge, but before he left, he took care to bring this question before the Council for consideration, to avoid the matter being shelved till the close of the War, as suggested at that time in certain quarters.

CHAPTER X

CONSIDERATION OF POLITICAL REFORMS AND MRS. BESANT'S HOME RULE AGITATION

92. Lord Chelmsford took up the question of reforms soon after his arrival. He ignored entirely the memorandum on reforms prepared by Lord Hardinge. He had discussion with us, all the members. Sir Claude Hill was fairly liberal in his views. His proposals would have amply satisfied the democratic reformers in India. Sir William Meyer was progressive in another direction. He was not in favour of democratic Government though he was prepared to admit Indians freely into the services and give them even the highest appointments. Sir Reginald Craddock the third Civilian was very reactionary in his view. He was not in favour of giving any real power to the Indians. Of the three Governors appointed directly from England, Lord Willingdon was very favourable to Indian Political Progress. He wanted Provincial autonomy; Lord Pentland in Madras was very reactionary. Lord Carmichael and his successor Lord Ronaldshay were liberal in their views. Lord Carmichael and all of us were of opinion that the British Government should proclaim a goal. Sir Valentine Chirol wrote a draft which Chelmsford placed before the Council for discussion.

93. Sir Valentine Chirol's draft.

"The only goal we can contemplate at present as practically attainable is to endow India as an integral part of the British Empire with the largest measure of self-government compatible with;

1. The maintenance of the supreme authority of the King-Emperor,

2. The discharge of the pledges given by the British Crown to secure equality of treatment to all races and creeds and

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communities and classes within the area of direct British administration, and

3. The fulfilment of treaty obligations towards the Native States of the Indian Empire.

The peculiar circumstances of India must govern the form of Self-Government with which she shall be endowed. They differ so widely from those of any other part of the British Empire that we cannot altogether look for a model in those forms of Self-Government which already obtain in the great Dominions, or which have been recently enacted for Ireland and suggested even for other portions of the United Kingdom. In all parts of the Empire which now enjoy Self-Government it has been the result not of any sudden inspiration, of theoretical statesmanship, but of a steady process of practical evolution, substantially facilitated moreover by the possession of a more or less common inheritance of political traditions, social customs and religious beliefs, which does not exist in India.”

The Government asked the heads of Provinces to give their opinion on constitutional reforms. They did not ask for any Indian opinion. The Government went on with their discussions. Sir Michael O’ Dwyer, the most reactionary head of the most backward Province in India, also attended all our meetings. Finally the Government substituted the following proposal for the one prepared by Sir Valentine Chirol. For a summary see Ronaldshay’s life of Lord Curzon Vol. 111. page 165.

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94. “The goal to which we look forward is the endowment of British India as an integral part of the Empire with Self-Government, but the rate of progress towards that goal must depend upon the improvement and wide diffusion of education, the softening of racial and religious difference and the acquisition of Political experience. The form of Self-Government to which she may eventually attain must be regulated by the special circumstances of India. They differ so widely from those of any other part of the Empire that we cannot altogether look

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for a model in those forms of self-government which already obtain in the great Dominions. In all parts of the Empire which now enjoy self-government it has been the result, not of any sudden inspiration of theoretical statesmanship but of steady process of practical evolution, substantially facilitated by the possession of a more or less common inheritance of political traditions, social customs, and religious beliefs.

‘British India has been built up on different lines and under different conditions, and must work out by the same steady process of evolution a definite constitution of her own. In what exact form this may eventually be cast, it is neither possible nor profitable for us to attempt now to determine, but we contemplate her gradual progress towards a larger and larger measure of control by her own people, the steady and conscious development of which will ultimately result in a form of self-government, differing perhaps in many ways from that enjoyed by other parts of the Empire, but evolved on lines which have taken into account India’s past history and the special circumstances and traditions of her component peoples and her political and administrative entities.

Our most anxious desire is to see a real and immediate advance made towards this goal, and in the belief that the time has now come when the rate of progress may be accelerated on definite lines, we propose :—

- (a) To develop urban and rural self-government in the direction of giving powers to the Local Boards and Councils and making these more predominantly non-official and elective in character, while at the same time extending the franchise in the wards or other constituencies by which the elected members are chosen ;
- (b) To increase the proportion of Indians in the higher branches of the public service and thereby to enable Indians to take a more important part in the administration of the country ;
- (c) To pave the way for an ultimate enlargement of the constitutional powers of the Provincial Legislative Councils.....

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(i) through an increase in the elected element; and (ii) through a material expansion of the constituencies by which the elected members are chosen, so as to bring about a state of things under which they will become more truly representative of the interests of the people.”

95. On the face it was clear to me that no substantial reform was intended; as to self-government, as a member said, it meant that self-government was to be shown to Indians as a beacon on the top of a distant mountain; which can be approached only by passing marshes, valleys, and jungles practically impassable. In view of the conditions in the country, the Government proposals were ludicrously inadequate. Yet one member dissented as they according to him went too far. I also dissented as they did not go far enough. One member would come to my office room almost every day after reading my minute of dissent. He begged, protested, threatened. He assured me that my dissent amounts to a threat and the English people would not stand it. He further told me that I was putting forward the claim for further reform on various grievances and mis-government; which was bad tactics and told me that in the interests of the country I should not assume that attitude as that would stop all further reforms; he asked me to allow him to draft a minute of dissent for me which would serve my purpose and would not do the country any harm. He accordingly wrote one. I read the dissent which he wrote for me. I told him that I was not prepared to accept it. He then requested me to keep my minute of dissent as my protest on the records of the India Government and not to submit it to the Secretary of State. When I refused he requested me to submit my memorandum separately to the Secretary of State through the Viceroy and not make it a part of the report. He told me that he was speaking to me on behalf of the Viceroy. I had heard often the powers of persuasion and pressure of Englishmen but I never realised its force till then. When I refused all this I received a letter from another member to the effect that they would withdraw some of the concessions granted in the report such as the appointment of an Indian member to the Provincial Executive Council. I declined to withdraw my memorandum. The difference between the Govern-

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ment of India Despatch and my dissent was vital. The following extract from a letter addressed to me by another member explains the difference.

96. "The Despatch rests upon the foundation of a strong conviction of India's loyalty and of her firm belief in the justice of British rule and in the good intentions of the British Government and of its officers towards her. It dwells upon the support to the Empire during the war and discounts the effects that might otherwise attach to sinister movements like the Ghadar Conspiracies; Bengal Anarchy, Pan Islamism, and extreme agitation of all kinds. But it recognises that the country is progressing, that educated Indians seek an outlet for their energies, and desire to take a greater part in the administration of the country and generally to assist in shaping the policy of the Government. The desire of the Despatch is to meet the reasonable aspirations of great Indians like Sir S. P. Sinha, and it accordingly proclaims a goal for the first time in India's history and states the steps in advance that are considered wise. It contemplates elected majorities in the Provincial Councils and a large extension of the franchise, but it adopts a natural and permissive attitude towards the side of those elected majorities and towards the adoption of electorates on the territorial system and leaves these two matters to local Governments.
.....You desire to go further and remodel the Imperial Legislative Council, and to give larger powers to the Provincial Councils, and as any-body reading your minute would conclude, to confer what is almost Self-Govetnment in the immediate future.

"Your minute gives us the justification for the reforms, not the loyalty of India and her peaceful progress, but the almost universal discontent of the people. In fact the minute goes far to corroborate the German view that India is seething with discontent, and deduces therefrom that unless we put larger powers into the hands of the Legislative Councils we shall be faced with something worse. Your minute of course contradicts the whole presentment of the Despatch in which it is contended that general discontent is confined to a very small section of the community

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and to the immature who are beguiled by extremists. The two presentments of the case are therefore mutually destructive.”

My colleague was quite right and this distinction marks the great difference between the Indian politicians who claim local self-government and the English and official sympathisers of that claim. The Englishmen, and particularly officials, have no objection to the Indian claiming Home Rule or Self-Government. The majority of them even regard it with sympathy. But the result of any instalment of Home Rule on this ground must be that it has to be treated as an experiment and therefore dependent upon education and experience, and it has therefore to be surrounded with safeguards which in actual operation smother entirely the steps taken towards self-government. Such had been the fate of the Local Self-Government scheme initiated by Lord Ripon. The Congress claim on the other hand, is based upon the fact that the British Government has been found wanting in many respects, and the sufferings of the people can only be mitigated by Home Rule. This means that the power entrusted to them by any reform should not be at the mercy of the Bureaucracy as they would naturally incline to maintain the status quo and restrain the Indian from carrying out the necessary reforms. In fact, safeguards must not be a feature if the latter principle is to be followed. I disregard now the exceptional cases, but safeguards must be a feature if the reforms are based on the first view. It also follows that for this reason politicians must be free to criticise strongly the administration and point out even unsparingly the sufferings of the people of the country and the practical impossibility of their removal by the British Government. Such criticism therefore should not be regarded as sedition if the general purpose is reform by creating a disapprobation of Government, and not the removal of the British Government. On the other hand criticism of any kind would be seditious according to the view of the class first named, even though they might sympathise with the demand. I followed the second method in my dissent to the Government of India despatch in November 1916. The Montagu-Chelmsford Report also followed naturally the first method, and in

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my dissent to the Government of India Despatch I followed the second method, demanding reform on the ground of discontent due to grievances and the incapacity and inability of the Civil Service for redressing those grievances.

Curiously enough in the same month of November 1916 when this despatch was written, in the Bombay High Court Sir Stanley Batchelor and Mr. Justice Shah delivered a judgment in which they took my view. They held that though there might be certain passages in a speech, if "the general effect would not naturally and probably be to cause disaffection i.e., hostility or enmity or contempt, but rather to create a feeling of disapprobation of Government that it delays the transference of political power to the hands" of the people, such a speech would not be seditious. In fact as Tilak said: "Ask for your Home Rule as much as you like, but you must not criticise the bureaucracy; that creates discontent." This was asking them to achieve an impossibility; it was as if you asked a man to eat fruit with out biting it. To ask him to do so was only another way of preventing him from eating the fruit. How could the demand for Home Rule be justified without showing that there were defects in the present working of the Government, which were incurable without Home Rule in India? And how could those defects be shown except by irrefutable arguments which hit it hard? Luckily the, question had been solved for them by the Bombay High Court, and it was now pronounced that criticising the visible machinery of the Government was not sedition; "that an angry word, a hard expression, an indiscreet phrase might have been employed without meaning the least harm." This was the very mistake made by Lord Chelmsford in his reply to the press deputation referred to later in para 119, in picking out certain objectionable extracts and blaming the entire press.

97. When I found that the Council was very reactionary and would submit without considering Indian opinion the proposals to the Secretary of state, who naturally would assume that Indian opinion was consulted, I suggested to the late Bhupendra Nath Basu, who was then my guest, that the elected members of the Council had better submit a memorandum of their

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views. Mr. Basu and Sir B. N. Sarma, afterwards a member of Government, wrote a memorandum at Inverarm, my Simla residence. I did not read it. Afterwards they took it to Mr. Jinnah and after his approval got the other elected members, in all 19, to sign it. The only other elected member was not in Simla. As this memorandum exercised great influence on the subsequent discussions and was the first authoritative statement of India's claim, I give the names of the signatories below;—

Manidra Chandra Nandi of Kasimbazar, Madan Mohan Malaviya, K. V. Rangaswamy Ayyangar, Mazharul Haque, V. S. Srinivasa Sastri, Tej Bahadur Sapru, Ibrahim Rahimtoola, B. Narasimheswara Sarma, Mir Asad Ali, Kamini Kumar Chanda, Krishna Sahay. R. N. Banja Deo of Kanika, M. B. Dadabhoy, Sita Nath Roy, Mohamed Ali Mohamed, M. A. Jinnah.

This was not forwarded to the Secretary of State by the Government of India with their despatch as they should have done. But seeing an account of it in the newspapers it was telegraphed for, and the Government of India had to submit it to the Secretary of State. It must have had the effect of showing Sir Austin Chamberlain Secretary of State, that Indians had not been consulted, and the recommendations of the Government of India had no relation whatever to Indian hopes and demands. One has only to read this along with the Government of India despatch and my dissent to see the differences between the demands as formulated by the nineteen members and the Government of India despatch. A charge against me is that I proved a traitor to my colleagues, in that I inspired this memorandum. I had better tell the whole story about it. After the draft was written in my house by Basu and Sir Sarma, they took it to Jinnah. He seems to have asked the Viceroy, 'When are you going to give us an opportunity to submit our case?' Lord Chelmsford seems to have told him according to what he said in the Council afterwards, 'you can do so now'. Jinnah apparently took it that this was a permission to them to state their case and accordingly they presented this memorandum. Sri Willam Meyer told Chelmsford that he was wrong in speaking to them at all about it, because, they would twist every thing he said, therefore he should be very

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careful. When finally the memorandum proved effective and the Government recommendations were discarded by Sir Austin Chamberlain, Chelmsford's anger turned against me. Whether I was right or wrong had been much debated. Chelmsford and his colleagues were quite certain that I should not have acted so, and that I should have considered myself a part of Chelmsford's Government to abide by their decisions and not to do anything which would be in conflict with them. In fact I was told that I should not have been taken into the Government and that I should not have accepted a seat in Government, that my presence in the Government had deprived it of the character of a homogeneous body and my action was against constitutional practice. Lord Hardinge, I am sure, would have said exactly the opposite. In fact he once told me when I raised a similar question that I should act for India's good, irrespective of any other consideration. To me of course that was the only consideration.

98. I give below the proposals in this memorandum of the 19 members as it was the first formulated demand to the people of England and exercised very great influence in the Country and the political agitations which followed, and was really the parent of the subsequent claims. The following are the proposals.

(1) In all the Executive Councils, Provincial and Imperial, half the number of members should as far as possible be nominated from the ranks of men trained and educated in the public life of England so that India may have the benefit of a wider outlook and larger experience of the outside world. It is not absolutely essential that the members of the Executive Councils, Indian or European, should have experience of actual administration, for as in the case of the Ministers in England, the assistance of the permanent officials of the departments is always available to them. As regards Indians, we venture to say that a sufficient number of qualified Indians who can worthily fill the offices of members of the Executive Councils and hold portfolios is always available. Our short experience in this direction has shown how Indians like Sir S. P. Sinha, Sir Syed Ali Imam, the late Mr. Krishnaswami Iyer, Sir Shamsul Huda and Sir Sankaran Nair have maintained a high level in the discharge of their

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duties. Moreover, it is well known that the native states, where Indians have opportunities, have produced renowned administrators like Sir Salar Jung, Sir T. Madhava Rao, Sir Seshadri Iyer, Dewan Bahadur Ragoonath Rao, not to mention the present administrators in the various native states of India. The statutory obligation now existing, that three of the members of the Supreme Executive Council shall be selected from the public services in India, and similar provisions with regard to the Provincial Councils should be removed. The elected representatives of the people should have a voice in the selection of the Indian members of the Executive Councils and for that purpose a principle of election should be adopted.

(2) All the Legislative Councils in India should have a substantial majority of elected representatives. These representatives, we feel sure, will watch and safeguard the interests of the masses and the agricultural population with whom they are in closer touch than any European officer however sympathetic, can possibly be. The proceedings of the various Legislative Councils and the Indian National Congress and the Muslim League bear ample testimony to the solicitude of the educated Indians for the welfare of the masses and their acquaintance with their wants and wishes. The franchise should be broadened and extended directly to the people: Muhammadans or Hindus, where-ever they are in a minority, being given proper and adequate representation having regard to their numerical strength and position.

(3) The total number of the members of the Supreme Council should be not less than 150, and of the Provincial Councils not less than 100 for the major provinces and not less than 60 to 70 for the minor provinces.

(4) The budgets should be passed in the shape of Money Bills, fiscal autonomy being conceded to India.

(5) The Imperial Legislative Councils should have power to legislate on all matters and discuss and pass resolutions relating to all matters of Indian administration, and the Provincial Councils should have similar powers with regard to provincial administration, save and except that the direction of military affairs, foreign relations, declarations of war, the making of peace and the entering into treaties other than commercial, should

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vest in the Government of India. As a safeguard the Governor-General in Council or the Governor in Council, as the case may be, should have the right of veto, but subject to certain conditions and limitations.

(6) The Council of the Secretary of State should be abolished. The Secretary of State should as far as possible hold in relation to the Government of India a position similar to that which the Secretary of State for the Colonies holds in relation to the Colonies. The Secretary of State should be assisted by two permanent under-secretaries one of whom should be an Indian. The salaries of the Secretary and the under-secretaries should be placed on the British estimates.

(7) In any scheme of Imperial Federation India should be given through her chosen representatives a place similar to that of the Self-governing dominions.

(8) The Provincial Governments should be made autonomous as stated in the Government of India's Despatch dated August 25, 1911.

(9) The United Provinces as well as the other Major provinces should have a Governor brought from the United Kingdom with an Executive Council.

(10) A full measure of local self-government should be immediately granted.

(11) The right to carry arms should be granted to Indians on the same conditions as to Europeans.

(12) Indians should be allowed to enlist as volunteers and units of a territorial army be established in India.

(13) Commissions in the Army should be given to Indian youths under conditions similar to those applicable to Europeans.

99. The Muslims generally accepted this memorandum. In fact they were parties to it. Soon after the war the open sympathy declared by the Muhammadans towards Turkey disturbed the Government not a little. Matters were in this state when the Arab revolt against Turkey took place. There was a meeting held at Lucknow at which a strong resolution against the Arabs was passed. The resolution was to the following effect. It was submitted to me to be communicated to the Government. I showed it to Lord Chelmsford.

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**Copy of the resolution passed at the meeting of
Mussalmans of Lucknow held on the 27th of June 1916,
at Lucknow.**

“The Mussalmans of Lucknow in a public meeting assembled record their deep abhorrence and indignation at the reported detestable conduct of the Arab rebels, headed by the Shareef of Mecca, endangering the safety and sanctity of the holy places of Hedjaz and Mesopotamia and condemns them and their sympathisers as enemies of Islam”.

The meeting was presided over by the Maharaja of Muhamadabad. He was then the recognised leader of the Muhammadans in India. Between him and Lord Meston, the Governor of his Province, there was no love lost. The Government of India issued to him a stern warning condemning the resolution against their ally the Sheriff of Mecca and in favour of the Caliph then fighting them, which was delivered to him by Lord Meston in what the Maharaja considered a most insulting manner. The Maharaja wrote to me a strong protest asking me to convey it to Lord Chelmsford, and to tell him that when ever Lord Hardinge had to warn him, it was done through the Indian member of Government, who would call him up to the Viceroy to receive the warning, whereas this was humiliating him before the public. Lord Chelmsford not only took no notice of the protest, but said that the head of the province was the proper channel of communication. I communicated this to Raja of Muhamadabad and I told him I was helpless. At that time there was a local self-government Bill before the Government of the Province recognizing Communal representation. The Maharaja requested me to sanction that bill on behalf of the Government of India. I accordingly did it. Thereupon he took my advice to accept the suggested compromise and the proposals in the memorandum of the 19 members. The next Congress was held at Lucknow where his influence was supreme. Mr. Basu and Mr. Jinnah were there. This memorandum of the 19 became in fact what is called the Lucknow Pact, and the Congress Mussulman League scheme.

100. The Government of India submitted their report in November 1916. It was out of date within a few months. The

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Indian Home Rule agitation and the Russian revolution were responsible for this. After the Bombay Congress in December 1915 the Home Rule campaign was started by Mrs. Besant who took Tilak with her. The Home Rule league was formed in 1916 in Madras.

The objects of the League were :—

1. To secure Home Rule for India through all law-abiding and constitutional activity.
2. To maintain the connection with Great Britain by becoming a Free Nation within the British Empire, under the Imperial Crown of His Majesty the King Emperor George V., and his successors.
3. To support and strengthen the National Congress, which laboured for thirty years to lay the foundations of Indian Self-Government.
4. To carry on a continuous educative propaganda on the necessity of Home Rule for India.

Mrs. Besant was the owner and editor of several publications, and her daily paper 'New India' has been run with the primary object of furthering the above policy.

In this cause, as in all the other many causes which she has championed throughout her life, Mrs. Besant not only deprecated violence, but has opposed violence of all description by every means in her power. She has upheld the Union of India and Britain, believing that the true interests of both nations could best be served by India becoming a self-governing part of the British Commonwealth, enjoying the same right and privileges as South Africa, Canada and Australia.

Incidentally it may also be mentioned that in her papers and in her speeches Mrs. Besant gave whole-hearted support to the Allies in the war. All throughout the year she with the assistance of others carried on a tremendous Home Rule propaganda. The Home Rule feeling rose very high in India, greater than it had ever been before. The Congress meeting in December 1916 caught up and consolidated it as few political events had done. Extremists and moderates united. Muhammedans also came into the fold. There were a few moderates and a few conservative Muhammedans to grumble here and there. But they became powerless. They

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dared not hold meetings. They completely lost command of the press. For all practical purposes they disappeared as a separate party. The resultant union of all voices filled educated India with pride and a great feeling of Nationality. Though it was only educated India that was so effected, the ripples spread far and wide. There was a feeling abroad that India was going to be rewarded on a great scale. The English nation was daily becoming more and more democratic during the war. They were much influenced by the political views of the Dominions which were even more democratic than the United Kingdom. The Prime Minister Lloyd George was a great believer in democracy, and all his arguments in favour of the policy during the War were based on the rights of the people for self determination. The Russian revolution had been hailed as a great event by all classes of people in England and everybody was acclaiming it as a great step taken towards freedom. Thus every one in India believed that the people of England would not be stingy and her gifts would not be measured. All India found that the leading politicians in India headed by an Englishwoman, of whom they were proud, said that they ought to get Home Rule. If any one tried to tell them that in the present circumstances Home Rule was not practical he was at once asked for his alternative and he could only tell them in reply to be patient and trust the Government. He would not dare to decry the popular heroes whose names were associated with it. In village homes and in every student cubicle photographs of leading Home Rulers were seen. On their way back from the 1916 Lucknow Congress at Railway Stations the Home Rulers received a great ovation: this was an eye opener to the officials. The popular platform was the memorandum of the 19 members. The Congress, Muslim League and their followers described the memorandum as the "irreducible minimum" of the National demand. The grant of anything less, they proclaimed, would be a bitter disappointment and an insult, a blow to Indian aspirations; there may be a few moderates who did not believe all this. But they were well in the mesh and they said and pretended that they did believe it. There was restlessness among the people at the idea of the Government of India's proposals having been sent to London in November 1916 without considering the memorandum.

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of the 19 members and without waiting for the expression of the popular demand at the Congress which was to be held within two months. To the popular mind this was proof that the Government did not trust the people, did not take them into Counsel, and also they did not like to give a hearing to Indians.

The following was the resolution of the Indian National Congress of Lucknow in December 1916. It will appear therefrom that it was the joint scheme of both Hindus and Muhammadans.

The Congress Resolution.

(a) That having regard to the fact that the great-communities of India are the inheritors of ancient civilizations and have shown great capacity for Government and administration, and to the progress in education and public spirit made by them during a century of British rule, and further having regard to the fact that the present system of Government does not satisfy the legitimate aspirations of the people and has become unsuited to existing conditions and requirements, the Congress is of opinion that the time has come when His Majesty the King Emperor should be pleased to issue a Proclamation announcing that it is the aim and intention of British policy to confer Self-Government on India at an early date.

(b) That this Congress demands that a definite step should be taken towards Self-Government by granting the reforms contained in the scheme prepared by the All India Congress Committee in concert with the Reform Committee appointed by the All India Muslim League (detailed below).

(c) That in the reconstruction of the Empire, India shall be lifted from the position of a dependency to that of an equal partner in the Empire with the Self-governing Dominions.

Resolution of the Moslem League.

That the All-India Moslem League, while adopting the scheme of reforms prepared by the Reform Committee of the League and approved by its Council, submits it in conjunction with the Indian National Congress to the Government for its introduction after the war as the first necessary step towards the establishment of complete Self-Government in India.

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The Joint Scheme.

1, Provincial Legislative Councils.

1. Provincial Legislative Councils shall consist of four-fifths elected and of one-fifth nominated members,

2. Their strength shall be not less than 125 members in the major provinces, and from 50 to 75 in the minor provinces.

3. The members of the Councils should be elected directly by the people on as broad a franchise as possible.

4. Adequate provision should be made for the representation of important minorities by election, and the Muhammadans should be represented through special electorates on the Provincial Legislative Councils in the following proportions :—

Punjab—One-half of the elected Indian Members.

United Provinces—30 per cent " "

Bengal—40 per cent " "

Bihar—25 per cent " "

Central Provinces—15 per cent " "

Madras—15 per cent " "

Bombay—One-third " "

Provided that no Muhammadan shall participate in any of the other elections to the Imperial or Provincial Legislative Councils, save and except those by electorates representing special interests. Provided further that no Bill, nor any clause thereof, nor a resolution introduced by a non-official member affecting one or the other 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.

5. The Head of the Provincial Government should not be the President of the Legislative Council, but the Council should have the right of electing its President.

6. The right of asking supplementary questions should not be restricted to the member putting the original question, but should be allowed to be exercised by any other member.

7. (a) Except customs, post, telegraph, mint, salt, opium, railways, army and navy, and tributes from Indian States, all other sources of revenue should be Provincial.

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(b) There should be no divided heads of revenue. The Government of India should be provided with fixed contributions from the Provincial Governments, such fixed contributions being liable to revision when extraordinary and unforeseen contingencies render such revision necessary.

(c) The Provincial Council should have full authority to deal with all matters affecting the internal administration of the province including the power to raise loans, to impose and alter taxation, and to vote on the Budget. All items of expenditure, and all proposals concerning ways and means for raising the necessary revenue, should be embodied in Bills and submitted to the Provincial Council for adoption.

(d) Resolutions on all matters within the purview of the Provincial Government should be allowed for discussion in accordance with rules made in that behalf by the Council itself.

(e) A resolution passed by the Provincial Legislative Council shall be binding on the Executive Government unless vetoed by the Governor in Council, provided however that if the resolution is again passed by the Council after an interval of not less than one year, it must be given effect to.

(f) A motion for adjournment may be brought forward for the discussion of a definite matter of urgent public importance, if supported by not less than one-eighth of the members present.

8. A special meeting of the Provincial Council may be summoned on a requisition by not less than one-eighth of the members.

9. A Bill, other than a Money Bill, may be introduced in Council in accordance with rules made in that behalf by the Council itself, and the consent of the Government should not be required therefor.

10. All Bills passed by Provincial Legislatures shall have to receive the assent of the Government before they become law, but may be vetoed by the Governor-General.

11. The term of office of the members shall be five years.

11.—Provincial Governments.

1. The head of every Provincial Government shall be a Governor who shall not ordinarily belong to the Indian Civil Service or any of the permanent services.

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2. There shall be in every province an Executive Council which, with the Governor, shall constitute the Executive Government of the Province.

3. Members of the Indian Civil Service shall not ordinarily be appointed to the Executive Councils.

4. Not less than one-half of the members of the Executive Council shall consist of Indians elected by the elected members of the Provincial Legislative Council.

5. The term of office of the members shall be five years.

111.—Imperial Legislative Council.

1. The strength of the Imperial Legislative Council shall be 150.

2. Four-fifths of the members shall be elected.

3. The franchise for the Imperial Legislative Council should be widened as far as possible on the lines of the electorates for Muhammadans for the Provincial Legislative Councils and the elected members of the Provincial Legislative Councils, should also form an electorate for the return of members of the Imperial Legislative Council.

4. One-third of the Indian elected members should be Muhammadans elected by separate Muhammadan electorates in the several provinces, in the proportion, as nearly as may be, in which they are represented on the Provincial Legislative Councils by separate Muhammadan electorates.

Vide provisos to section 1, clause 4.

5. The President of the Council shall be elected by the Council itself.

6. The right of asking supplementary questions shall not be restricted to the member putting the original question, but should be allowed to be exercised by any other member.

7. A special meeting of the Council may be summoned on requisition by not less than one-eighth of the members.

8. A Bill, other than a Money Bill, may be introduced in Council in accordance with rules made in that behalf by the Council itself, and the consent of the Executive Government should not be required therefor.

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9. All Bills passed by the Council shall have to receive the assent of the Governor-General before they become law.

10. All financial proposals relating to sources of income and items of expenditure shall be embodied in Bills. Every such Bill and the Budget as a whole shall be submitted for the vote of the Imperial Legislative Council.

11. The terms of office of members shall be five years.

The matters mentioned herein below shall be exclusively under the control of the Imperial Legislative Council:—

12. (a) Matters in regard to which uniform legislation for the whole of India is desirable.

(b) Provincial Legislation in so far as it may affect inter-provincial fiscal relations.

(c) Questions affecting purely Imperial revenue, excepting tributes from Indian states.

(d) Questions affecting purely Imperial expenditure, except that no resolution of the Imperial Legislative Council shall be binding on the Governor-General in Council in respect of military charges for the defence of the Country.

(e) The right of revising Indian tariffs and customs duties, of imposing, altering, or removing any tax or cess, modifying the existing system of currency and banking, and granting any aids or bounties to any or all deserving and nascent industries of the country.

(f) Resolutions on all matters relating to the administration of the country as a whole.

13. A Resolution passed by the Legislative Council should be binding on the Executive Government, unless vetoed by the Governor General in Council; provided however that if the resolution is again passed by the Council after an interval of not less than one year, it must be given effect to.

14. A motion for adjournment may be brought forward for the discussion of a definite matter of urgent public importance, if supported by not less than one-eighth of the members present.

15. When the Crown chooses to exercise its power of veto in regard to a Bill passed by a Provincial Legislative Council or in the Imperial Legislative Council, it should be exercised within twelve months from the date on which it is passed, and the Bill

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shall cease to have effect as from the date on which the fact of such veto is made known to the Legislative Council concerned.

16. The Imperial Legislative Council shall have no power to interfere with the Government of India's direction of the military affairs and the foreign and political relations of India, including the declaration of war, the making of peace and the entering into treaties.

IV.—The Government of India.

1. The Governor General of India will be the head of the Government of India.

2. He will have an Executive Council half of whom shall be Indians.

3. The Indian members should be elected by the elected—members of the Imperial Legislative Council.

4. Members of the Indian Civil Service shall not ordinarily be appointed to the Executive Council of the Governor General.

5. The power of making all appointments in the Imperial Civil Services shall vest in the Government of India, as constituted under this scheme, due regard being paid to existing interests, subject to any laws that may be made by the Imperial Legislative Council.

6. The Government of India shall not ordinarily interfere in the local affairs of a province, and powers not specifically given to a Provincial Government of India will ordinarily be limited to general supervision and superintendence over the Provincial Governments.

7. In the Legislative and administrative matters the Government of India, as constituted under this Scheme, shall, as far as possible, be independent of the Secretary of State.

8. A system of independent audit of the accounts of the Government of India should be instituted.

V.—The Secretary of State in Council.

1. The Council of the Secretary of State for India should be abolished.

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2. The salary of the Secretary of State should be placed on the British Estimates.

3. The Secretary of State should, as far as possible, occupy the same position in relation to the Government of India as the Secretary of State for the Colonies does in relation to the Governments of the self-governing dominions.

4. The Secretary of State for India should be assisted by two permanent under-secretaries one of whom should always be an Indian.

VI.—India and the Empire.

1. In any Council or other body which may be constituted or convened for the settlement or control of Imperial affairs, India shall be adequately represented in like manner with the Dominions and with equal rights.

2. Indians should be placed on a footing of equality in respect of status and rights of citizenship with other subjects of His Majesty the King throughout the Empire.

VII.—Military and other Matters.

Commissions in the Army.

1. The military and naval services of His Majesty, both in their commissioned and non-commissioned ranks, should be thrown open to Indians, and adequate provision should be made for their selection, training and instruction in India.

Volunteering.

2. Indians should be allowed to enlist as Volunteers.

Separation of Judicial and Executive functions.

3. Executive officers in India shall have no judicial powers entrusted to them and the judiciary in every province shall be placed under the highest Court of that Province.

102. This became the real National demand. After this Mrs. Besant continued her tremendous agitation in favour of Home Rule. Her paper "New India" in Madras carried on a great propaganda. She published a number of political pamphlets which were widely distributed throughout India. It is enough to mention

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the names of some of the pamphlets and the names of the writers to show the influence that they must have exercised.

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| 1. Self Government for India. | Annie Besant. |
| 2. The Political Outlook, | Annie Besant. |
| 3. Separation of Judicial from
Executive Functions. | Avika Charan
Mazumdar. |
| 4. The Future of Young India. | Annie Besant. |
| 5. East and West in India. | The Hon. Mr. G. K.
Gokhale, C.I.E. |
| 6. The India Council. | Eardley Norton. |
| 7. Under the Congress Flag. | Annie Besant. |
| 8. India's True Representatives. | Sir. P. M. Mehta, K.C.I.E. |
| 9. Preparation for Citizenship. | Annie Besant. |
| 10. Social Service. | Annie Besant. |
| 11. How India Wrought for
Freedom. | Annie Besant. |
| 12. The India, a nation. | Annie Besant. |

All this was too much for the Government of India and in March 1917 they issued the following Home Rule Circular.

103. Government of India Circular 3rd March 1917. His Excellency the Viceroy in a speech in Calcutta emphasized the necessity of patience, and the dislike of the British nation and the British constitution to changes that are catastrophic in their character. "Recent proceedings in the law courts both in Madras and Bombay have lent support to the view that Home Rule, or more properly self-government within the British Empire, is a constitutional ideal, and the Government of India do not wish to dispute that evolutionary self-government within the Empire is an ideal and aim which Indians may properly and legitimately set before themselves as a goal and an aspiration. But there is all the difference in the world between self-government as the ultimate ideal of the political destiny of India and the immediate, or very early, upheaval of the present constitution which the Home—Rule Leagues now in process of formation in the country demand. The former ideal contemplates gradual and orderly changes, as education spreads, as causes of disunion slowly diminish, and as larger numbers among the vast population of India gain political experience by which the burden of the authority now exercised

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by the British Government and its officers may be shared to an increasing degree by the people of India themselves. The action which the Home Rule Leagues advocate, on the other hand, involves such great and rapid changes in the constitution as would bring about the immediate or very early transfer of the responsibilities of the Government to the Legislative Councils, and would practically place the Executive Government of the King Emperor under the control of these Legislative bodies." Such changes would fall within the description 'catastrophic' to which His Excellency the Viceroy referred; they would be revolutionary in their character, and subversive of the existing constitution. "The writers and speakers in favour of this sudden and drastic upheaval in the existing form of Government, in order to justify their advocacy, are driven to resort to arguments of urgency, involving attacks and calumnies upon the present state of administration which pass far beyond the bounds of honest and legitimate criticism, and it is only the restraint of the Press Act and of the Defence of India Act, which has hitherto prevented the language used equalling in violence the language which provoked the wave of sedition and disaffection which spread over India in the years 1906-1909 and gave rise to political crime and revolutionary conspiracies."

"As has been publicly stated in the Imperial Legislative Councils the Government of India addressed the Secretary of State last autumn upon the necessity of accompanying the fitting recognition of the support given by India to the Empire during the war by the grant of such further constitutional reforms as the progress of the country rendered safe and appropriate. It is scarcely necessary to state that neither the reforms recommended by the Government of India, nor any reforms which His Majesty's Government are likely to approve, can bear resemblance to the extravagant demands of the grant of early Home Rule to India which the agitators of the Home Rule Leagues present to their deluded audience. The Government of India cannot but view with grave concern the effect of articles and orations of this type on the educated classes as a whole, but more especially upon the youthful students and school boys whose sympathies and enthusiasm are particularly and deliberately enlisted in furtherance of the campaign. Signs are not wanting

also that the organizers of the campaign are endeavouring to obtain a hold over the masses of the people also and to persuade them that if they wish to be rid of all their grievances and suffering, the panacea is within their reach."

"The length to which the extreme advocates of early Home Rule have pushed their demands has also not been without effect upon the claims put forward by political associations in this country that had hitherto shown some degree of moderation. The National Congress, the Moslem League, even certain of the Members of the Legislative Council, have already begun to ask for the immediate grant of concessions and radical revisions of the constitution which even two years ago would not have been considered by them within the range of practical politics. It is evident, therefore, that the wilder the hopes that are excited by the Home Rule organizations, and by the older political associations which are showing signs of losing all self-restraint, the greater will be the disappointment and the more violent the protests when the actual reforms that may be approved by His Majesty's Government come in due course to be promulgated."

"In these circumstances, it is most important that the several local Governments should take steps to check these extravagant expectations which have been engendered by the Home Rule agitation. The real answer to it will doubtless lie in the announcement of a definite policy by His Majesty's Government; but for this the Government of India must wait in patience until the necessary decisions have been taken and can be placed before the public. In the meantime, it seems desirable that Local Governments should, through their experienced officers, point out to all Indians who are likely to listen to reason, that any thought of early Home Rule should be put entirely out of mind, and that violence of language used in support of such an agitation is bound to prejudice rather than benefit the cause of Indian political development. They should warn all men of light and leading and all those who have hereditary influence over the people at large, to disassociate themselves from the Home Rule campaign as it is at present being conducted and should enjoin upon them confidence that the loyalty of India and sobriety of judgment on the part of her leading men will not go unrecognised. They should indicate

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to them in plain terms that the more fantastic the proposals that they put forward, the more they weaken their claims to be entrusted with greater responsibility.”

“The young require special protection from the hands of those who appeal to them to join in agitation by flattering them as patriots and saviours of their country, and thereby sow the seeds of indiscipline and anarchy which may have most lamentable results in the near future.”

“At no time can the Government view with equanimity a campaign of insidious calumny which threatens to undermine the loyalty of the rising generation of educated India and the unthinking masses under the guise of a false plea of constitutionalism. Least of all, at the present time of crisis can Government tolerate such a campaign, and they hold not only that students and school boys should be prohibited from attending meetings in pursuance of the Home Rule campaign, but that the powers available under the Defence of India Act should be used, when necessary, to control the conduct of those who lay themselves out to play upon the weaknesses of the young, to delude their judgment and to unbalance their unformed minds; who excite them by inflammatory appeals and sap the foundations of all discipline and self-control, and thus sow the seed which must in the future, as it has in the past, produce the inevitable crop of assassination, and revolutionary outrage. The overturning of the existing constitution demanded with veiled menaces, in case it be refused, is incompatible with the desire to render obedience to the Government of the King-Emperor as established by law in India.”

“In the Home Department Circular No. 89—100 of the 8th April 1913 the policy in regard to excesses on the part of the press was communicated to all local Governments, and that policy continues unchanged. But apart from actual action under the Press Act or prosecution under section 124-A of the Indian Penal Code, there is much mischievous writing which crosses the line between true constitutional advocacy of reform and extravagant demands couched in language which excites to unconstitutional opposition to the law and the constitution. When writing of this description persists and continues to excite disaffection, although the language employed may be sufficiently overlaid with qualifica-

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tions which make resort to the Press Act inexpedient, it is open to a local Government to consider whether journalists who persist in such measures might not, after fair warning, be required under the Defence of India Act to submit their political writing to pre-censorship. This course has more than once been followed successfully by Government of the Punjab.”

“The Government of India believe that a policy of firm discouragement of this Home Rule campaign has become necessary to prevent most undesirable excitement and disorder in the near future, and they leave it to you to put this policy into effect with wisdom and discrimination and as the occasion demands.”

The circular was issued without my consent and against my recorded dissent. This added fuel to the fire. It was in these circumstances that the Despatch of the Government was taken up to the Secretary of State for disposal.

104. Sir Austen Chamberlain who was the Secretary of State for India accepted the underlying principle of my dissent and rejected the Government of India Report. My main contention was that no reform would do any good unless it is accompanied by responsibility. Merely increasing powers of criticism without responsibility for the consequences was no good. Sir A. Chamberlain wrote to the Government of India accordingly, that they had not come to grips with the main question which was that responsibility should be given to the Councils; any other reform would only end in increasing the violence of irresponsible criticism and there would be no training in self government. He accepted our unanimous recommendation to add another Indian to the Provincial Executive Councils and the proposals in my minute of dissent to appoint a second Indian member to the Executive Council of the Government of India and another Indian to the Council of the Secretary of State. He proposed an enquiry by a commission. The India Government requested Sir A. Chamberlain to visit India. They no doubt hoped to make him accept their views.

He refused. It was announced by the “Pioneer” and certain other leading papers in India that the Secretary of State and the Prime Minister proposed to appoint a Parliamentary Committee to report on the reforms that might be desirable. On this the “Pioneer” and other papers made a counter-move by suggesting

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that the Viceroy might appoint a mixed committee of English officials and Indian non-officials to make their recommendations. The purpose was plain. A Committee sitting in India would scarcely recommend any reforms worth having. At my suggestion all the Indian politicians and papers opposed this proposal. I wrote to my friends in England that rather than have a Commission appointed in India it was much better to have no Commission at all.

In the meantime on account of the Mesopotamian enquiry report Sir. A. Chamberlain resigned.

105. Mr. Montagu succeeded him. Meanwhile the agitation for Home Rule was going on in India. In pursuance to the Home Rule circular of March 1917 above set forth, Mrs. Besant its President was interned by the Madras Government. Its Vice President Sir Subramanya Iyer submitted an appeal to President Wilson complaining of the terrible conditions in India and begging him to interfere. It is said that President Wilson forwarded this to the British Government, and it contributed to the declaration in Parliament in August 1917 of the policy of Great Britain towards India. In that declaration "Responsible" Government was substituted for "Self Government" as the goal of British India. India was to follow the political evolution of England and the Dominions i.e., an elected representative Parliament was to be the supreme governing body.

106. It has been so persistently repeated for the purpose of discrediting it that this announcement was really a declaration of the policy of Mr. Montagu, who had only 3 months before succeeded Sir Austen, that I venture to give the story of the announcement, so far as I know, to show that the question was very carefully considered by the British Cabinet when Sir Austen Chamberlain was the Secretary of State for India and the policy was really laid down in his time. The Report of the Government of India on the Reforms is dated the 24th November 1916. In January 1917 Sir Austen Chamberlain appointed a special committee to consider the suggested reforms. They reported in March 1917. Sir Austen Chamberlain found that India was moving very fast and that it would be necessary to appoint a commission to make the necessary changes and avoid revolutionary changes, as the views

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of the Government of India or the British Government would not be accepted unless supported by a tribunal of authority and the questions received a more careful consideration than hitherto bestowed upon them. All the world was in a state of revolution and he wanted that India's should be a case of peaceful revolution. The ferment of new ideas was working everywhere and in India as much as anywhere. The Russian revolution, the congratulations showered upon the revolutionaries from England and elsewhere, the constant appeals to the spirit of liberty, and nationality had mainly contributed to this.

“ By the end of April and beginning of May he came round to the conclusion that a declaration as to the goal of policy was necessary and if a declaration was to be made the British Government could not object. The declaration he suggested was “ the gradual development of free institutions with a view to ultimate self-government within the Empire”. He seems to have obtained the approval of the Cabinet in May (Curzon III p. 162 and 165).

He also came to the conclusion of not only increasing Indian representations in the Councils but also of increasing the authority and responsibility of those representatives, because there would be no training in Self-Government unless these representatives had definite powers and real responsibility for their actions. He was also of opinion that the Government of India should not be excluded from the scope of the Reforms.

By the 15th of May he had definitely made up his mind to reject the Government of India scheme on the ground that according to it the main functions of the Legislative Councils was to oppose and criticise the Government while remaining completely free from responsibility for the results of their actions. This was not a training in Self Government and would be embarrassing the Government. Therefore the Councils should be entrusted with responsibility. Soon afterwards, he announced his decisions. He was of opinion

- (1) That the first three paragraphs of the definition of goal in the despatch of the Government of India seemed too elaborate and formal,

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- (2) He agreed with the lines of advance marked (a) & (b).
- (3) As to (c) he agreed with the object but said that the proposals of the Government of India would not promote it. The proposals did not reach the kernel of the problem which was devolution of power and responsibility.
- (4) Another objection was that the constitution and powers of Imperial Legislative Council was untouched. He said that he proposed to appoint a commissioner to find out how this could be best achieved.

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PART II
CHAPTERS XI TO XXIX

CHAPTER XI

INITIATION OF POLITICAL REFORMS IN INDIA

107. It was at this stage that Sir Austen Chamberlain resigned, and it was of the greatest importance that India should have a Secretary of State disposed to grant her either Home Rule or Reforms that were bound to lead to Home Rule. Personally, I had great hopes that Lloyd George, the then Prime Minister, would give India such a Secretary of State. Early in this century I went to England in search of a President for the National Congress and asked Dr. Clifford whether he would come over to preside. He was then in the throes of the agitation for the repeal of the Education Act and he told me that he himself expected to be sent to jail, and the only other man in sympathy with India's aspirations, he and I could think of to preside over the Congress, Lloyd George-also would probably be in jail. He added that we would therefore have to undertake to get them out of jail to preside over the National Congress, if we wanted them. Well, I had to give it up at that time. The subsequent performance did not belie that early promise. A few years later, I told Doctor Clifford that he was wrong in not persuading Lloyd George to go to India as we would have benefited immensely by his informed support. He told me in reply that not only himself but none of his other dear friends even suspected that Lloyd George had the tremendous constructive energy which he has since shown. The first thing therefore I did on coming to the Government of India was to consider whether there would be any good in appealing to him. He was then and for a long time before, the second man in the Cabinet, only next to Asquith. But, I learned that as Minister in charge of munitions it was almost impossible to get him to attend to India - at least that is what I gathered from a letter that I received in December 1915 from Leslie S. Robinson, a distinguished engineer who was one of his

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chief assistants. Robinson was a great friend of mine, the son of Sir William Robinson, an old family friend, a great friend of my father. All his people, his mother, his sisters were all friends of mine. He wrote to me that life at the Ministry was very strenuous and there was no quiet ease and deliberation which one was wont to associate with a Government Department as the production of shell was very urgent. He continued that the organization of the Ministry although of a comparatively recent nature was doing splendid work in organising shell deliveries throughout the whole country. So I had to drop Lloyd George at that time. But my hopes revived when in 1916 Lloyd George became Prime Minister.

108. Lloyd George had as his Private Secretary Mr. Philip Kerr, afterwards Lord Lothian, who was associated with Mr. Lionel Curtis whom I knew very well and with whom I had frequent discussions about India. Through various sources I knew what Mr. Philip Kerr's views were. He was entirely for self-government for India, at the earliest possible opportunity. His ideas were:—

- (1) That in each Presidency there should be an electorate based broadly on literacy.
- (2) That the Governor of the Presidency should choose his Council as would be done by any Prime Minister here; but this Council must command the support of a majority of the electors.
- (3) That the Viceroy should have his Council chosen from the Presidency Councils and they again should, whether Indians or Europeans, have the support of the majority of the electors.

His idea would be then to say to the Viceroy and Governors practically that they are in India to rule as the Indians direct and wish, in much the same way as is done in any of the other self-governing dominions. He was of opinion that the only man for us with fire and imagination was Lloyd George and he believed that if the latter were relieved of some of the pressure of the war work, he would take up the idea and carry it through. The providential escape of Lloyd George was to me a sign that he was destined to do great things for India. He was to have gone with Lord Kitchner

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in the "Hampshire" to Russia, but Lloyd George wrote to Leslie Robinson who was on the staff of Lord Kitchner saying that he must ask him to take his, Lloyd George's place, on that journey. The result was that Lloyd George's life was saved and my friend Leslie's lost. I somehow felt that Lloyd George's escape was providential and of good augury to India.

109. In the discussions regarding the Report of the Mesopotamia Commission, Commander Wedgwood read the following speech of the President of the U.S.A. He said, "I believe that in that speech we find exactly what we want. Let me read to the House the final peroration: "Right is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts, for democracy, for the right of those who submit to authority to have a voice in their own government, for the rights and liberties of small nations, for the universal dominion of right by such a concert of free peoples as will bring peace and safety to all nations and make the world itself at last free."

"That is something that is worth fighting for, and that is something which, if we can get it now, will satisfy the people of this country in the long run and will satisfy the whole world."

Mr. Montagu made a speech from which the following is extracted :

"The machinery of Government in this country, with its unwritten constitution, and the machinery of governments in our Dominions has proved itself sufficiently elastic, sufficiently capable of modification, to turn a peace-pursuing instrument into a war-making instrument. It is the Government of India alone which does not seem capable of transformation, and I regard that as based upon the fact that the machinery is statute ridden machinery. The Government of India is too wooden, too iron, too inelastic, too antediluvian, to be of any use for the modern purpose we have in view. I do not believe that anybody could ever support the Government of India from the point of view of modern requirements.....How can you now defend the fact that the Secretaries of State for India alone of all the occupants of the Front Bench, with the possible exception of the Chancellor of the Duchy of Lancaster, are not responsible to this House for their salaries, and do not come here with their Estimates in order that the House of

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Commons may express its opinion ?.....If Estimates for India, like Estimates for the Secretary of State for Foreign Affairs and the Colonial Secretary were to be discussed on the floor of the House of Commons, the Debates on India would be as good as the Debates on foreign affairs. After all, what is the difference? Has it ever been suggested to the people of Australia that they should pay the salary of the Secretary of State for the Colony. Why should the whole cost of that building in Charles Street, including the building itself, be an item of the Indian taxpayers' burden rather than of this House of Commons and the people of the country?.....The whole system of the India Office is designed to prevent control by the House of Commons for fear that there might be too advanced a Secretary of State.....Government offices are often accused of circumlocution and red tape. I have been to the India Office and to other offices. I tell this House that the statutory organisation of the India Office produces an apotheosis of circumlocution and red tape beyond the dreams of any ordinary citizen..... I come now to the question of the Government of India from India, I think that the control of this House over the Secretary of State ought to be more real, and I would say further that the independence of the Viceroy from the Secretary of State ought to be much greater. You cannot govern a great country by the despatch of telegrams.....Your executive system in India has broken down because it is not constituted for the complicated duties of modern government.....Really the whole system has got to be explored in the light of the Mesopotamia Commission. It has proved to be of too much rigidity... I see the great self-governing Dominions and Provinces, of India organised and co-ordinated with the great Principalities, the existing Principalities and perhaps new ones—not one great Home Rule country, but a series of self-governing Provinces and Principalities, federated by one central Government. But whatever be the object of your rule in India, the universal demand of those Indians whom I have met and corresponded with is that you should state it. Having stated it, you should give some instalment to show that you are in real earnest, some beginning of a new plan which you intend to pursue that gives you the opportunity of giving greater representative institutions in some form or other to

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the people of India, of giving them greater control of their Executive, of remodelling the Executive—that affords you the opportunity of giving the Executive more liberty from home, because you cannot leave your harassed officials responsible to two sets of people. Responsibility here at home was intended to replace or to be a substitute for responsibility in India. As you increase responsibility in India you can lessen that responsibility at home.....

“But I am positive of this, that your great claim to continue the illogical system of government by which you have governed India in the past is that it was efficient. It has been proved to be not efficient. It has been proved to be not sufficiently elastic to express the will of the Indian people; to make them into a warring nation as they wanted to be. The history of this shows that you can rely upon the loyalty of the Indian people to the British Empire—if you ever before doubted it. If you want to use that loyalty you must take advantage of that love of country which is a religion in India, and you must give them that bigger opportunity of controlling their own destinies, not merely by councils which cannot act, but by control, by growing control, of the Executive itself. Then in your next war—if we ever have war—in your next crisis, through times of peace, you will have a contended India, an India equipped to help. Believe me, Mr. Speaker, it is not a question of expediency, it is not a question of desirability. Unless you are prepared to remodel, in the light of modern experience, this century-old and cumbrous machine, then I believe, I verily believe, that you will lose your right to control the destinies of the Indian Empire”.

On the 18th of July 1917, six days after the delivery of this speech, Mr. Montagu was appointed Secretary of State for India. The appointment of Mr. Montagu after these speeches by such a Prime Minister holding such views can have only one meaning. It was a gesture to India and it implied that whatever scheme of reform Mr. Montagu might put forward, it would have Lloyd George's full support and if he can manage it, would be carried through. Lloyd George could do nothing more. The whole responsibility after that rested on Mr. Montagu.

On the 23rd July 1917, Mr. Montagu, Speaking to his consti-

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tudents at Cambridge, said: "A few days ago, as a private member of the House of Commons, when I had no sort of notion that I should be asked to fill any vacancy in the India Office, I made a speech on India affairs. That speech embodied the opinions I held, and still hold".—Times July 24, 1917.

110. Just as myself and my friends were full of hopes on account of all this, the Indian bureaucracy with Lord Chelmsford at their head became very apprehensive. They hoped that Montagu would not accept the invitation extended to Chamberlain and would not come to India. But when he announced that he was coming, they prepared a memorandum dated the 10th of November in order to show him that he was not to be far-reaching in his reforms, and they themselves were prepared only to go to the extent set out therein. That memorandum follows later. Generally, throughout the discussions and in the Minutes written by those members of the Indian Government who were opposed to grant any substantial reforms it was clear that they had always in their mind the fact that they had a Prime Minister who was a great Radical of very advanced opinions entertaining probably views outlined by his Secretary Mr. Phillip Kerr and a Secretary of State who entertained views of the nature announced in his public speeches. They were therefore unwilling to give any opportunities for the expression of Indian opinion which was always very progressive, lest they should be fastened upon by those London statesmen to support their own views of Indian reform. They showed a grim determination to fight Mr. Montagu on his arrival in India by confronting him with a statement of reforms beyond which in terms they said they were not prepared to go. Hence this memorandum of the 10th of November.

111. Soon after his appointment, on the 3rd of August Mr. Montagu repeated the same advice that Sir Austen Chamberlain had given. He condemned the attitude of the Government to issue their orders and "stand to the storm". He asked them "Is it not necessary that those who are concerned with the Government of India in India should learn to a greater degree than ever, the methods of political life?" On the 14th August he again telegraphed "Subject to your consent I have been authorised today by the Cabinet to make the following announcement:—"The policy of

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His Majesty's Government is that of the increasing association of Indians in every branch of administration and gradual development of self-governing institutions with a view to the progressive realisation of *responsible Government* in India under the aegis of the British Crown. They have decided that substantial steps in this direction should be taken as soon as possible." The Government of India suggested the omission of the words "under the aegis of the British Crown" and the substitution of the words "as an integral part of the British Empire".

This was accepted and also a few words were added to show that the Government of India were in complete accord with this policy. It is thus clear that the substance of the following announcement by Mr. Montagu in the House of Commons was really settled by Sir Austen Chamberlain and the credit or blame must go to him.

Mr. Montagu's Announcement.

The announcement made to the House of Commons on 20th August 1917, by Mr. Montagu was in the following terms:—

"The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self governing institutions with a view to the progressive realisation of responsible Government in India as an integral part of the British Empire. They have decided that substantial steps in this direction should be taken as soon as possible, and that it is of the highest importance as a preliminary to considering what these steps should be that there should be a free and informal exchange of opinion between those in authority at home and in India. His Majesty's Government have accordingly decided, with His Majesty's approval that I should accept the Viceroy's invitation to proceed to India to discuss these matters with the Viceroy and the Government of India, to consider with the Viceroy the views of Local Governments and to receive with him the suggestions of representative bodies and others.

"I would add that 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 the Indian peoples, must be the Judges of the time and 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 it is found that confidence can be reposed in their sense of responsibility”.

Though Mr. Montagu was thus the spokesman of the policy it will be seen that Sir Austen Chamberlain, it was who really settled the policy.

112. Lord Ronaldshay in his “Life of Lord Curzon” states that Lord Curzon was responsible for the declaration.

He no doubt drafted it at the request of Montagu or the Cabinet. Lord Ronaldshay thinks that the word “responsible” must have been introduced by Lord Curzon and he could not account for it knowing Curzon’s well known views on the subject. I may quote the words of Sir Austen Chamberlain in this matter: In May he wrote: “All this makes me more anxious to find some means not only of increasing Indian representation in the Councils but of increasing the *authority* and *responsibility* of the representatives in those bodies. After all we want to train Indians in *Self-Government*. A mere increase in the number of representatives does not really advance this object unless we can at the same time fix these men with some definite powers and with real *responsibility for their actions*. How this is to be done and where a beginning can be made I cannot yet see. But surely there can be no doubt this is the real crux of the question”, and finally he wrote to the India Government on the 22nd May: “Unless associated with increased *power* and *responsibility*, increase of elected elements is not an advance or training in *Self-Government*”—and again “The kernel of the problem is devolution of *power* and *responsibility*”.

In his final despatch of 19th October 1917 in reply to the Government of India Reform despatch of November 1916 Mr. Montagu said that this view of the necessity of conferring “power and responsibility was of my predecessor in Council and mine”. Lord Curzon’s subsequent conduct places the matter beyond any doubt. “Lord Curzon expressed astonishment and dismay when the Chelmsford-Montagu Report submitted a scheme of responsible Government in accordance with the formula” (See

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Vol. III B. 169 Curzon's Life). No wonder both Montagu and Chamberlain were surprised at this. He was very reluctant to agree to the appointment of two Committees which were appointed to carry out the formula (see p. 171). He expressed his dissent to the appointment of two committees (pages 172 and 175). He refused to be a member of the Committee to consider the responsible Government scheme. All this is unintelligible if he was really the person who initiated or put forward the scheme of *self-government*.

113. The real truth appears to be as follows; Sir Austen decided that the elected members should be entrusted with *power* so that they might be *responsible* for their decisions. Till the time of his decision the Executive Government had the power and responsibility of administration and Legislation. He decided that such power and responsibility to some extent should be transferred to an elected Council as a step towards self-government. It would be complete Self-Government, when following the precedents of the British constitutional progress they are responsible only to their constituencies, but it is possible that there may be this power and responsibility combined with others without Self-Government and there may be Self-Government without this responsibility to their constituencies. Lord Curzon apparently realised this and proposed the words in the declaration written above so as to make it evasive and ambiguous and hence his surprise and amazement when he read the Montagu-Chelmsford Report which carried out the policy of the Declaration as it would ordinarily be understood by an English politician-making the Council members responsible to their electors who were free to displace them if they failed to give satisfaction. Lord Curzon could not deny that the declaration was capable of that interpretation, (See page 173 Lord Curzon Vol III) and it was not of course open to him to say therefore that he intended it in another sense. The difference is vital as the Congress-League scheme would confer responsibility accordingly to one view, and may fall within the scope of the term as used by Sir Austen Chamberlain but would not confer responsibility according to the other sense.

114. The chief features of the Congress-Muslim league scheme already placed before the Government by the Indian leaders

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were the exclusion of all the Naval and Military affairs, of all affairs relating to foreign policy and of the Native States, but the complete control of the internal administration. That control was secured by providing ; “ (1) All proposals relating to revenue and expenditure are to be brought before the Legislative Council in the shape of Bills which may be passed, amended in any way, or rejected by the Legislative Council ; (2) Every resolution in the Legislative Council on matters within the purview of the Provincial Government shall be binding on that Government unless vetoed and even though vetoed, shall be binding if the resolution is passed a second time after an interval of not less than one year”. This does not confer responsibility to the constituency but makes the members responsible for their actions.

I might state here why so many Indian politicians including myself stuck to the Congress-League scheme under which an irremovable executive of civilians were to carry out orders of the Legislative Councils composed of elected members. Our hopes were that in course of time the bureaucracy would comprise Indians with English ideals who had received the highest English Education. We expected them to be able, with the ideals of Western Christian civilisation, to modify Hindu civilisation, to the extent needed to incorporate what is best, without interfering with the basic principles of Eastern civilisation. We visualised an Indian Parliament composed of Indians, the best in Indian society—who pushed forward the Indian case and restrained the Government from committing any act detrimental to India. The Franchise would bring into the Indian Parliament progressive Indians permeated with the ideals of Christian civilisation, who would seek to get rid of caste entirely so far as administration and Law were concerned that it would die out ; who would seek to elevate woman’s status by getting rid of all restrictions imposed upon them by laws Hindu or Muhammadan. The electoral rules would enable such progressive politicians, competent women who could fight and competent low castes (so called) to get into the Councils, while the orthodox Muhammadan and Hindu would find representation, but would not be allowed to dominate the Councils. We visualised the bureaucracy progressively Indian who had received the best English Education in English Universities.

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loyal to the English Crown, working in Association with English colleagues, bound to accept the proposals of the Indian Parliament in Indian interests, so that in course of time we would have the Indian bureaucracy working under an elected Parliament and this bureaucracy would be really dominated by views other than sectarian, religious or class, and all this itself would then be replaced by institutions absolutely democratic. This was the view of the class I represented, and my proposals were conceived in that spirit, but the opposition was great and unscrupulous. It was said that we wanted to get appointments for English educated Indians which was quite true; that we did not represent the masses which might have been true, and that we could not be trusted to look after the interests of the masses and women, which was absolutely false, and false to the knowledge of those who said so. However, when I met this opposition, I dropped this idea and went in for democracy-and so did the others. This sealed the fate of the English Civil Service. Afterwards when too late they came back to Indian bureaucratic partnership. By then it was impossible.

115. Once this principle of Congress-League scheme to improve the Legislative Councils and increase their power of criticism was abandoned, the only other reasonable scheme was that suggested by Mr. Lionel Curtis, according to which certain departments were to be handed over to Indian Members of the Executive Council working entirely under elected Legislative Councils. All the subjects of administration were to be divided into, (A) subjects and (B) subjects, and according to the real dyarchy scheme of Mr. Lionel Curtis, the (B) subjects were to be handed over to Indian legislation and administration under Executive Councils elected by and working under Indian elected Legislative Councils.

CHAPTER XII

MRS. BESANT'S RELEASE AND MR. MONTAGU'S ARRIVAL IN INDIA.

JOINT CONSIDERATION OF REFORMS BY THE SECRETARY OF STATE AND THE VICEROY

116. Mr. Montagu sent his reply to the Government of India Reforms letter of the 24th of November 1916 on the 19th of October 1917. He accepted the invitation of the India Government to Sir Austen Chamberlain and came to India not very much to the satisfaction of the Government. On account of the internment of Mrs. Besant the politicians in India threatened to boycott him. This compelled the India Government to direct the release of Dr. Besant which irritated the bureaucracy. Mr. Montagu and his party arrived at Bombay on the 10th November 1917.

In a memorandum which bears the same date the 10th, the Government of India put forward their last word on the Reforms. The statement therein that it may be modified did not mean that they might go further, but that there was a possibility of their whittling down even these proposals, as the majority of the local Governments were seldom more liberal than the India Government.

The first important political event to which Montagu refers in his Diary of the 10th of November, the date of his arrival, is about Mrs. Besant and Mohamed Ali, the Mohamedan leader. He was informed that Mrs. Besant saw the Viceroy to demand the release of Mohamed Ali and his brother. The request was refused, and she published an account of the interview in the "Bombay Chronicle" which made Lord Chelmsford very angry. I can well understand this. She said that Chelmsford was candid with her and told her among other reasons that the Indian member of his Council i.e. myself did not agree to the release of Mahomed Ali, and in the face of such refusal he could not be expected to

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set them free. Of course, she was absolutely wrong in publishing this account of a confidential communication. After this, I was inundated with letters and telegrams from my Muslim friends all over India to support the demand for their release. I told them in reply that I would do so if Mohamed Ali or his friends would assure me that after his release he would not start a political agitation inimical to the Government. They were not prepared to give me their promise. But they assured me that except where their religion was concerned he would be loyal. I told them in reply that when we swear allegiance to the King Emperor we do not make any reservation of that kind, though as a matter of fact we all know that we make that promise in the moral certainty that religion will not be interfered with.

117. Before he came to India Mr. Montagu and myself were known to each other. At a meeting in London held to honour Sir K. Gupta who was retiring from the India Office, Mr. Montagu introduced himself to me as the only person, so far as he knew, who took the same view as himself about denominational universities like Benares and Aligarh. It was he who brought my name to the notice of Lord Crewe, then the Secretary of State for India, in connection with the membership of the Viceroy's Council.

When he arrived in Delhi on the 11th November I went to the Railway station to welcome him. His reception, to my surprise, was very cold; on the 14th, at his request I saw him in company with Mr. Charles Roberts. He did not discuss anything with me; but asked Mr. Charles Roberts to take me to his tent. Yet he makes certain astounding observations about me in his "Indian Diary" p. 31. "He was followed by Sankaran Nair, who is really an impossible person and I almost wish he was in England as Chelmsford suggested. His dissenting minute consists mainly of ill-constructed suggestions, badly thought out, and abuse of the British Government. He shouts at the top of his voice, refuses to listen to anything when one argues, and is absolutely uncompromising. At the same time, he has no knowledge of loyalty to his colleagues and consults the whole of the Congress about every minute that he writes. If he is typical of Indian opinion, I despair". This was my first visit to him, only three days after his

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arrival. On that day, there was no discussion between us to shout at the top of my voice or to refuse to listen. There were only three of us present; no shouting etc., was necessary. My abuse of the British Government consisted of the fact, which has been always admitted and to which I have already referred, that they had not kept their promise to India; and this was said by a man whose fierce denunciation of the Government of India and the Civil Service it was, that induced Lloyd George to appoint him Secretary of State for India. Montagu says later that the best memorandum on the Reforms submitted to him and Chelmsford was that of the Bombay Presidency Association. That memorandum is a severe indictment of the British Rule in India. As to my being an "impossible person", where would your Reforms, my dear Montagu, have been but for me? His Diary proves this. As to my loyalty to my colleagues I have already mentioned the matter in connection with the memorandum of the Nineteen elected members when the attempt to deal with the question of Reforms without taking Indian opinion was defeated by me. It is possible that another course followed by me may have led Chelmsford to make this charge. It was the practice before I entered the Government of India for the Civilians in the Government Secretariat to write to the "Pioneer", then the Government organ, and other English papers using confidential information for supporting their policy whenever the occasion arose. I stopped this by enabling the Indian papers to meet such arguments. I had to do so in connection even with Mr. Montagu's visit. The Viceroy had invited Sir Austen Chamberlain to India after he had rejected the first Reforms Report of the Government of India so that he might be influenced by Indian Official opinion to modify his views. He was reluctant to accept the invitation; in fact had practically refused it, and they were pressing him to reconsider his decision. But when Montagu succeeded him, there was a change. Lord Chelmsford and the Officials did not want him as they felt it was hopeless to convert him, and he might force them to agree to far reaching changes. The sequel showed they were right. Mr. Montagu however showed himself only too ready and willing to accept the invitation. Inspired articles appeared, as I have already stated in the "Pioneer" and other papers, proposing a

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joint conference of officials and Indian non-officials to formulate a scheme of reforms, thus obviating the necessity of Mr. Montagu's visit; some Indian papers at my instance strongly opposed this and expressed themselves in favour of the visit of the Secretary of State. Again, it was not the usual practice for the Government to consult Indian political leaders on the great questions which they had to deal with. I always consulted them. They disliked me for this, and considered it disloyal to them.

118. In fact this attitude of the Indian Government had been condemned by Sir Austen Chamberlain who wrote, "Does your Government sufficiently realise that the time has gone by when it was sufficient for it to do the right thing, and that now you must not only do right, but persuade people that it is right? You must take account of public opinion. It is no longer possible simply to wrap yourselves in your own virtues and 'd-n the consequences'. As you go on, it will be more and more necessary that you should prepare and form public opinion—all the more so, because you can't count on such help from the press as even now we can still obtain in England. If I may say so without offence, I think that the Indian Government is 'sticky' on this point in all its branches, and that it has not yet realised and adapted itself to the changed conditions of the times. Wherever Indian opinion is stirred—the war, Turkey, the Sheriff, Emigration—the departments exclaim 'say nothing: do nothing: pray heaven if we are quiet, the storm will pass over our heads. If we pretend there is nothing going on that calls for action or explanation, all will be well. No one will think or question, if only we make believe that there is nothing to think or ask question about. I am sure this will not do. I am sure that it will lead to a growing estrangement between the Government and the governed, and that unless you act in time you will some day wake up to find that between you and them an impassable gulf is fixed which it will then be impossible to bridge". This was on the 21st of July 1917. Montagu himself and myself have only followed the line of conduct indicated herein. Chelmsford should be the last person to complain of this. I have already said that his appointment as Lord Hardinge's successor was severely criticised in the Indian press. Lord Hardinge requested me to stop this as it would make an

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enemy of Chelmsford. Accordingly I wrote to the Editors of the leading Indian papers confidentially not to attack him with the result that they changed their tone, writing that they had information from a thoroughly reliable source that Chelmsford was not as bad as it was originally represented to them but quite a competent man, not hostile but friendly to Indian aspirations.

It was also on account of this policy that I became powerful and Mr. Montagu afterwards found that the Indian politicians would accept anything I might put forward, and that if they did not accept it from me they would not accept from anybody else.

119. In fact, while I did everything to conciliate the press and guide them to the best of my ability and keep them friendly with me, Lord Chelmsford did everything that was possible to exasperate the Indian Press. Among those who formed a press deputation to him were Pandit Madan Mohan Malavya, C. Y. Chintamani, Editor of "The Leader" Allahabad, Mr. Sinha, Editor of "The Hindustan Review", Gopala Aiyangar, Editor of "The Tribune", Lahore and Mr. Jamnadas Dwarakadas, Editor "Young India", Bombay. They presented an address in which they pointed out how they suffered under the operation of the Press Act. The reply was harsh and not conciliatory in any respect. It contained such statements like this. "You have referred at some length to the dicta of the two Indian Judges, but it may not be inopportune to remind you that the function of a judge is not to say what the law ought to be but what it is". This was about the Madras High Court...About the Chief justice of the Calcutta High Court whose statement also had been quoted by the Press Deputation he said that "He was not entirely consistent with himself". After referring to certain extracts he said, "Do you come before me today as journalists to say that such sentiments should have appeared in the public press? Do you suggest that language like this can have no ill-effect; and that you are prepared to see such things said every day through the length and breadth of India? Are these, I would ask you, the writings of persons whose loyalty and good intentions and honesty of purpose are unquestioned but who have unwittingly fallen into a trap which the Act has laid for them? Can I Judge the tree except by its fruit?". The Viceroy perhaps may have been

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right, but it was not politic to deal with such a deputation like this when they were relying on such authorities.

No wonder that the members of the Deputation were disappointed, dissatisfied and surprised at what they described as the minatory tone of the Viceroy's utterance, which they declared was unjustified and unsuitable to the occasion. The general opinion was that a few passages, torn from their context without any reference to the circumstances under which they were written, were a very inadequate foundation on which to base such a sweeping condemnation; and assuming that the character of the extracts justified the Viceroy's strictures, they said, I believe rightly, there was no country in the world the Press of which could be said to deserve any liberty if it was to be judged by a few random extracts from a few papers. But the Viceroy failed to deal at all with the main complaint that the operation of the Press Act had created an atmosphere of suspicion and uncertainty which deprived the Indian journalist of any freedom in the exercise of his calling which was essential in the public interest.

120. Montagu could not have formed his own opinion within three days. Himself having arrived at Delhi only on the 11th and he wrote this on the 14th. He must have derived this information from Lord Chelmsford and the members of his Government. Yet I doubt whether all this can account for this savage outburst by Mr. Montagu and Lord Chelmsford. On the 29th October a few days before the arrival of Mr. Montagu there was a vitriolic attack in the columns of the "Madras Mail", one of the leading English dailies in India edited by the late Mr. Welby, the author of which denounced Lord Chelmsford and Mr. Montagu as liars and added that I was the "emasculator" of the Government of India and the former was only carrying out my instructions. I was not mentioned by name but the reference to me was clear. It is possible that this may have been the main reason for this savage outburst.

121. Mr. Montagu was soon to be undeceived. He soon found out the character of the Indian Government. I said before that the Government of India had prepared a memorandum dated the 10th November 1917 showing the extent to which they were

prepared to go. That memorandum, given below, was presented to him.

**Memorandum of conclusions arrived at in Council
on the Report of the Committee,
dated October 15, 1917, and accompanying documents.**

1. The conclusions embodied in this memorandum are regarded by us provisional only, and must necessarily be open to reconsideration in the light of opinions which may be expressed upon them by local Governments. We are fully conscious that in as much as any new form of administration will have to be worked by provincial Governments, their views upon all our recommendations will be entitled to special weight.

2. We agree with the views expressed in the Secretary of State's telegram that the greatest scope for advance is in the provinces and in the domain of local self-government. We are opposed to any material change in the structure of the Government of India; but subject to such rearrangement of portfolios as may be necessitated by the grant of larger powers to provincial Governments, we should not on principle have any objection to the appointment of two Indian members to the Governor General's Executive Council. Adhering to paragraph 54 of the Reforms despatch, we do not propose any constitutional change in the Governor General's Legislative Council.

3. Taking up first the question of granting larger financial powers to local Governments, which we regard as an essential preliminary to any sound scheme of provincial devolution, we favour the scheme put forward in the joint memorandum by Sir William Meyer and Mr. Howard annexed to this memorandum, according to which the only heads of revenue divided between the Government of India and the provinces will in future be land revenue cum major irrigation, and, to a minor extent, income-tax.

We prefer this proposal to the alternative tentatively put forward by the Secretary of State. His suggestion is that the administration of provincial revenues should be wholly provincial and the yield primarily provincial; but that the Government of India should fix standards of provincial taxation and retain their

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right to impose imperial taxation. As the Government of India would be faced at any rate at the outset with a large deficit under this system, the provinces would have to contribute to the Government of India first a fixed cash contribution and secondly a separate percentage of all increases. We regard this scheme as open to the following grave objections, which were emphasised by the Decentralization Commission in paragraphs 65-68 of their Report—

(i) It involves contributions from the provinces to the Government of India, which must be expected to provoke recurring controversies of the same character as those which it has been the object of the present quasi-permanent settlements to allay.

(ii) It requires the provinces to mortgage to the Government of India a definite percentage of all increases of their revenue.

Sir Sankaran Nair prefers the Secretary of State's alternative plan. He apprehends that the Departments of which he is in charge—Education and Sanitation—will be starved if revenues are distributed in the manner proposed in the joint memorandum.

(iii) As regards the question whether the subsidies, which the authors of the joint memorandum propose, that the Government of India should make to the provinces should be made in perpetuity or for a term of years, we are generally in favour of the latter alternative. Sir William Meyer prefers an arrangement in perpetuity; but in any case he would stipulate that such subsidies should be fixed for a ten years' term.

4. Coming to the question of provincial taxation, we have taken into consideration the Secretary of State's suggestion to limit by Government of India legislation, the power of provincial governments to impose taxation for provincial purposes, and also to forbid private members to introduce taxation Bills; but we should prefer to deal with the matter in a different manner. We agree that provincial Governments should have the power of controlling provincial taxation, as indeed they have, theoretically at all events, at present. But in view of the necessity of being able to prevent provincial governments from impinging either on the field of imperial or on that of purely local taxation, we would add to the statutory limitations already imposed by the Government of India Act upon provincial measures affecting revenue or taxation, the

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new requirement that the sanction of the Government of India should be required to any Bill imposing provincial taxation or affecting existing revenues, whether the Bill be a Government measure or a private member's. In this connection we have examined the terms of sections 79 and 80 of the Government of India Act, which will, we think, require amendment in several respects, though it is not necessary to deal with this question in detail in the present memorandum. With the safeguards which we propose, we see no reason to withdraw from private members of provincial councils the right of introducing taxation Bills; nor do we think it necessary to fix by Government of India legislation the scope and extent of a provincial Government's powers in this direction.

5. To deal next with the Secretary of State's suggestion that local governments should be invested with borrowing powers subject to appropriate checks, we feel that there are serious objections to unrestricted borrowing by provinces, both from the point of view of provincial indebtedness and security, and also as regards the limited capacity of the Indian loan market. We note that State borrowing has apparently been overdone in Australia to such an extent as to give cause for anxiety. We doubt if local governments, would attract fresh capital in India, and, if they failed to do so, their borrowing would affect the Government of India loans. Further, their borrowings would usually be for purposes financially unproductive, which should as a rule therefore be financed from current revenues or balances. Again, with the relatively minor resources they possess, individual provincial governments would have to pay more for their loans than the Government of India; and though it might be argued that the Government of India must practically guarantee the loans, that they could not allow any local government to go bankrupt, a guarantee of this description, tacit or otherwise, would tell seriously against the proposal. It would be simpler and cheaper to reserve the public loan market for the Central Government and allow the latter, when special circumstances justify this, to make a loan to a local government. We conclude, therefore, and in this conclusion, are in agreement with the Decentralization Commission, that for the present, provincial governments should be permitted to borrow only from the

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Government of India. We may add too that any departure from this practice would require the specific amendment of part II (see for instances section 20) of the Government of India Act 1915.

6. We consider that provincial budgets should be separate from the budget of the Government of India; that the latter should show only Imperial revenues and expenditure and certain necessary transactions with the provinces (such as drawing from or additions to, provincial balances or any specific assignments to or from provincial revenues) and that, conversely, provincial budgets should show only provincial receipts and expenditure. As regards current revenue and expenditure, the budgetary control of the Government of India over provincial budgets should be restricted to divided heads, within which limits we would leave it as at present.

7. In our opinion the Government of India should prescribe the minimum balance for each province after consideration of its circumstances and of any representation which the local government may make. Such prescription should hold good for a definite period of years and then be open to revision. The minimum balance should be the amount which, it is considered, should be set aside as a reserve for special and unforeseen expenditure. No local Government should be able to reduce its balance below the prescribed minimum without the special sanction of the Government of India.

8. We consider that in ordinary circumstances local governments should have power to draw on their accrued balances, provided that they give the Government of India due notice, before the latter frame their ways and means budget for the year, of the amount which they propose to draw; and that they do not draw in the course of the year in excess of the amount notified without special sanction; and they do not without similar sanction draw on their accrued balances to meet recurring charges. But in times of grave and general financial emergency, as to the existence of which the Government of India must be the judge, the latter must have power to place such temporary restrictions as may be necessary on provincial drawings.

9. Turning now to the question of legislative devolution, we consider that, while the existing statutory restrictions on the

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legislative power of provincial legislatures should be supplemented as proposed in paragraph 4, the administrative control of such matters which the Government of India now exercise should be relaxed. The question, in what particular matters it may still be necessary to maintain administrative control over local executives in respect of legislation will require further detailed consideration in communication with local governments; but whatever administrative restrictions are maintained in future upon provincial legislation should, we think, be given specific statutory force.

10. We are agreed that local governments should be given larger powers in respect of specific expenditure and administrative action, in which their existing powers are limited by departmental instructions, whether emanating from the Secretary of State or the Government of India; and that any specific restrictions now imposed on local governments in such matters should be largely relaxed. This matter is being examined in the Departments concerned. We observe however that our proposal will certainly involve a relaxation of the detailed control which the Secretary of State now exercises over the Government of India and the provincial governments. We note that the Secretary of State thinks that Parliament may demur to his relaxing his control; but we observe that though such control ultimately rests on the Government of India Act, it tends to become in its specific application purely a departmental control by the India Office, which has on past occasions been relaxed in particular cases without reference to Parliament and could be further relaxed by similar executive orders.

11. We next turn to the question of the structure of provincial executive Governments. On administrative grounds and as a means of promoting decentralization, we are in favour of the system of a Governor in Council for all the more important provinces; but we do not think that the Governor need invariably be appointed from England. There are men in the Indian Civil Service who can adequately fill such posts, and it is not desirable therefore absolutely to close such appointments to the service.

12. We are of opinion that the Executive Councils should consist of an equal number of officials and non-officials, and also

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of an equal number of Europeans and Indians, the qualification for officials remaining as at present that of twelve years' service under the Crown in India.

13. Coming to the question of the method of selection for the Indian members, we are wholly unable to accept the tentative suggestion put forward for consideration by the Secretary of State that such appointments should be made from a panel chosen by the Legislative Council. We consider that the system of unrestricted nomination by the Crown should be maintained, and we are strongly opposed to any method of direct election by the Legislative Councils. Indeed we regard any system under which the Indian Executive Councillors will be directly or indirectly chosen by the members of the legislature as inherently unsound, because it imposes on them a divided responsibility and impairs the unity of the executive.

Sir Claude Hill would prefer that the Indian members of Executive Councils should be nominated from among the elected members of the Legislative Councils, as being a valuable means of bringing the legislature into association with the executive.

14. We now consider the Secretary of State's suggestions that the provincial legislature should be increased so as to give small elected majorities, and that direct election on a moderate franchise should be substituted for the present system of indirect elections. With the reservation that we do not contemplate the institution of legislative councils for minor provinces such as the North-West Frontier Province, Baluchistan or Delhi, we accept the principles of larger electorates, direct election, and moderate franchise, by which we mean a reasonably low property or educational qualification. As regards electorates, our conclusion is that the initial presumption should be in favour of a territorial system as against the general method of class interests representation now in force. But we should be prepared to agree to a departure from this principle, where required, with reference to the special circumstances of particular provinces. In any case, too, we would maintain communal representation where necessary, as proposed in paragraphs 49 and 50 of the Reforms Despatch, and separate constituencies for specially important local interests as, for example, Chambers of Commerce and Universities.

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We are prepared, however, to concede as a general principle, not merely small, but substantial elective majorities in all provincial legislative councils; but we think that it should be open to any local Government to show cause why this general principle should not be applied in its particular circumstances. We consider that at least one-half of the nominated members should be non-officials; and we would give liberty to the official members except on important occasions to be specified by the Government, to speak and vote as they see fit.

15. We realise that this means in effect a material increase in the power of the provincial legislative councils, and that even allowing for the constitutional checks imposed by Statute, and also for the veto of the Head of the Province or of the Governor-General, it is possible that such Councils may, in extreme cases at all events, paralyse the Executive. The best method, we think, of providing against such a danger is to enlarge the scope of the statutory limitations on provincial legislation. We have already indicated that some extension of these limitations will be required in matters relating to finance, but we are not prepared at present to make specific proposals in regard to other matters. We shall examine the point further, and in any case we consider that local governments must be consulted before any definite decision is arrived at.

16. We note the Secretary of State's acceptance of the proposal to give the Heads of provinces the power of dissolving their Legislative Councils, which we think may prove of value hereafter when the reconstituted electorates begin to make their influence felt.

17. We believe that an important step in the desirable direction of associating members of provincial councils more closely with the administration can be taken by developing the system of which the existing finance committees are the germ. In paragraph 52 of the Reforms despatch the Government of India suggested that the existing finance committees, which deal only with unallotted expenditure, should be converted into advisory bodies of a non official character associated with the preparation of the provincial budget as a whole. We now propose that these committees should be of a permanent character in the sense that

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they could be summoned and consulted at any time on important matters. We would also set up similar standing committees for other important branches of the provincial administration e.g., education, public works, local and municipal, medical and sanitary, agriculture and even police.

Such committees would be predominantly non-official in character, and the non-official element in them would be elected by the Legislative Council. The Member in charge of the department concerned, or the Secretary in a Province which might for the time being have no executive council, would preside. The heads of the departments concerned, for instance, the Director of Public Instruction or the Head of the Medical Department, would also be members.

The committees would be of an advisory character, and references to them would be confined to questions of policy or important new schemes; but even so the proposal would bring the influential members of the legislature into closer touch with the administration, and Governments would ordinarily be chary of pushing schemes which discussion in the committees showed to be open to serious criticism. We think that such association would also give a quasi-administrative training to the members of the provincial legislatures, the lack of which is one of the most pressing objections to giving the councils more direct control in present circumstances over the administration, and would constitute a convenient "half-way house" from which a further step in advance might later be made.

18. We have now concluded our proposals for giving greater powers to provincial Governments and a more representative character to provincial legislative councils. We are agreed in considering that these constitute a real step in the direction of political progress and pave the way for a further advance hereafter. We think that they mark the limit up to which at present it is reasonably safe to go. It will be observed that in two important particulars, namely, in respect of financial devolution and the institution of standing committees of the provincial legislatures, our proposals go beyond those made in the Reforms despatch. But we do not propose to give provincial legislatures larger direct control over provincial executives, as we consider that the effect

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of our other measures of reform and especially of the new electorates should be first awaited.

19. In case, however, it should be found to be desirable to give provincial legislatures a larger measure of direct control over the executive than we have thought it safe to suggest, we proceed to discuss certain further possible developments.

20. The Secretary of State's telegram mentions the possibility of giving the power of the provincial purse with certain specific restrictions to the provincial legislatures. We could not agree to this proposal. The measure of control over the budget which provincial legislatures either have already or will have under the proposals which we have made, is substantial. It consists in the power of passing or rejecting bills affecting taxation, the power to put forward for the consideration of government resolutions relating to the budget and also the increasing influence which they may be expected to exert by reason of their more representative character and by means of the new standing committees. We think that these powers should suffice until experience shows, how they are exercised under the new conditions.

Sir Claude Hill would prefer that, subject to the maintenance of appropriations considered necessary by the executive for essential services and also to the inviolability of schemes sanctioned by the Secretary of State or the Government of India, the whole of the budget should be thrown open to debate, and actual decision by the legislative councils, subject to a veto first by the head of the province and again by the Government of India. His proposal is, however, contingent upon it being possible to institute safeguards against a violent divergence of opinion between the legislature and the executive, by appointing a Member of the Executive Council from the legislature and by instituting an upper chamber.

It seems to us, however, that these proposals do not do justice to the extent to which provincial legislatures already enjoy financial liberty of action. In effect, the Government of India only control the total provincial figures for the year, and within the limits so defined, provincial Governments have complete power to make reappropriations. The local governments have already practical freedom to accept resolutions of the legislative councils as to action in this direction, in the course of the debates on the financial

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statement; and such freedom will become still more emphasised with the separation of the Imperial and provincial budgets.

21. While then we unanimously reject as inherently unsafe under present conditions the line of advance apprehently advocated by the Secretary of State's Committee, a majority of us would be willing to consider the concession of some further powers of control to provincial legislatures. Our majority suggestions are as follows; and in framing them we have had regard to the view that further constitutional advance should be along existing lines, that is, by development of legislative councils and not by the construction of new bodies and separate administrative machinery.

- (1) We would schedule certain branches of the provincial administration as being the special concern of the provincial legislative councils. In so doing we would adopt the opposite method to that suggested by the Secretary of State's Committee, and we would reserve to the final control of the provincial governments, all heads not so scheduled. We think it would be relatively easy when the time comes for a further advance to add to heads definitely scheduled; while, on the other hand, a too large concession at the outset might require to be reduced later on. Further, it is more satisfactory at present to leave residuary powers to the governments rather than to the councils.
- (2) In respect of the scheduled heads, we would provide that resolutions passed by the provincial legislature—whether upon the budget or as general resolutions—should be binding on the executive, subject to the following conditions:—
 - (a) If the legislature is to consist of a single composite chamber with elected and nominated elements, the resolution must have been referred to and considered by the appropriate standing committees, and subsequently passed in the legislative council by a two-thirds majority of the members voting. We specify this proportion so as to ensure that in order to have binding force, resolutions should not be carried out by merely the elective majority, but that they should also

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need to secure the adhesion of some other elements in the council.

- (b) If an upper house is constituted, the resolution in order to be of binding force, should be passed by a majority in each house.
 - (c) The head of the province should have power to veto a resolution for reasons to be specially recorded.
- (3) Subject to these conditions, we would give the provincial legislature the right by resolution to appropriate money from one scheduled head to another without increasing the provincial budget as a whole. We would further allow the provincial legislature to propose to increase the provincial budget as a whole, if, at the same time, they proposed additional taxation; but the effect of any such proposal would depend upon the fate of the subsequent Bill which would be needed to give expression to it.
- (4) In respect of non-scheduled heads, the legislature would retain its existing right of putting forward and passing resolutions; but these would continue to be purely recommendatory in character, and it would be for the local executive to accept or reject them.
- (5) The Heads which, *prima facie*, suggest themselves to us as suitable for scheduling are the following:—Registration, Education (Primary and Secondary), Medical and Sanitation, Agriculture and Veterinary, and Public Works. But we think that this list should be regarded only as a basis for reference to local governments, and that the selection of subjects for scheduling need not be uniform in the various provinces.
- (6) Even in respect of scheduled heads, however, we think that it might also be necessary to provide some safeguards for the protection of existing Government establishments; though the provincial legislatures would, of course in any case, retain their right of putting forward advisory resolutions as to the conditions of recruitment, pay and service.
- (7) In cases of doubt whether a particular matter falls under a scheduled head or not, we consider that the decision of

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the Head of a Province upon the point should be final and not open to question by the provincial Legislature.

Sir William Vincent, for reasons which he has developed in his Minute of Dissent to this memorandum, does not assent to the proposals made in this paragraph.

22. We have also considered the question of the relative advantages of further developing provincial legislatures in the form of a single composite chamber with the elected element materially increased, or of reconstructing them on a bicameral system. The advantages of creating an upper house appear to us to be the following ;—

- (1) We should follow the system which generally prevails even in countries which have made great progress in popular governments ;
- (2) If an upper house is created, it is possible to make the lower house predominantly, if not wholly, elective ;
- (3) Men who under the alternative system would be nominated members of a composite chamber would gravitate to the upper house and would therefore develop an *esprit-de-corps* which they cannot acquire in a lower house where their status is constantly challenged.
- (4) The creation of an upper house would secure the presence of men in the legislature who would not seek election or even accept a nomination to a composite assembly ;
- (5) The upper house might develop a conservative policy which would be a valuable check upon the possibly too radical proclivities of the lower house.

If an upper house is constituted we should like to see it so constructed as to comprise a majority of non-officials, composed of prominent personalities or the representatives of important vested interests, and a minority of officials. But we should prefer to have before us the considered opinion of local governments before deciding whether such a body should be wholly nominated, or partly nominated and partly elected. The terms of office, we think, should not be for life, but for a definite period of years—seven or ten—but in any case materially longer than the normal life of the lower chamber.

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23. On the other hand, the disadvantages of creating an upper house appear to us to be the following :—

- (1) The difficulty, in some provinces at any rate, of securing a sufficient number of suitable nominees ;
- (2) The fact that the upper house, which would represent conservative and monied interests, might prove in practice, too effective a barrier to legislation which directly affected those interests ;
- (3) That the concentration of big landed properties in an upper house might discourage other members of the same class from seeking the suffrages of the electorate, a result which we should regard as very undesirable ;
- (4) The delay involved in passing legislation through two houses and the friction and possibilities of a deadlock in the event of the two houses differing ;
- (5) The increase of official work which would be necessitated by the duplication ; since it would be necessary for officials even if not members, of the Lower House, to attend and speak in it, and there would be questions and resolutions to be dealt with in both Houses. Some of these difficulties might, no doubt, be obviated by truncating the powers of the Upper House, but this, we consider would prejudice its prestige and authority. Provision might also be made, in the event of differences of opinion for a joint session of both Houses, but we look on this arrangement as practically equivalent to a single composite chamber of the character already contemplated. We doubt if either of these devices would be really effective. Our present views are that if a single composite chamber can be constituted in which there would also be a considerable nominated element, this arrangement would at the present stage be preferable to instituting an Upper House. There is, however, no essential need for uniformity ; and we regard the matter as one on which further light must be awaited, not merely as regards the character of the electorates which will be forthcoming for a single composite chamber, but also with regard to the views of local governments and other views that may be received

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upon the question. We see no reason why any province which expresses a marked preference for a bicameral legislature and can support its views by giving strong reasons should not be allowed to establish one; but if Upper Houses are constituted in one or more provinces, we think that it would be certainly well to take statutory powers to extend the system to other provinces, if this should be found desirable.

24. We adhere to the views expressed in paragraph 36 and appendix I of our Reforms despatch in regard to the further development of urban and rural self-government. But, we do not think it necessary to say more on this subject, as we observe from the concluding portion of the Secretary of State's telegram that he holds that one of our big moves must be in local self-government, on which we are all agreed.

25. We propose to conclude this memorandum with a reference to two important matters lying outside the range of constitutional changes. In paragraph 38 of the Reform despatch the Government of India expressed themselves in favour of the greater Indianization of the public services. We now propose to give practical application to this formula, by defining our views generally regarding the recommendations of the Public Services Commission in regard to future Indian recruitment for the most important of the administrative services, and also by indicating our opinion of the relative degree of urgency to be attached to the various matters dealt with in the Commission's report. We recognise that the views of local governments on these questions will have to receive careful consideration; and also that the circumstances of the various services differ so materially that no uniform formula can possibly be applied. We think it probable, however, that, in regard to some of the services at all events, the Commission have not gone far enough. We consider that the first thing to be decided is the proportion of the higher administrative offices in the various services which can be now expediently be filled by Indians. We propose to postpone to a later stage, the discussion of the various methods of recruitment by which such results can be achieved, though here again we recognize that no uniform formula will be possible. Finally, we feel that in taking practical action on the

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Public Services Commission's report, it is desirable to give precedence to questions relating to the future recruitment of Indians over what we regard as the less important questions of pay and conditions of service.

26. In pursuance of the views put forward in paragraph 36 and paragraph 55 et seq of the Reforms despatch, we have since placed before the Secretary of State proposals for a great advance in education, based mainly upon the principles (1) that local self-governing bodies should be required to provide adequate schooling facilities for children seeking education, and (2) that, if possible, the number of children receiving education in India should be doubled in the course of the next ten years. But, we agree with the Secretary of State that an immediate advance in this direction must be at least deferred until the question of financial devolution has been settled.

27. Sir Sankaran Nair does not agree with this memorandum, as in his opinion the proposals contained therein do not constitute any real advance towards or training in self government, and therefore do not comply with the announcement that substantial steps towards the progressive realization of responsible government should be taken as early as possible. He proposes to submit his views in a separate minute. November 10, 1917.

The minutes of two of the members were as given below:—

(1) I recognise that advance is necessary, but I do not think that further advance is possible on the lines of the Morley-Minto Reform, as an irremovable executive is, I fear, incompatible with an elected majority, and such a combination must produce paralysis. This would be especially deplorable in India where it is essential that the executive should be strong.

I would therefore under no circumstances allow an elected majority to deal with subjects for which the executive was not responsible to it.

The only alternative that I can see is a predominantly elective Council dealing with certain scheduled subjects, such as those referred to in paragraph 21 (5) of the memorandum, on a quasi-parliamentary basis. I do not see how this can be effected except by setting up bodies entirely separate from the existing Provincial Councils to deal with these scheduled subjects, and I believe that

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the friction inevitable in every form of dyarchy would be minimised if, for every Provincial Council, there were two or three such bodies, each covering a somewhat smaller area than the Provincial Council. If, however, it is finally decided to attempt further progress along the lines of the Morley-Minto Reforms, I accept the memorandum as embodying the best means that can be devised for this purpose.

(2) I regret that I am unable to agree with the majority of the Council in respect of one important recommendation in this memorandum, namely, the proposal (set out in paragraph 21) that provincial legislative councils should, subject to specific limitations, be vested with direct powers of control over particular heads of expenditure in the budget and over the corresponding branches of the provincial administration. I believe that this modified dyarchy would give rise to grave financial and administrative friction and prove unworkable in practice. To the financial aspect, I should like to quote from the Minute of the Honourable the Finance Member when dealing with another system of dyarchy, as his criticisms, though directed against a different proposal, seems to me to apply with great force to the present one. In that Minute he says:—

It would be very difficult in the first place to draw a definite line between matters over which the legislative council were to have full control and those in which they would remain, as hitherto, as a mere advisory body. Then, as soon as they establish themselves in regard to the first class of subjects, they would certainly demand similar control over the second. In the matter of police, for instance, they would say "when we are allowed a free hand in regard to agriculture and education, is it not indefensible that we should have nothing to do with a matter that touches us so closely as the police: is it not monstrous that we cannot give more money for education because government is spending it upon the police in a way which we consider wholly unnecessary? We represent the people of the country, and we demand that the police should be brought within our direct cognizance also. It is not in the least likely that we will cut the

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police expenditure down to a dangerous extent; our own interests would preclude that, and so on”.

Such claims would, I think, eventually have to be gratified. The famous dyarchy of the Roman Principate, under which certain portions of the administration rested with the Senate and the rest with the Emperor, eventuated in the gradual and finally complete absorption by the Emperor of the Senatorial powers. Here under the Round Table scheme the result would be the other way.

(3) Apart from this criticism, the main objections to the proposal of my colleagues, in my opinion, are the following:—

- (a) It would engender inevitable and bitter friction in respect of the budget and financial arrangements. Allegations would at once be made that the scheduled heads as a whole were starved, and that it was impossible to supply the needs of the province out of the total amounts allotted to them. The legislative councils would not admit the necessity for new taxation, as their argument would be that the real needs of the State could be met by the diversion of funds from the reserved to the scheduled heads; and thus the odium of any new taxation would be thrown upon the Government. The executive would be accused of keeping all the available money for the reserved heads, and any increase of expenditure under these heads would be subjected to violent attack. The result would be constant bickering and irritation, which would express itself very forcibly in the press, on the platform, and at meetings of the standing committees on the reserved heads, and in the legislative council itself. In their joint memorandum on the separation of Imperial and provincial finances, Sir William Meyer and Mr. Howard have argued that a system of contributions by the provincial Governments to the Imperial Government would provoke recurring controversy; and I submit that this objection applies with greater force to a system under which the provincial Government would make contributions, fixed by executive authority and varying from year to year, to departments under the control of

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the legislative council. Indeed, I do not believe that any additional taxation for needs outside the scheduled heads would ever get through the council, with the result that it would be difficult, if not impossible, to provide for any necessary increase of expenditure on the reserved heads. The avowed object of the extremist politicians who, owing to their organisation and ability in debate, command the greatest support in the Legislative Councils, is to obtain absolute and immediate control over the executive. In order to secure this object I believe that the council would deliberately use its large powers, both in respect of legislation and of resolutions in such a way as to embarrass the executive so seriously that it would have to yield to one demand after another and, within a few years, there would either be a deadlock or a complete surrender by the executive of its power over the finances. It would be unwise to assume that the council would not use the executive weapons placed in their hands.

- (b) The administrative friction would, I believe, be equally great. The expenditure on the scheduled heads would be voted by the legislative council and the control of policy in these branches of the administration would really be in their hands. On the other hand, the executive officers of these departments would remain under the direct authority of the executive Government, they might and probably often would have to give effect to a policy which, in their opinion, was unsound. They would have to serve two masters. This would result in frequent allegations that the departmental officers were not loyally carrying out the policy of the council; and since they could not be removed by the council there would be complaints and recriminations, votes of censure and resolutions disavowing and reversing their action. Under such conditions the safeguards which it is proposed to provide for the security of the services would be illusory.
- (c) The assessment and collection of taxes to meet expenditure under the scheduled heads would remain in the hands of the local government, and the odium attaching to these

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duties would still rest upon it and not upon the council responsible for levying them.

- (d) The proposed devolution affords no real opportunities of training in administrative duties to the members of the council, and does not confer on them any real or direct responsibility.
- (e) Resolutions were intended to operate as recommendations to the government, and it is contrary to the practice of constitutional government to give them binding effect. It is also expedient to give the council such a means of interfering with details of administration with which it is not competent to deal.

The proposal of the majority of Council is, therefore, in my opinion open to double objection. While it creates great opportunities of friction, and arms a council with power to bring the administration to a stand-still, it fails to confer on it any direct responsibility or to afford the members any opportunity for training in administration.

(4) All these difficulties will be emphasized by the lack of any superior authority to decide between the local government and the council in cases of dispute. I apprehend, indeed, that any such devolution of power coupled with the power of legislation with which it is proposed to invest the council would very soon lead to the council's securing complete ascendancy over the whole government. Further, to quote an opinion which I have recently read, I anticipate that this state of affairs would be arrived at "by a ceaseless and day to day process of attrition which would go on so quickly that the British element in the country would disappear before the Indian element was fit to assume complete charge". I feel, with the writer quoted, that if we provoke or encourage any such result by precipitate changes in the powers of the provincial councils, we shall indeed deserve and receive the severest condemnation. I cannot admit that the difficulties would be met by a power of veto or by the "two-third majority rule". Experience has shown that the veto cannot be used frequently, as has been pointed out by various local governments; and the two-third majority would be no safeguard in an assembly in which the more forcible and determined members of the advanced party

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would certainly exercise an overwhelming influence. Finally, I desire to record my emphatic opinion that it is most unwise to accept these proposals even provisionally, before local governments who will have to work them have been consulted upon the dangers by which I am impressed, and also before the character of the new electorates or the constitution of the new council is determined—a subject on which our information is singularly incomplete.

(5) In any new scheme of progress that is devised, it seems to me essential:—

(a) That any devolution of power should be as direct as possible; so that the authority upon whom the power is devolved should have direct control over its executive in respect of the matters delegated to it, and should also be directly responsible for its administration to its electorates.

(b) That, so far as is humanly possible, causes of friction should be avoided, and every possible chance of co-operation taken.

My view is that these objects can be secured only by constituting the authority to which power is devolved on a different plane from the provincial Government. In other words, to adapt the language used by one who has made a careful study of the subject, the scheme of advance should be framed along horizontal lines of increasing popular control over the functions of Government instead of vertical lines separating particular functions. It is clear that in his proposal for provincial states, Sir James Meston has the same object in view; and though I am not prepared to agree with him in regard to various details of his scheme, and view with mistrust his proposal to create a large number of legislative assemblies in place of the present provincial councils, I should much prefer it to any such division of the functions of the provincial government as is contemplated by Council.

(6) I believe myself that the best chance of success lies in a generous extension of the principles of local self-government by the creation of divisional councils (a suggestion which I have taken from a report of a committee of United Provinces officials) with definite sources of revenue, definite powers of control over the

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assessment and collection of this revenue, and definite powers of administration of particular branches of the administration through their own officers. It is, however, inexpedient that I should discuss this alternative proposals in any detail in a minute of dissent, which is written only to explain my reasons for not accepting the conclusions of the majority of Council.

I have given above the memorandum in its entirety though it is a long one. My purpose is to show the nature of the opposition which Mr. Montagu had to overcome. Also the debt that we owe to him. The difference between this memorandum and the Montagu-Chelmsford Report is our debt to Mr. Montagu and Lord Chelmsford. The difference between this and the Government of India Act 1919 is the debt that we owe to Mr. Montagu.

122. No wonder that on reading this Mr. Montagu wrote: in his Diary of the 17th November, "I took a preliminary reading of the Government of India scheme. This is very depressing..... I am satisfied it could not be accepted for a moment.....if they can go no further than this we are doomed to failure" (p. 42 I.D.)

Chelmsford however hoped that Mr. Montagu was not thinking that the Government of India could go any further than their memorandum, because that was the ultimate limit to which they could go (p46 I.D.). When Montagu was told, this was their utmost limit, he thought "we had better go home" p.46. He found that so far as any reform was concerned "What alarmed him in all Chelmsford's talks was that so little has reform sunk into his mind that he seemed to think that everything will go on as it is" (p. 37 I.D), and on the next day 16th he says he "went to his bed more nearly depressed than I have been yet, in fact, I thought in the night it was hardly worth going on." (I.D. p. 41).

On the 18th, he writes "informal discussion, informal conversation they do not know. Political instinct they have none. *The wooing of constituents is beneath their idea; the coaxing of the press is not their metier*". Yet four days before he scolded me for having done so. He continued "Nothing is required of them but to get through their files and carry on their social work according to the rule. Everything is prescribed; everything is printed" (I.D. p.16). It was just because I followed the very opposite method I was disliked. And on the 20th he wrote "Those people here with

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whom I really have no patience living in their seclusion and in a firm belief in their superiority are really tinkering with their subject. They are not in earnest in suggesting a fundamental reform and they are very foolish because Heaven save them if our tour fails" (p. 47). One has only to read the "Indian Diary" to see how at every step they opposed him. It will be seen how my attitude, the attitude of an "impossible" person towards my colleagues, saved Mr. Montagu and enabled him to carry out his reforms. As to his character, Mr. Montagu had already discovered, that Chelmsford was strongly prejudiced in his views, holding them very very keenly but it did not seem to him, that any of them were his views. They always seemed to him to be views "collected from his surroundings" (I.D. p.16). This trait of his character was well known in London even before his appointment. Dr. Kimmins told me that they were struck very much by the dependence of Chelmsford on his subordinates when he was head of the Education Board in London. The Cabinet would have known it if they had enquired. He soon learned what public opinion was; that nothing was to be hoped for from Chelmsford, that he was obviously antagonistic (I.D. p. 69).

Finally, he found that "Chelmsford and the Government of India want to do as little as they need" (I.D. p. 122). Not likely that such colleagues would find me very agreeable. It is not likely that men with such contrary views would work in harmony.

It is with men holding such views that I had to work for more than a year before Mr. Montagu's visit. They were very indignant with me for dissenting from their Reforms despatch, their indignation knew no bounds. Their discourteous treatment was open and noticed by all. Yet Mr. Montagu who must have known Sir Austen's views and our differences, as he says in his Diary, did not wait to form his own opinion. It is seen that he formed a very different opinion of me, later.

123. They proceeded on their tour throughout India. They had with them the members of the delegation who came with Montagu to India. They had also Sir William Vincent, the most reactionary of the members of the Indian Government. He was the successor of Sir Reginald Craddock who had been appointed Governor of Burma. As to an Indian member, Mr. Montagu

requested Lord Chelmsford, before coming to India, to allow me to accompany him. He refused this and gave him Mr. Basu who had been appointed a member of the Council of the Secretary of State. Montagu told me, on his return to Delhi, that he wished he had me instead. However, he went forward.

When he was not occupied with the Reforms discussions, he visited Native States. At Gwalior, Scindia complained to him that he was not allowed to appear at Dinner with the Viceroy without his head cover. He admitted this was quite right. But why does this not apply to British Indians like Sankaran Nair and only to Indian Princes? He says that, now whenever somebody like Chelmsford, or a Governor, or myself, comes to shoot with him, he was to wear a pugree to shoot in, although he risked sunstroke by doing so. 'We live and learn.' This brought to my mind, an incident in Madras before I came to Delhi. I was invited by the Maharajah of Mysore to attend his birthday function in Mysore in June. I went there, saw all the processions, went up the Chamundi Hills, visited the fine Oriental Library, and made the acquaintance of the Librarian who, after resigning that appointment, became the Librarian of the Adyar Library and translated many Sanskrit sacred books. But I was unable to attend the great Durbar as Sir Visweswariah, the Diwan, came to me the day previous and told me of the manner in which I had, like other Indians, but unlike Englishmen, to make obeisance to His Highness. As I had been already appointed a member of the Executive Council, I felt it would be derogatory for me to do anything which my English colleagues would not do and I declined to go.

124. It cannot be said that the Montagu was always candid. They went to Calcutta first. His severe castigation of Mr. Jones of the "Statesman" was clearly unfair (P 96 I.D.). He asked him for the basis of his information that himself i.e., Mr. Montagu was responsible for the release of Mrs. Besant, though Mr. Montagu now admits that it was he who suggested it to the Government of India (I.D.p. 129), and in fact, but for Montagu we, the Government of India would not have released her. In fact, on Mrs. Besant's internment a Committee was formed in London with George Lansbury, M.P., as the President to secure her release. They pointed out that her position in India was identical with that of

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John Redmond in Ireland. She stood midway between the extremists who wished to separate India from Britain and the reactionary bureaucrats who opposed and attempted to crush all desire for freedom shown by the people of India. They pointed out, "what happens to Mrs. Besant and her colleagues may not seem of great importance—they are but individuals—but it is of importance that the British people should understand that these persecutions must mean in the eyes of the world that Great Britain will fight to put down tyranny in foreign lands, but at the same time allows tyranny to flourish in lands under her control. Therefore, all who care for the fair name of Britain, all lovers of freedom, all who wish the British Empire to become a Commonwealth of free Nations must join with us in demanding the immediate release of Mrs. Beasant and her colleagues"

This Committee and those who sympathised with them put pressure on Mr. Montagu. Mr. Montagu accordingly asked the British Government for the cancellation of the internment orders. He asked whether he (Mr. Jones) knew that Lord Chelmsford sent home a Reforms Despatch in November 1916. But, Montagu kept back the fact that it was so very inadequate that even Sir Austen Chamberlain rejected it. It was true that the Viceroy invited Chamberlain. But, he did not want Montagu. In fact Jones was right and Montagu misleading. In Madras, he came across Sir Subramania Iyer, an honoured name in that Presidency. He had, till shortly before that time, been held up to us all and me in particular as a loyal patriotic gentleman. He was a judge of the High Court. To a sketch of his life, Lord Ampthill, who as Governor knew him well, had written a laudatory introduction. Yet the following is the letter written by him to President Wilson who forwarded it to the British Cabinet in London. "British officials voted themselves exorbitant salaries and large allowances; they refuse us education; they sap us of our wealth; they impose crushing taxes without our consent; they cast thousands of our people into prisons for uttering patriotic sentiments—prisons so filthy that often the inmates die from loathsome diseases". Mr. Montagu adds "and when he describes the Indian civil servant, as being so subtle and clever and they would put into the shade a syndicate composed of Machiavelli, Li Hung Chang and Abdul

Hamid, he really showed how ridiculous he was; and he is a Judge with a pension. I told him that he ought never to have served a Government of which he thought like this". Montagu said so to please Chelmsford I have no doubt (I. D. p. 123, 124). This would have been buried in oblivion but for this publicity given to it by his Diary.

125. Just as he got in Madras, the real and true Indian opinion about the Civil Service, it was there also that he got an open expression of the official policy from the Governor of Madras. Lord Pentland was the Governor of Madras. His opinion may be gathered from what he told Mr. Montagu. "This morning Pentland came to breakfast with me. He told me that he believed that we ought not to talk politics to these people at all. We ought to play with them, humour them on politics, and discuss with them industrial development, education and social reform; that there is no necessity for doing anything; that he could not understand why we thought differently; that nobody in Madras wanted the announcement; that the whole of his Council were unanimous; that even the last Council agreed with him. He actually said there was no difference of opinion between him and Sivaswami Iyer, the late member of the Executive Council, who is an out-and-out Congress scheme man. He talked about the Brahmins bitterly. He assured me that all respect for the Government had gone, that people used to consider all officials from the Viceroy downwards as a sort of Gods not to be argued with or challenged. That had all disappeared; We were playing with fire; danger was written everywhere; that he does not know what to say or how to think; he has no confidence to express an opinion; he does not know what to say. The position is very difficult. Authority has gone; he is not prepared to say whether for always, but, at any rate for the present" (I.D. p. 125).

Sir Ramaswami Iyer had complained to Montagu of the Government's policy to set up Muhammadans against Hindus. The truth was this. The old Muslim League representation signed by the Prince of Arcot was in favour of substantial reform. He had also refused to start a new association to present an adverse representation. Lord Pentland sent for him, told him, "Prince, we have shaken Pagoda tree long enough and we may well leave.

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But the Muslims will have to look after themselves and will suffer". The Prince was a dependent of the Government and would be crushed, as he told me, if he did not obey; accordingly he resigned from the old association and presented a new address on behalf of the new association opposing reforms. Such was Madras.

126. He next went to Bombay where the political atmosphere was very different. Lord Willingdon was for autonomy for the provinces. He wanted the Legislative Councils with practically all elected representative members, but he would insist upon giving the right of veto to the Governor to be exercised not rarely and occasionally but freely, because his view was that the people of India generally recognised this right in the ruler of the country. Montagu, however, was of opinion that this cuts at the root of responsible Government, and he thought that on account of Lord Willingdon's popularity the people of the Bombay Province would not object to such power being conferred on him. Lord Willingdon proposed that such power of veto might be given to all heads of provinces. The real fact is that Indian politicians did not object to it as they thought it was unwise to do so at that stage of political evolution, and further that no Governor, a foreigner, would venture to exercise such a power freely.

Lord Ronaldshay also was liberal as will appear later. That is how matters stood with the Governors who were not civilians. Of the civilian heads of provinces Sir Michael O'Dwyer was substantially opposed to all reforms. The other civilian heads of provinces were in a state of flux.

127. The delegation, Montagu-Chelmsford etc., interviewed various political leaders and English journalists etc., in Bombay, Madras, Calcutta and elsewhere. Many representative Associations also presented addresses to them. Mr. Montagu was not allowed to see anybody except in the company of Chelmsford. The deputations were, therefore, generally useless (I.D. p. 34). In fact the Government of Chelmsford arranged everything for him (I.D. p. 59). Even at garden parties he felt himself a prisoner (I.D. p. 120). In Bombay when he allowed Sir Stanley Reed and certain others to discuss certain questions with him privately he says, "Chelmsford sent for me by a letter in which he complained

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that I had broken my word, and asked what these secret conclaves were" (I.D. p. 163).

I have often wondered how a Secretary of State could submit himself to such humiliating treatment from one who after all had to take his orders from him. He pretended to see everything through Lord Chelmsford's eyes. His first denunciation of me on the 3rd or 4th day of his arrival is an example. To me, the reason appears to be this. He came to India with high hopes. "My visit to India means that we are going to do something and something big. I cannot go home and produce a little thing or nothing. It must be epoch making or it is a failure; it must be the keystone of the future history of India". For this purpose, he felt that he must let the whole thing come from the India Government themselves, and he must lead them into voicing his own schemes as their own. For this purpose, it was essential that he must be on the right side of Lord Chelmsford, and not drive him into opposition. It appears to me that therefore he submitted to him in all these respects which in all probability he would not have done otherwise.

128. It is impossible to give an idea of the various addresses presented to them. They generally support the memorandum of the 19 members and the Lucknow Hindu Muhammadan Scheme. Generally, the line taken is as follows:—The question is not one of merely gratifying a vague sentiment or "aspiration", by granting a boon, in the shape of some change of form, not implying a real and substantial change in the character of the administration, which will materially affect the interests, not only of Indians, but also of Europeans, unofficials as well as officials in India and important interests in Great Britain as well. The following opinions are held by gentlemen occupying the highest official posts, leaders in different professions, and important landowners and businessmen, as well as others of lower degree.

The administration of India is carried on, primarily, for the benefit of Great Britain, and not for the benefit of India; it is admitted that India does derive certain advantages from British rule, such as peace and security, just laws, and an administration, which is strong, as well as, on the whole, just and impartial as between different classes of Indians; but these advantages do not

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make up for the fact that, in various ways, Indian interests are, in the Government of India, subordinated to British interests.

The Government of India does not encourage, but rather discourages, the development in India of manufacturing industries, which would be likely to damage British industry and trade, by producing in this country such manufactures as are now imported from Great Britain; that, as regards other industries in India, preference is shown to those which are financed by British capital and controlled by Europeans, as compared with those financed and controlled by Indians.

India is prevented from imposing import duties for the protection of her industries, and it is agreed that, on economic principles, India being industrially backward, would, if she were a free country, be justified in imposing such duties, in order to encourage nascent industries. In regard to the grant of government concessions and contracts, preference is shown to Europeans over Indians. Generally, Europeans in India enjoy a position of advantage and ascendancy, owing to the fact that the Government of the country is British, that the preponderance of Europeans in the higher ranks of the administration is maintained for the sake of this ascendancy and advantage, and to ensure that the administration shall be carried on primarily for the benefit of Great Britain, and that this is what Europeans really mean when they speak of "maintaining the British character of the administration" and "safeguarding British interests" also, that a secondary object is to provide lucrative employment for members of the British upper and middle classes.

The admission of a small proportion of Indians to the higher ranks of Government service in India is of no real advantage to the country, as such Indian officials have to conform to the general policy of Government, which they do not influence in any way. Similarly, the Indian members of the Executive Councils of the Governor-General and Governors of provinces in India, and of the Secretary of State, have no real influence on government policy, and the admission of Indians to an Imperial Conference is of no practical importance. The only interest of India in the Imperial Conference is considered to lie in the

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prospect of the self-governing dominions sharing to a greater extent with Great Britain in the profits of the exploitation of India.

The Government is not anxious to encourage such higher education as will fit Indians for the higher ranks of government service, or of the professions, or for the control of large industries, but only such education as will qualify them for subordinate positions; that the government will not promote technical education, which would enable Indians to start industries competing with British industries, or with industries in India financed and controlled by Europeans.

The policy of government, as evinced in different branches of administration, for instance, in connection with the administration of the land, is to discourage and depress the upper and middle classes of Indians, because the growth of such classes means the increase of the number of Indians demanding higher education and seeking to compete with Europeans in the more lucrative employments. It follows that, holding these views as to the policy of Government, educated Indians regard the liberal professions of official spokesmen as somewhat insincere, or hold that the liberal sentiments of individual government servants do not affect the policy of government as a whole.

All these Indians wish to see changes as soon as possible, and they are not willing to wait for any gradual process of evolution. They consider that the present is a suitable opportunity for putting forward demands for change, because the war has brought into relief the fact India has an importance and value to the Empire, otherwise than as a market for British goods, or a field for the investment of British capital and the employment of Englishmen. There is now a general, if vague, feeling among a very large section of the population that they are not being fairly treated by the existing administration of their country. Perhaps, it is desirable to give here one address as an example. Mr. Montagu says that the best address "very well drawn, very carefully prepared and far better than anything else, I have seen are the Bombay addresses and among these, I would specially mention the address of the Bombay Presidency Association".

129. I am not sure that another address signed by Hon. Sir Dinsha Wacha, Sir Narayan Chandarvarkar, Sir Chimanlal

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Setalwad, Sir Balachandra Bhatavadekar and others, is not better and more exhaustive, but as Mr. Montagu has preferred this I shall give it in extenso, but before doing so I shall give an abstract of the other address. Fortunately, they have given a summary of it themselves which I give below, They say:—

“The note hereto annexed examines the administration under that change (from the E. I. Co., to the Crown) from the point of view of that criticism and shows how the criticism has been justified. The note gives a review of the administration from 1858 by the light of the experiences of Lord Canning and the first Lord Elgin as Viceroys, and of subsequent history with special reference to:—(1) the Orissa famine of 1866; (2) the derangement of Indian finance and the discontent produced by fresh taxation felt from 1861 to 1871 in particular; (3) the administration of the famine of 1877; (4) the financial imbroglio of 1879-1880; (5) the policy and measures adopted to deal with the chronic indebtedness of the agriculturists, who form the backbone of the country; (6) the measures adopted to tax improvements made by the agriculturists with their own labour and capital, notwithstanding the law that such improvements made by should not be taxed, and the Government assurance that they would not be taxed; (7) the misapplication of the local cess levied from the agricultural masses for Provincial and Imperial purposes, such as their education and local roads; and the failure of the administration to diffuse among them widely the blessings of primary education; (8) the emasculation of the people in respect of military training, service in the Army, and Commissions in the army for Indians; (9) the unsympathetic character of the measures adopted for some years after the plague broke out to exterminate the plague; (10) the exclusion of Indians from the higher branches of the Services in their own country on some pretext or another; (11) the difficulties of local self-government on account of official interference; (12) the laws passed from time to time in favour of the British planters in India with reference to coolie immigration without due regard to the interests of the labourers called coolies; (13) the attitude adopted from time to time by the British mercantile interests in India to influence the administration so as to serve their own monetary interests, to the

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prejudice of the interests of the people. (14) the partition of Bengal without reference to and consideration for Indian public opinion, and the political mischief caused thereby; (15) the introduction into the House of Lords in 1916 of the Government of India Consolidation Act Amendment Bill, containing a most objectionable provision to deprive the people of India of a highly cherished right, without the knowledge of the people and any regard for their feelings; (16) the failure of the administration to touch the hearts of the masses who live in India's villages constituting 15/16ths of the whole population, and (17) the character of the district organisation which has reduced the District Collector to the position of a penaliser of the people of his district rather than that of their protector which he was fifty years ago". They conclude by saying, "The Government of India are not able to look after the tax-payers of India when they are overborne by the Home Government backed by the prevailing feelings of English Society. The true remedy for this is to put the raising and spending of the taxes into the hands of the people of India themselves". This is signed by Hon. Sir Dinsha Wacha, Sir Narayan Chandavarkar, Sir Chimanlal Setalwad, Sir Balachandra Bhatavadekar and many other influential persons. It is difficult to find a body of such a number of persons whose opinions will carry greater weight on the questions dealt with in this address. I shall now give below the address of the Presidency Association, which as stated above, is considered by Mr. Montagu, the best address.

130. May it please Your Excellency and Sir,

"We are directed by the Council of the Bombay Presidency Association to submit the following representation to Your Excellency and to you, Sir, in approval of the Scheme of Reform which the Indian National Congress and the All India Muslim League have conjointly framed and adopted in December last, at their respective sessions as "a definite step towards self-government for India within the Empire" in order that Government may be pleased "to give effect to it at the close of the war".

2. The Council of the Association do not propose, in this representation, to expound the scheme in detail or in all its aspects, but desire to submit their views generally on the broad question.

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as to why the reform adumbrated in the scheme is absolutely necessary, laying special emphasis on that portion of it, which relates to the introduction of Provincial Autonomy confining their observations, and specific proposals as to enlarged electorates, to the Bombay Presidency.

3. The Council would respectfully and earnestly request Your Excellency and you, Sir, to consider, in a spirit of detachment, introspection, and what might be called, pathological investigation with a view to determine the root cause of the disease, whether the "unrest", among the thinking portion of the Indian public, is or is not rightly attributable, in the main, to the fact that when the Crown took upon itself the government of the territories in India, heretofore administered in trust for it by the East India Company, the Act which was passed for the purpose, namely, the Parliamentary Statute of 1858, instituted Act for the "Better Government of India" set up, in reality, no better form of Government than a system of irresponsible autocracy in regard to India, both here and in England, which has thwarted the national growth of the people, hampered their political progress and led to legitimate discontent. The Council do not contend that there has been no progress in India; on the contrary, they are fully alive to the fact that progress, in various ways, has taken place; but they urge that the progress hitherto made is not on account of, but in spite of the system of administration in force since 1858, which, while removing the valuable safeguard of a periodic Parliamentary enquiry into the affairs of India, which took place whenever the Charter of the East India Company was renewed., intensified some of the main drawbacks of the East India Company's government which operated to the detriment of the interests of the people of India.

4. The Complaints of educated Indians in regard to the existing system of administration relate mainly to its cumbersomeness, exclusiveness, expensiveness, secrecy, illiberal and mistaken exercise of executive discretion, excessive centralisation of legislative and executive power calculated to impair the authority, influence and efficiency of Provincial Governments and to unduly hamper the progress of the Provinces, and above all, absence of responsibility to the tax-payer, and hence its inefficiency from the

point of view of its acceptability to the people. Add to these, the infirmities, and hardships to the people of India, of a system akin to that of absentee landlordism in the form of a nominal-shadowy-Parliamentary control of Indian affairs. This last, as said above, is an addition to the defects from which the Company's Government suffered and against which educated Indians of the time bitterly complained, those defects being substantially the same as have formed the subject matter of Indian grievances since the Crown assumed direct responsibility for the Governance of India.

5. That these very defects were in existence before 1858 will be apparent from the two Petitions to Parliament which were sent by the Members of "the Bombay Association and other Native Inhabitants of the Presidency of Bombay" in 1852 and 1853. The Bombay Presidency Association has grown out of the "Bombay Association" above referred to. These petitions pointed out the draw-backs of the Company's Government, and suggested remedies 65 years ago which accord with the main principles of the Congress League scheme.

6. The first of the two Petitions was presented to the House of Lords by Lord Montagu, on 4th March 1853, who, in introducing it for their Lordships' favourable notice, described the weighty and influential character of the Petition and of the Petitioners in these terms:—

"The Petition emanated exclusively, he might say, from natives connected with the Presidency of Bombay; it was signed by upwards of 2,400 persons; and he believed the signatures on one single sheet (as we understood) were those of persons who represented a property of between 2,000,000 £ and 3,000,000 £ sterling. This Petition had not been prepared at the instigation or suggestion of any European and it was adopted at a meeting held at the Elphinstone Institute at Bombay. He had known cases in which the claims and representations of inhabitants of India had been undervalued, both in that and the other House of Parliament, on the ground that the petitioners were merely acting under the guidance of certain grievance-mongers in England. This petition was, however, the act of the petitioners; it spoke their own opinions, and represented their case in their own language. They knew that, as British subjects, they were entitled to apply

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to Parliament for the maintenance of their rights in such language they thought fit to adopt. He hoped therefore, that on this occasion, no disposition would be shown to undervalue or to speak lightly of the petitioners, who were British subjects and who, in that capacity, appealed to the British Legislature".

The second Petition was presented to the House of Commons by the Honourable Mr. Leveson Gower, but the forms and procedure of the House of Commons prevented the Honourable Member from making any speech, on the occasion of presenting the Petition expressive of his views on the subject matter thereof. Both the Petitions were afterwards referred to the "Select Committee of Parliament on Indian Affairs", and were embodied in their Report. The agitation then made by the Bombay Association by deputing the late Mr. Nowrojee Furdoonjee, as its representative, to England for the purpose of enlisting the sympathy of British Statesmen and of the British Press in favour of the two Petitions to Parliament, led to some good results, notably to the abandonment of the proposal to renew the Charter of the East India Company by another twenty years so as to extend the system of government then in force, with little alteration, till 1874. But the main draw-backs of the system itself, which were then pointed out by the Petitioners, have substantially remained unaltered to this day; and if the remedies, they then suggested, had been given effect to in the Parliamentary Statute of 1858, the progress of India would have been more rapid and solid than it has hitherto been.

7. The Petitioners described the "vicious operation" of the system of Government then in force in these terms:—

"It is difficult to exaggerate, or on any more general view fully to display, the vicious operation of this system of Government. But it will be obvious to your Honourable House, that, as a system, it is the very worst that could be devised—and the very last which good sense would indicate as adapted to strengthen British rule in India by giving it a hold on the affections of the people. On the contrary, its obvious tendency is to engender and perpetuate amongst the young servants of Government, an illiberal and despotic tone; to give full scope to the prejudices, the ignorance, and the self-sufficiency of all; to discourage

progress ; to discountenance all schemes of improvement emanating from independent and disinterested sources and not within the views of the officer to whose department they are referred ; and to cramp all agriculture or commercial energy, all individual enterprise”.

8. The Petitioners laid great emphasis on the defects of the centralised system of Government which, since the passing of the Regulating Act of 1773 and the East India Company Act of 1793, was definitely established by the Charter Act of 1833 and have since gone on increasing in practice with results highly prejudicial to the development and progress of the provincial Governments and Administrations. They observed :—

“Your Petitioners would also point out that the efficiency of the Local Governments of Madras and Bombay, under the existing law, is very much impaired, and the despatch of public business considerably retarded, by the necessity for continual reference to the Supreme Government at Calcutta for its sanction. Trifling matters and changes recommended by the Local Government, and supported by the authority of its experience are frequently rejected by the Supreme Power, with no local knowledge to guide its decisions.

That this would be the effect of centralising all legislative, and so much executive power, in the Governor-General of India in Council, was foreseen and expressed by the East India Company in a petition by them to your Honourable House in the course of the discussions on the present Charter Act. Their words are as follows :

“Your Petitioners further humbly represent that the said Bill proposed to effect a serious change in the constitution of the local Governments in India, which, in the judgment of your Petitioners, will, if adopted, place an excessive power in the hands of the Governor-General, and prejudicially diminish the power and influence of the Governments of Madras and Bombay”.

“The experience of the last 18 years has completely verified the truth of the above prediction”.

9. The members of the Bombay Association and other Native Inhabitants of the Presidency of Bombay, therefore, observed in their second Petition to Parliament :—

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“Your Petitioners are sensible that many of the evils which have hitherto retarded progress in India can only be remedied through the medium of efficient and properly constituted local Governments”.

10. The Petitioners were fully alive to the root cause of the disease, when they referred to “the important question, whether the main provisions of an enactment passed in the year 1834, investing the Rulers of India with powers almost irresponsible and despotic, constitute the best scheme, or all that is needed for the good government of these vast territories,—all that the governed can justly demand, or should be reasonably satisfied with, in 1854”.

11. The following was the solution which the Bombay Association suggested to Parliament in 1852-1853 :—

“How can India best be governed? Your Petitioners believe that it will be found easy by Your Honourable House to devise a constitution for India, which, while it shall contain all the good elements of the existing system, shall be less cumbersome, less exclusive, less secret, more directly responsible, and (therefore) infinitely more efficient and more acceptable to the governed”.

12. The Council of the Bombay Presidency Association beg to urge upon His Majesty's Government, through Your Excellency and you, Sir, that what the leaders of public opinion in Bombay suggested, so far back as in 1852-53, is still the crying need of India. The Local Governments must be freed from the shackles of an excessively centralised system of Government, and made autonomous in the real sense of the term, and the whole constitutional machinery of the Government of India must be so liberalised as to be “more directly responsible”, and hence “more efficient”, and “more acceptable to the governed”. It is not enough that the people should have a more consultative voice in that administration. It is not enough that the Government should be responsive in its discretion, to the wishes of the people. It must be made, in some way, responsible to the representatives of the tax payers so as to be “more acceptable to the governed”. This is, in substance, the gist of the reform formulated by the Indian National Congress and the Muslim League—a reform essentially the same, in broad outline, as that suggested by the thinking and independent portion of the Indian public in Bombay in their

Petition to Parliament sixty five years ago. It is obvious that the reform then suggested is long overdue, and the Council of the Association trust that British statesmanship will now at any rate deem it right and proper to initiate that reform in the existing system of government without any of the hesitancy of over-cautious conservatism.

13. It is this hesitancy which has, on every occasion, led to timid and halting measures of reform in the system of Government in India, in addition to the fact that Parliament has been unable, on account of difficulties, complications and distractions nearer home, to give undivided attention to the affairs of India, whenever the Indian problem came before it for solution, with the result that the measures devised have suffered from the over-cautiousness of the authorities in India. For want of a correct perspective and of a proper understanding of the situation and of insight into the real inwardness of outward manifestations, difficulties are started or magnified by the authorities on the spot, and their imaginary "lions in the path" have prevented free play to courageous British statesmanship in its honest desire and endeavour to uplift this country to a higher plane of political life and national existence. In some matters of great importance to the national advancement of India, not only have all forward moves been painfully halting but have stopped for short of the immediately attainable objective, or have even amounted to a turning back from the straight path of progress. In this connection, the Council beg to draw pointed attention to the following three matters :—

(1) The admission of Indians to the higher branches of the Public Service in their own country; (2) the Morely-Minto reform of the Legislative Council, and (3) the promotion of local self-government in India.

14. It is hardly necessary here to demonstrate by facts and figures the gross inequality, in practice, which, on account of the refusal to hold simultaneous examinations for the Indian Civil Service in England and in India, prevents educated Indians from competing on equal terms with their English fellow-subjects and thus artificially and unjustly limits their number to an insignificant proportion of the total strength of the Indian Civil Service, and

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thereby excludes them practically as a class from the higher rungs of the ladder in the public service of their native land. This has been a standing grievance in this behalf, and apart from the inherent justice of their claim, is based on economic, and political grounds. The late Sir Pherozeshah M. Mehta, one of the founders of this Association and its illustrious President and leader of public opinion in India, stated these grounds in these terms at the fourth Indian National Congress held at Allahabad in December 1888 :—

“The reason why the Congress is so earnest about securing the equal admission of the Natives of this country into the Civil Service rests upon a two-fold foundation. Dr. Dadabhai Naoroji has over and over again pointed out to us that the question rests upon economic necessity. It is necessary on economic grounds that natives should be largely employed in the administration of the country. But there is a necessity even greater than that, and that is political necessity. I say that when the time came to settle the principles on which British Rule in India was to be carried on, it was clearly recognised by those sober statesmen, who guided the destinies of England at that time, that even for Orientals an absolute despotism was an impossible creed in practical politics. It was clearly recognised that even the most benevolent and most paternal despotism must, if it wants to be stable and permanent, place its roots in the country in which it carries on that rule, and this principle was soberly, though eloquently, enunciated by Lord Macaulay in 1833, when he said that for the sake of English honour and English wisdom, it was absolutely imperative that the natives of this country should have an equal share in the administration. I would press these two grounds on the Government. I would press them on the Secretary of State, and I shall press them on the people of England, because I am one of those who wish that the British rule in India should be a stable and permanent rule”.

15. The above extract will serve to show the great importance which educated India attaches to the need for the progressive nationalisation of the Government of their country so as to bring the administrative machinery into closer touch with the people of the land. This need is recognised by wise British statesmen, and,

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in view of it, attempts have occasionally been made to provide for the larger employment of Indians in the Public Service. All such attempts have, however, for one reason or another, fallen far short of expectations, and may even be said to have proved retrogressive. The late Mr. Dadabhai Naoroji, the Grand Old Man of India, of revered memory, in a statement submitted to the Welby Commission in 1897 reviewed the history of the question of the admission of Indians to the Covenanted Civil Service at length, and summed up the result in the following terse sentence:—"The whole position has been thrown back worse than ever it was before". "It will be seen", he wrote, "that the very claim now put forward by the Indian authorities of having done a great favour by 'the Provincial Service' is misleading and not justified. On the contrary, we are deprived of what we already possessed by an Act of Parliament (1870) of admission into full Covenanted Civil Service to the extent of about 180 or 200 appointments, while what is given to us with much trumpeting is a miserable 'close pariah service' of about 95 Covenanted specific appointments and that even not confined to Indians but open to Europeans also and so devised that no regular admission (as far as I know) on some organised system and test is adopted". Mr. Dadabhai Naoroji's view of "the pariah Service" is confirmed by the recent Royal Commission on the Public Services in India. "The expectations formed as to the status which these officers would enjoy", the Commissioners observe, "have to a great extent been falsified and there is no doubt that the provincial service system generally has not proved successful as a means of meeting the claims which have continuously been put forward, on behalf of Indians, to employment of the higher type. The inferiority in status and social position which has always been attached to the provincial services, aggravated to some extent, since the reforms were introduced by subsequent changes, has been felt by the Indian public as a real grievance, particularly in the case of the more important services, such as the Civil, Educational and Public Works". Coming from a Commission, which has not shown itself over-generous towards the legitimate aspirations of Indians, this admission is highly significant and affords justification for the bitter complaint of educated Indians in this matter.

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16. In regard to the admission of Indians to the Legislative Councils, it is scarcely necessary to go beyond what is known as the Morley-Minto reform of 1909. In submitting their detailed proposals to Lord Morley, then the Secretary of State for India, the Government of India claimed that they "will really and effectively associate the people of India in the work, not only of occasional legislation, but of actual everyday administration". The Secretary of State agreed that this claim was abundantly justified. But experience has shown that the hopes held out have not been realised on account of the halting provisions of the Act and the illiberal regulations which were framed under it. Even so conservative a critic of Indian administration as Sir Valentine Chirol is compelled to admit in his recent letter to the "Times" that this is the case. "The relative failure of the Morley-Minto reforms," he writes, "was due to the fact that whereas they professed to secure to Indians a larger share in the conduct of public affairs, they actually gave little more than increased opportunities of criticism and obstructing the executive without an increase of responsibility". From the Indian point of view, the results of the reforms have been even less satisfactory. Questions and regulations have been disallowed without any cause assigned; even the publication of the disallowed matter has been declared a breach of Council etiquette, the answers to questions which were allowed to be put, have been as a rule, scrappy and uninforming; carefully prepared speeches of non-official members on resolutions or on matters of public interest, have been met not infrequently by replies which left important points untouched; the fate of most of the resolutions introduced by non-official members has been defeated at the hands of a combination of official and some of the nominated members. Thus, the measure has proved illusory and the real grievance of the people in regard to these Legislative Councils, before the Act of 1909 was passed, has remained practically untouched.

17. As to the promotion of local self-government, there has been a sad disappointment on account of the illiberal manner in which effect has been given by Local Governments to Lord Ripon's famous Resolution on the subject issued, in 1882. Twenty-six years after that Resolution was issued, Lord Morley, in his

Despatch, dated 27th November 1908, dealing with the reform proposals of the Government of India, thought it necessary to urge that steps should be taken "without delay" towards "an actual advance in the direction of local self-government". His Lordship emphasised the principles laid down in Lord Ripon's memorable Resolution on local self-government, quoted several salient passages from it, and went on to observe:—"If local self-government has so far been not a marked success as a training-ground, it is mainly for the reason that the constitution of the local bodies departed from what was affirmed in the Resolution to be 'the true principle' that the control should be exercised from without rather than within, and the Government should revise and check the acts of local bodies, but not dictate them". The specific measures, indicated by his Lordship to give effect to these principles, were the discontinuance of the practice of having executive officers as Chairmen of Municipal and District Boards, the extension of the principle of self-government to villages, and the creation of a department dealing exclusively with local bodies, analogous to the Local Government Board in England. The Royal Commission on Decentralisation further investigated the subject of local self-government, and made their recommendations. The Government of India issued in April 1915 a Resolution dealing with the Commission's recommendations on local self-government. The Commission did not accept Lord Morley's suggestion of a Local Government Board as they thought it would neutralise their recommendations for the reduction of outside control over municipal and Local Boards. The Government of India, although they whittled down the other recommendations of the Commission, endorsed the one rejecting the idea of a Local Government Board. But official control, far from being removed, is being practically tightened up by the Government's policy, in this Presidency, of insisting on Municipalities, wherever and whenever possible to appoint persons in the employ of Government or approved by Government as Chief Executive Officers of the Municipalities. Thus, the promotion of genuine local self-government and the consequent growth of public spirit and a sense of civil responsibility have been hampered in the districts. As regards the extension of the principle of local self government to

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villages, while some village authorities have been constituted in Bengal, in Bihar and Orissa, and in Assam, and while Madras and the United Provinces Governments have issued Resolutions accepting the principle, the other Provincial Governments have not yet taken any definite action in the direction of village organisation. At this remarkable rate, it will be years before local self-government in this country will be what Lord Ripon and Lord Morley intended it to be, "an instrument of political and popular education".

18. The Council of the Association submit that, in view of the growing consciousness of an enlightened and a restive Indian public, this spirit of "over-cautious conservatism," with its inevitable consequences of snail-like progress and retrogression, is politically unwise; and the Council are merely voicing the opinion of the thinking portion of the Indian public when they earnestly represent to your Excellency and you, Sir, that the only remedy for ensuring the political education of the people and their rapid advance is to put the executive Government substantially under the control of the elect of the people.

19: In order that the Provincial Governments may be enabled to take this forward step, it is necessary to free them from the fetters of the present excessively centralised system of Government. This is an old grievance of the people of Bombay too long left unredressed.

In this connection, the Council of Association beg to draw special attention to the fact that the Bombay Association, in their petition to Parliament, complained bitterly of the excessive centralisation which was definitely declared and inaugurated in an intensified form by the provisions of the Charter Act of 1833, in spite of the representation of the East India Company that the provisions in question, if enacted into law, would "effect a serious change in the constitution of the Local Governments in India" and, by placing "an excessive power in the hands of the Governor General", "prejudicially diminish the power and influence" of the former. The evil then complained of has since been aggravated in practice to such an extent as to have led the Bombay Government to describe the present unbearable state of

things in the following terms in the statement which they submitted to the Royal Commission on Decentralisation in India"—

“The steady absorption of the powers of this Government by the Government of India has now reached a point at which measures are required either to restore its authority in local matters or to replace it by a less costly form of administration”.

After pointing out how the excessive control exercised by the Government of India has increased the labour, worry and annoyance involved in making proposals for reform or improvement, which may or may not be accepted by the Government of India and may be summarily rejected on the authority of some official at Simla who is not expected to have the necessary knowledge and information at first hand of local requirements and circumstances, the Bombay Government observed:—

“Administrations and officers subjected to a long course of this treatment must be reduced to the condition of oxen in an oil mill which tread their little circle unconsciously with blinded eyes. All sense of responsibility must disappear; since those who have no definite power can feel no responsibility. Already it is difficult to say where the responsibility, for any particular action or decision lies. The effect on the people of the country is pernicious. They go to the local officers about a certain business, and find that it rests with the Local Government. If they get as far as the Local Government, they find that it is the affair of the Government of India. The Government of India is far off; and no one can tell who in any particular matter, is for the moment, the Government of India”.

20. The Council of the Association beg to press, therefore, for rendition of autonomy to the Bombay Government, which it enjoyed prior to the Regulating Act. In the case of the Bombay Presidency, at any rate, the demand for Provincial autonomy is not, in reality, a demand for devolution of powers but for reinstatement, as far as may be, in its old position of power, authority and existence without interference from the Government of India.

21. This reinstatement, however, has to be accompanied by introducing popular control in place of the control exercised by the Government of India, in order that the Provincial Government may not become “irresponsible and despotic”. Otherwise, it

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would be highly undesirable to invest it with independent powers, more especially those of provincial taxation. As observed by Sir James Meston, in his evidence before the Royal Commission on Decentralisation, the Local Governments and their officers are not, under the present constitution, "subject to the safe guards and restraints which operate on a Ministry which is responsible to the House of Commons, and whose existence depends ultimately on the verdict of the taxpayers". He, therefore, urged that "until a popular element has been invested with effective control over at least some part of the fiscal system, there are grave objections to increasing in any way the existing facilities for imposing provincial taxation".

22, The late Mr, Romesh Chunder Dutt, who was a member of the Royal Commission on Decentralisation, thought that "it will not be possible or desirable to invest provincial Councils with the power of taxation, unless and until elected representatives of the people obtain a potent and determining voice in shaping the decisions of such Councils. The Royal Commissioners on Decentralisation have in their Report, approved of the various elements which go to constitute Provincial autonomy provided the Provincial Legislative Councils are given a material and effective control over the Provincial Governments, as will be clear from the following extracts :—

Paragraph 72 :—“The above considerations apply to the existing conditions of administration, but we recognise that the grant to the Local Legislative Councils of material control over Provincial finance may make it necessary to do away, as far as possible, with the present divided heads, and to place some entirely within the purview of the Provincial, and others within that of the Imperial Government.”

Paragraph 87 :—If, however, Provincial Legislatures are given an effective share in the control of Provincial finance, that as we have already observed, would render it desirable to give the Provinces more distinct source of revenue, and concomitantly, more final powers over their Budgets”.

Paragraph : 99 :—“But, should a larger degree of separation be hereafter effected between Imperial and Provincial finances by the Legislative Councils which would in some measure, represent

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the tax-payers, it would no doubt become practicable, and probably necessary to allow Local Governments, which desired to increase their scale of expenditure, the means for doing so by levying special Provincial taxation”.

23. In order to give effect, therefore, to the policy foreshadowed in the Delhi Despatch of August 1911, there must be definite and complete separation of Imperial from Provincial finance accompanied by effective financial control on the part of the Local Legislative Council so constituted as to give “a potent and determining voice”, therein to a popularly elected majority representing the tax-payers in the Province. The said financial separation is to be effected by treating all revenue and expenditure as entirely Imperial or Provincial as the case may be. The present wholly Provincial and wholly Imperial heads should be retained, but the present divided heads should become wholly Provincial. In this connection, the Council beg to point out that originally, prior to 1881–1882, all heads of revenue or expenditure were either wholly Provincial or wholly Imperial and the Local Government sanctioned its Budget prepared by the Accountant General without reference to the Government of India. Reverting, in principle, to this older arrangement, the Government of India should be allotted its entirely separate Imperial heads, as proposed in the Congress-League scheme, and a fixed contribution—not a percentage of the Provincial revenues—should be made by each Provincial Government to the Government of India for the purpose of enabling the latter to carry on its duties. A fixed contribution will supply a much needed check to the extravagant tendencies of the Government of India. A percentage of the Provincial revenues will prevent the more enterprising Provincial Governments from reaping the full benefit of their careful and energetic husbanding of local resources and will result in inequitable levies from them and in consequent heart-burning fatal to harmonious relations between them and the central authority. Under the Congress-League scheme the military expenditure of the Government of India is excluded from the control of the Imperial Legislative Council. Fixed contributions from the Provincial Governments, not liable to revision except when extraordinary and unforeseen contingencies render such revision necessary, will act indirectly, but none the

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less powerfully, to control that expenditure within legitimate bounds. The determination of "extraordinary and unforeseen contingencies" however, should not rest entirely with the Government of India so as to make them the sole judge in their own cause to the prejudice of the Provincial-Governments, who being liable to increased levies, are entitled to have a voice in the matter. The autonomous Provincial Governments, in their turn—subjected as they will be, and must be, to the control of the Legislative Councils in the raising and spending of Provincial taxes—cannot be allowed to vote away on their own responsibility an increased contribution to the Government of India without the assent of their own Legislative Councils. However, much these proposals may be opposed by vested interests, they are justifiable as necessary safeguards against the possibility of extravagant military expenditure by the Government of India and their imaginary conjuring up of "extraordinary and unforeseen" circumstances in such a way as to make inroads from time to time on the autonomy of the Provincial Governments until it becomes more or less shadowy.

24. The considerations urged in the foregoing paragraphs constitute the justification for the composition of the powers and the functions of the Provincial Legislative Council as outlined in the Congress-League scheme. The condition *sine qua non*, for the introduction of Provincial autonomy, it need hardly be emphasised, is the reform of the Legislative Council so as to give "a potent and determining voice" therein to the elected representatives of the tax-payers in the province. It follows that these representatives must have a substantial majority in the Legislative Council. The Congress-League scheme therefore proposes that the elected member of the Council shall form 4/5ths of the total number, which, in the major Provinces should not be less than 125. The scheme, however, does not go into details as to how the electorates are to be formed and how the 4/5ths elected members are to be made up by distribution of the seats among the various electorates. It lays down some broad principles as to the nature of the franchise and specifies the proportion of the Mohomedan elected members to the total number of elected Indian members. It lays down further that the interests of important minorities shall be duly safeguarded by election. The principle of separate represen-

tation to Mahomedans has necessitated the provision that they shall not participate in any other electorates except those which represent what are called "special interests".

The portion relating exclusively to Bombay is omitted.

25. The Council of the Association submit that in constituting the Imperial Legislative Council the same principle of broad-based franchise should be given effect to as in the case of the Provincial Legislative Council, and that there should be no electorate retained or framed which may be open to the objection that it is little else than a "pocket-borough" or a "rotten borough". Further, in determining the number of elected representatives of a Province in the Imperial Legislative Council the contribution of each Province to the Government of India should be taken as the basis.

26. In conclusion, the Council of Association beg to express their appreciation of the wisdom of the invitation sent to the Secretary of State for India by Your Excellency to come to this country in order that the "substantial steps" towards "the progressive realisation of responsible Government" which his Majesty's Government have announced their intention to take "as soon as possible" may be formulated after discussion with the Government of India and the representatives of the people on the spot. This is an unprecedented step of great forethought and the Council of the Association attach considerable importance to it as of happy augury, precluding, they hope, on this occasion, a repetition of the melancholy experience of the past. Unfortunately for India, whenever the question of India's constitutional reform has come up seriously before Parliament, it has been amid the din and distractions of party strife or internal complications or war. The Regulating Act of 1773 was passed when the storm in regard to the American Colonies was brewing and assuming a menacing aspect and had caused considerable public excitement in England. In 1784, when the old form of the Government in India was first definitely established it was "amid the fight of factions". In 1813, it was continued for 20 years, longer, when England was involved "in desperate hostilities with France". In 1833, the well-known Charter Act was passed through Parliament immediately after "the hurricane of the Reform Bill". In

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1858, the Act for the better government of India was passed while the embers of the Mutiny of 1857 had not been extinguished. When the Government of India Act of 1892 was passed, the controversy over the Irish question was distracting the public mind. When the Morley-Minto reforms of 1908-09 were being hammered into shape, the liberality of their range and scope was prejudicially affected by the activities of the anarchists in India. When, in 1914, Lords, Crewe desired to liberalise and improve the Indian Council and introduced his moderate measure for the purpose in the House of Lords it was strenuously opposed in a spirit of party warfare and summarily rejected by the Tory Peers at a time when the public mind in England was excited over the state of Ireland which was then almost on the verge of civil war. And, now the whole Empire is engaged in a titanic struggle, the like of which is not known in recorded history. At such a time, therefore, the mission of thorough discussion with the authorities and the representatives of the people on the spot, and mature deliberation before formulating the needed measure of reform, on which you, Sir, have come to this country, on the invitation of His Excellency the Viceroy and with the approval and sanction of His Majesty's Government, is without a precedent and inspires hope and confidence in the mind of the Indian public, which, the Council of the Association earnestly pray, may be justified by the result of the joint endeavour of Your Excellency and you, Sir, to give to India a substantial measure of reform calculated to start her on a career of real and rapid progress towards the destined goal of Responsible Government under the aegis of the British Crown."

Thus, Mr. Montagu and Lord Chelmsford, and the Delegation had the Indian opinion put before them by all the authorised leaders, the Congress and Muslim League in a body, the Congress and Muslim political leaders, the leaders of the moderate party, and Indian officials. What was the response to this?

CHAPTER XIII

DISCUSSION OF REFORM PROPOSALS AND MONTAGU-CHELMSFORD REPORT.

131. What was the opinion which the delegation had formed while they arrived at Delhi after their tour? It may be briefly stated thus. They considered that Indian spokesmen had not in fact asked for immediate administrative responsibility for members of the Legislative Councils, and were not ready to assume it. Mr. Montagu was impressed by the arguments advanced in Sir Bampfylde Fuller's letter to "The Times" as to the desirability of establishing Provincial autonomy under a strong Government of India, but it was generally admitted that no Province was ripe for complete responsible Government at once, and that an intermediate period of training was necessary, in which the Legislative Councils of the Provinces should at once be given some measure of power over the executives and accordingly the following scheme was suggested for consideration by him.

In each Province a Legislative Council should be elected on a broad franchise, with such communal representation as may be necessary; the question of franchise and of communal representation should be investigated in each Province at once. It might be possible to avoid the nomination of non-officials if satisfactory special electorates could be formed. Nomination is obviously impossible as soon as responsible Government is established. Of this Legislative Council, the members of the Executive Council should be ex-officio members, but while such officials as the Governor considered necessary for the transaction of business should attend and speak, no officials other than the members of the Executive Council should vote.

A Standing Committee elected by the Legislative Council (which would sit in private and whose proceedings would be confidential) should be attached to each member of the Executive

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Council. It might also be considered whether it would not be highly advantageous in this training period to appoint in each department some one analogous to an English Parliamentary Under-Secretary as a departmental spokesman in the Legislative Council, acting under the direction of the Member in charge, assisting him in debate, and speaking on his behalf when he did not wish to be there.

The business of Government would be divided into "A" and "B" subjects. On such matters as the pay, conditions of service, and pensions of the services, the police, the maintenance of order, religion, land revenue, and matters concerning the functions of the Government of India, no legislation could be introduced without the consent of the Governor. The Governor should have an unrestricted right of veto, but he is to be instructed that when exercising his veto over legislation on "B" matters, or refusing to allow the introduction of legislation on "A" matters, he should state his reasons. The veto is naturally to be used very sparingly, but the Governor would use it particularly sparingly on "B" subjects.

The Legislative Council would make its own rules of business.

The whole budget would come before the Legislative Council, who might introduce alterations, but the Governor should have the power to restore his own proposals introduced in the "A" Heads.

The Government would thus be in a position to get its own way in "A" financial matters, and to stop faulty or mischievous legislation. But as the power of enacting legislation of a vital kind is also necessary, the Government should have the power of legislating by ordinance. It might suffice if ordinances were limited to matters affecting peace and order and the preservation of public security. Ordinances would not be of permanent validity, but would be in force only at longest until examined by the statutory Committee which it is proposed that Parliament should appoint.

This probationary period, which gives to the Councils, power without responsibility, would last only for the duration of two successive Legislative Councils, sitting each for three years. The transitional period should be used for establishing a complete system of local Self-Government, and for examining, after

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expressions of public opinion by means of discussion in the Legislative Councils, probably by appointment of a Boundary Commission, possible territorial re-arrangements where existing Provinces do not coincide with racial or linguistic areas.

At the end of six years, when a third Council is elected, the business of provincial government (except for the reservations stated below) should be transacted by a Ministry, the relations towards which of the Governor should be such as were exercised by Colonial Governors in the early days of responsible Government.

The Secretary of State should appoint in the fourth year a Committee, the names of the Members of which must be approved by Parliament, (1) to consider any ordinances passed by the Executive, with a view either to enacting them permanently or repealing them, and (2) to reserve from the power of the Ministry such "A" subjects, as it was satisfied it would not be in the public interest for the time being, to transfer to their authority. If any "A" powers are reserved in the third Council, arrangements would then ensue as to the transfer of "A" powers by appeals to the Government of India and the appointment of subsequent Statutory Committees.

It is to be considered whether, so long as there were reserved subjects, a special temporary chamber should be appointed to deal with them. Such was the opinion of the delegation on their arrival at Delhi on the 8th of January.

Lord Chelmsford asked all of us, members, to see him separately. He spoke about the scheme to all his colleagues except myself. To me, he only said that Mr. Montagu and himself had agreed about certain conclusions about the reforms. Montagu naturally expressed his astonishment at this foolish act (I.D.p. 179)-especially as he had been informed by the Congress Secretary Sir Ramaswamy Iyer, "that it was absolutely essential to get on my side (Montagu's) Sankaran Nair who wielded more influence than any other Indian". (I.D.p. 177). But fortunately for me, Sir George Barnes who was not aware of this, discussed the proposals with me, as we were returning from the Viceregal Lodge. I realised at once that if substantial reforms were not introduced to operate immediately, there would be an explosion in the

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country, and as the only Indian member in the Government on whom the country relied to protect its interests, I was bound to take every possible step to oppose Montagu and the India Government even at great risk to myself. I felt that unless constitutional responsible Government was introduced at once, difficulties would be created by our opponents, and it was not likely that anything substantial would be done even after six years.

From this date, 9th January 1918 to the end of March 1918 there were various conferences, at Delhi for the discussion of the Reform proposals. Mr. Montagu's Diary, my notes and the official record, contradict one another in many important details. My speech, which Montagu characterizes as 'vile,' is rightly stated by him as having been delivered at the first meeting. The official record puts it off to a later date. The strongest part of that speech is attributed by the official record to another member, the last person in the world to make that speech. With such exceptions, as to the general drift of the discussions and the opinions expressed by the various members, there is general agreement, though there is great divergence, as to the sequence of events. As, however, all this is not of any public importance and will only confuse readers, I propose to confine myself to merely recording the views expressed. The Viceroy presided at the meetings and usually requested the Secretary of State to open the debate. I give the opening speech of the Secretary of State at the meeting on the 9th.

132. The Secretary of State was requested by the Viceroy to explain the scheme and accordingly the Secretary of State put forward the following scheme (I.D.p. 181):—

He said that the Viceroy and himself early came to the conclusion that the scheme put forward by the National Congress and the Muslim League would not do because it gave the Legislative Councils increased powers of criticism without any responsibility, and that it was not possible to give such powers without also the Councils undertaking the responsibility of Government, wholly or in part.

Accordingly the first scheme that was suggested to them was this: that the subjects should be divided into 'A' subjects and 'B' subjects to be dealt with by two committees of the Legislative Councils. There was to be a joint discussion of the two committees

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on any questions which touched any of the subjects of either committee. It was suggested that there should be a periodical appointment of a Statutory committee who might transfer one subject to another Head. The 'B' subjects were to be under the administration of a separate Executive who was to be entirely responsible to the Legislative Council. They soon found that this was generally unacceptable, and the grounds which were put forward before them were two: first there was the risk of friction between the 'A' subjects and the 'B' subjects; and that 'B' subjects, according to the Indian opinion, were likely to go to the wall. *Second, it was said that there was no demand for responsibility on the part of Indian politicians and that therefore it was not right to confer upon them such powers.* It was while they were in this condition that they saw Sir B. Fuller's letter in the 'Times' which said that no powers should be given or full control should be given. They accordingly came to the conclusion that there should be full Provincial autonomy. They found that in some Provinces largest powers might be given but that there were other Provinces in which such powers could not be given. They accordingly came to the conclusion that a *certain training period* was necessary. The scheme, therefore, that was suggested was this:—

In 1922, on the expiry of the period of the present Councils, there should be a Legislative Council *mainly elected* on a broad franchise with communal representation where necessary, and there should be an Executive Council with half of them composed of Indians. In the Legislative Council, the Executive Council members alone were to be members and no other officials. The other officials might attempt to explain any measures but they were not to have the power of voting. The principle of nomination should be discarded as it is opposed to real representation of Responsible Government. Mr. Montagu told us further that if it was found absolutely essential that there should be nomination he was prepared to accept it during the training period; *such period was to consist of the lifetime of two Legislative Councils, i.e. six years, i.e. 1922 to 1928.* Under every Executive Council Member there was to be a Standing Committee to be elected by the Legislative Council. The standing committee was to have merely advisory powers. Every Member might have a Secretary from the Legislative

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Council, corresponding to a Parliamentary Under Secretary at home. The functions of Government would be divided by statutes as to A and B subjects. In the case of (A) subjects a private member is not to have the power of introducing any bill without the sanction of Government. But when the Governor refuses his sanction he is to give his reasons. In the case of (B) subjects no government sanction was necessary to introduce any Bill, but the Governor was to have the right of veto, and he was to state his reasons. In the case of the Budget: *If the Legislative Council did not pass the budget, then so far as the 'A' subjects were concerned, the Governor had the power to pass the Budget. Besides these powers the Government are to have the power to pass any law by ordinance if they found it necessary to pass any law on 'A' subjects.* That was to be in force until the next Statutory Committee and that was to be confined to the maintenance of law and order and was to remain in force only during the period of the life-time of that Council.

We were in the meantime to carry on a complete system of Local Self-Government. Everywhere we went, Mr. Montagu said, we found that there was a great desire in the provinces for redistribution on a linguistic basis. During the period of probation the Provinces were to be redistributed for which suggestions were to be made.

At the end of six years, in 1928, each Province was to have its own Administration, i.e., responsible Government, but there may be certain provinces not so far advanced as others, and in some respects such provinces may not be entitled to responsible Government. Therefore, a Commission was to be appointed by both Houses of Parliament in order to determine *whether responsible Government should be granted.* Before the Commission the duty would lie on a local Government to show that the powers could not be transferred to the Legislative Council. The onus of proof was to be on them because it would be difficult for the representatives of the Legislative Council to say that they have proved their fitness for responsible Government. The powers therefore are to be transferred unless decided the other way. In the case of 'B' subjects, he took it that they should be automatically transferred. It is only with reference to 'A' subjects that the matter should

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require consideration. In certain Provinces, large functions may continue to be reserved; in others, powers might be given. If however, it still became necessary to reserve a large number of subjects, successive periodical Statutory Committees will have to be appointed until all the subjects are transferred.

133. The opinions expressed by the various members (in effect) were as given in the following paragraph :

.....(1) If the Councils are to be elected, then an Upper Chamber is necessary, because there would be members who would seek no nomination. The Secretary of State's scheme does not say anything about the resolutions on general administration. No opinion was offered.

In so far as the ordinances are concerned, there may be subjects not strictly falling within the domain of law and order on which an ordinance may be required. As to the Commission we are already being charged with having broken our word; It is not wise therefore to subject us again to that complaint. We need not therefore make any pledge in advance as contemplated by the Statutory Commission. The result of that would be a strong agitation..... (2) In the opinion of many Indians, they are not now fit for responsible Government, nor will they be in the course of six years. The result of provision like this, that after six years there should be responsible Government, would be that the moderate men will think that it is much better to throw in their lot with the extremists and they will abandon us. I would, therefore, say that the Commission at the end of six years may be left to decide for what further period the training is to go on.

.....(3) Took objection to the Legislative Council being all elected. He said that that did not allow the growth of parties. An upper chamber would therefore be necessary. As to ordinance, he said that if the Governor introduced an ordinance with reference to a matter which had been fully discussed in the Council it would be very awkward. As to the Commission he thought that no period should be fixed. He was quite prepared to give the Indians Executive control of certain subjects. He thought that His Excellency and the Secretary of State seemed to have satisfied themselves that there were no men to take charge of the departments now.....(4) We are not now fit for self-

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government, and therefore we are not fit to undertake responsible government. There are factions in the country, intrigues and all sorts of things. We must therefore have a period for training. It must be a definite period. Already the Government are charged with having broken all the promises made by them, and if the Act is worded in such terms that the Statutory Commission may not give us any substantial self-government at that time, it would be another matter for complaint; therefore the onus of proof must be on them to say that we are not fit for Self-Government. By that time there will be more of our members in the Indian Civil Service who would be fit for purposes of administration(5) The question whether government over "B" subjects in some provinces at any rate may not now be handed over may be left for consultation with the heads of provinces. The remark of the 3rd speaker as to a Governor issuing an ordinance after the matter had been discussed in Council requires careful consideration. That aspect has not been considered by us. There should undoubtedly be a fixed period for the Statutory Commission and the burden of proof should be on the local Government. Otherwise, the scheme will be considered very unsatisfactory. Nomination might be necessary, for instance, in the case of depressed classes. For this purpose, an Upper Chamber might be necessary.....(6) He hoped that it might not be considered that the Upper Chamber was a place of refuge for those men who could not get admission into the other chamber.....(7) agreed with speaker No. 5 that we might leave over the question of the Executive Government of certain subjects to be handed over to Indians for consultation with the Heads of provinces.

134. I told them that the Government was again going to deceive the people by promises as in the case of Charter Act of 1833 and the Proclamation of 1858 and that if some tinkering measures and promises alone were to be made there was no use of the Secretary of State coming out to this country. I entirely repudiated the idea that we have not got men to form a Ministry and carry on the administration. Already in the local Governments there were men in charge of Departments, and if other departments were handed over to us Indians, then we would certainly administer them with success. The scheme suggested by the

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Secretary of State and the Viceroy, I pointed out, was open to all the objections which they advanced against the scheme of the Congress-Muslim League. That was discarded on the ground that they cannot be given powers alone without responsibility; yet here it was admitted that no responsibility is to be given but only increased powers of criticism. It is urged by some members that at the end of six years there should be a further examination before any responsibility is to be given. This meant that not only was no responsibility to be given us now but that such responsibility was not to be given even after six years unless the Statutory Commission was satisfied: By some members strong objection has already been taken to the onus of proof being laid on the local Governments. This showed that the promise may likely be as illusory as the old promises. In the case of the budget it was said that the Governor was to have the right to restore the budget in the case of 'A' subjects. This meant that there was to be really no financial control, because if the amount available was to be mainly handed over to the 'A' subjects, the 'B' subjects might be starved, or the Legislative Councils will be left to the ungrateful task of taxation. In the case of ordinances, I pointed out we were going back on the Government of India Despatch of November 1916. There would be no objection to the Governor passing an ordinance for temporary operation in order to maintain law and order, but such act should not interfere with the civil rights of parties and it should not be in restraint of the liberty of any subject. If any emergent legislation is required for that purpose either by way of ordinance or in any other form, the Viceroy should undertake the responsibility. I said further the time had long gone by when mere declaration would satisfy Indians. *Therefore it was necessary to give full control and full responsibility in some subjects at once.* Hopes had been raised by English spokesmen in all the subject nations including India, Egypt, Mesopotamia, and Arabia that the wishes of the people would be mainly considered in the determination of their future. As to the reasons for not giving them responsibility at once they were not of any force. As to a training period, the statesmen who now make the promises would not be here at the end of the term and it would be discovered

that conditions have changed and no reforms could be carried out. There would as usual be riots in the interval. I said I was, therefore, entirely against any delay, and I asked that dyarchy at any rate should be introduced at once and responsible Government, so far at least as some of the subjects are concerned. I let them clearly understand that so far as I was concerned I would do my best to wreck the whole scheme and take the consequences if power and responsibility were not given at once telling them that we did not want the Secretary of State to come out to India at our cost to discover and tell us that we were unfit for any progress. I told them that all their professions that the War was for self-determination were hypocrisy; that I regretted very much that the Secretary of State came to India; in fact I was opposed to his coming here because he would fall under the influence of Lord Chelmsford and the Civilians. As to the objection raised by some members of our unfitness on account of the caste system, I told them that the Government were responsible, in effect for the caste system; that they imposed Hindu Law upon all Hindus by legislation, even upon those who did not want it and who objected to it. So long, therefore, as the Courts had to administer the Hindu Law they had to enforce the caste system. The Government, therefore, alone were responsible for it. We, Indian Politicians have tried our best to assist the lower classes; it is the government that stood in our way. We wanted to introduce Civil marriage law, it was the government that opposed it. We wanted a Law for free compulsory education, it was the government that opposed it. These two Laws would have removed all obstacles, all caste disabilities and enabled the lower classes to assert themselves. It is therefore unscrupulous to bring forward the arguments based on the caste system and the lower classes against conferring responsible Government. I do not exactly remember all that I said. But, I certainly was not polite or courteous to Mr. Montagu or to Lord Chelmsford.

135. I have given the views of the Secretary of State and others, because it shows the policy of the bureaucracy towards Indian political progress. They always say "we can give you nothing today; will give you everything the day-after-tomorrow. Tomorrow we will entirely devote ourselves to your education".

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They must have put great pressure upon the Indian politicians whose natural courtesy compels them to yield to these men. What is the reason assigned, as their spokesman, by the Secretary of State? It is this : that all the Provinces were not equally advanced and there were some in which such powers would not be given. Hence certain training periods for all Provinces were necessary. On the face of it this is absurd ; it is no reason for denying the advanced Provinces the form of Government for which they were fit. The suggestions could not be that the same should be given to all, because the subsequent provisions show that some Provinces may have more 'B' subjects and less 'A' subjects than others. Everything, I pointed out, is liable to be put off indefinitely. It is said in these few years, six years. the bureaucracy would train Indians for Home Government. This is absurd on the face of it. The statement that a complete system of local Self-Government is to be introduced in the mean time is ludicrous in the face of the efforts that they have been making ever since Ripon's time to destroy it. But this is not an argument for putting off immediate responsibility and power. I was astounded to hear that the Indian politicians were not for immediate responsible government. Speaker No. 4 not only said so at the meeting but later submitted a minute in which he gave his reasons. Mr. Montagu seems to have said so on many occasions. He records in his Diary " But it is interesting to note that even people who are more or less extreme in policy do not like any responsibility. They want power to make their resolutions binding on the existing Executive, but they do not wish to take over the work of the Executive. I sympathise with them. I think they are genuinely afraid, although Chelmsford will not listen, that we are trying to force responsibility on them in order to show that they are no use. Sir Dinshaw Wacha and Mr. Samarth, who came in the afternoon, nice people, but they were genuinely afraid of responsibility. So also, were the representatives of the Deccan Sabha, headed by a nice old Parsi named Wadya. Altogether they said, Give us the power to pass resolutions, to influence Government ; we will use it in a spirit of sweet reasonableness, but we are not fit for responsible Government" (I.D.p. 147). Sir Setalwad, Sri N. Chandravarkar and Sir Rahimoolah also were for a probationary period (p. 163);

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Sir C. P. Ramaswamy Iyer too (p. 177, 179). Of course, the Civil Service would jump at it. The only difference between the Indians and the English supporters of a training period was, that at the end of it, there must be a statutory obligation according to Indians to confer responsibility. I was determined if possible to make Mr. Montagu drop the so-called probationary or training period as it would be fatal to all progress. Once, real responsibility and power is put off, the generous enthusiasm of England cooled, the war over, the spokesmen of England who had declared for self-determination out of power, there was not the slightest chance of any real reform. It would come again only after a Black and Tan regime; that was the reason I fought so hard and was even discourteous and violent. The discussion continued.

136. Mr. Roberts was of opinion that if the whole question of future political development was left over, we should have agitation now and not merely then. The question of the onus of proof was really not so important. We should take the responsibility for a position rather than seem to defer it. Mr. Montagu interposing said that he was very anxious to put the onus of proof on the persons who wished subjects to be still reserved. Lord Chelmsford that he was inclined to think that the Statutory Committee should have a free hand but he realised that Mr. Montagu thought the onus was very important. He then summed up the discussion. He thought the results were satisfactory. The crucial point was evidently the reference to a Statutory Committee after six years. His idea was that we should say to the Committee: "We have reached the termination of a stage, and it is for you to tell us what the next should be". He deprecated the idea that the transitional period would be of no value. It really implied an immense advance. He suggested certain other important functions for the Statutory Committees. The important factor in their decision would be not the way in which the Councils behaved so much as the working of the electorates, the extension of the franchise and the degree of representation really attained.

Secondly the Committee should examine the question of communal representation which, in principle, Lord Chelmsford regarded as indefensible and report if its further amendment was really necessary.

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Thirdly, assuming that the finance of India was decentralised, the Committee should consider whether the disparity of treatment resulting from the permanent settlement in certain provinces should be maintained.

Fourthly, the Statutory Committee should keep local Governments up to the mark as regards education, local self-government and the Indianization of the service.

Mr. Montagu in conclusion said that if there were to be no presumption in favour of advance when the Statutory Committee assembled and no certainty for the future, then he would certainly prefer the abandonment of any period of training,

As regards the onus of proof he observed that it was easier to prove unfitness rather than fitness.

The Conference then adjourned till January 11th. Mr. Montagu arrived at Delhi on the 7th Monday, but did not write his Diary till the 10th. He did not refer to this meeting of the 9th but refers to a meeting of the 10th morning which seems to be a mistake for it is at this meeting on the 9th that he refers to the question of the onus of proof and to the training period of six years. *There was no Conference on the 10th.* On this (10th) Mr. Montagu says in his Diary (180 P) "Sankaran Nair was frightfully quarrelsome vilely mannered and obviously out to wreck". "Basu was unintelligible", no wonder, because Basu was not allowed to speak. Chelmsford interrupted him and sneered at him. This irritated me and made me perhaps violent. Mr. Charles Roberts, a member of the Secretary of State's delegation came to see me. I forget myself exactly what I said. In his Diary, Montagu writes "Roberts reports to me that he had a long interview with Nair, this (10th) evening, who refused to look at any scheme, and seems to think he can create a revolution. Perhaps he can. Certainly, he will, if the Government of India has it its own way. I do not know what to do; I do not know where to turn for help. The whole thing, just as it looked most promising, has tumbled about my ears". And again "I think I have recorded the results of Roberts' interview with Nair and his belief that Nair was out to wreck all and any plan; that Nair had even told him that two or three years of repressive action would give India all that it wanted" (I.D.p. 182-186). I do not remember this.

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Mr. Roberts told me that the two wings of the Liberal Party do not work together, the Liberal Party was not in power and would not be for a pretty long time to come and it would be best for us to take what we could get now and wait for better times; I replied to him that we would rather have nothing, than this pittance, and that I proposed to resign my place in the Government to rouse the country against it and wreck it. He left very much disappointed with me and told Mr. Montagu that I was hopeless.

But, Montagu had been already told "that it was absolutely essential to get on my side, Sankaran Nair, who wielded more influence than any other Indian" (I.D.p. 177), and he also records elsewhere "Nair also told me that he did not wish to be egotistical but anything he commended to the Indians, the Indians would accept; but if this was not done, nobody else could make them accept it. As I have heard this from all other sources I quite agree" (I.D.p. 198).

138. Perhaps it was on account of this that after this stormy debate Montagu invited himself to my house to lunch with me. My wife and daughters were with us for the lunch. He discussed all the questions with me and the nature of the reforms. I assured him that if we get anything *Dyarchy* at once I would be satisfied, but we must not be put off with promises. He agreed to drop the training period and confer responsible Government at once. Montagu records "He told me that he would naturally go on fighting his own cause, that if I told him that the proposals were all I could get, he could accept them. I left him and came home very satisfied with his attitude". (I.D.p. 199).

139. The results were soon apparent. The next meeting was on the 11th of January, 1918. The Secretary of State opened the proceedings. To the objection taken mainly by me to a law being passed by way of ordinance by the Governor alone, the Secretary of State suggested an answer by providing that there should be a Council consisting of the Members of the Executive Council, certain nominated members and certain members of the Legislative Council who should advise the Governor and that he should pass the law only if it is found necessary for the preservation of public peace.

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In reply to my objection as to the friction between "A" and "B" subjects, the Secretary of State said that he could not accept my suggestion that we must go back to the past year's budget, but that he was willing to accept a compromise under which the Governor could restore the budget only in so far as it was necessary for the purposes stated in Section 50 of the Indian Councils Act of 1915.

With reference to the probationary period he put forward two draft copies which were given to us. According to one draft at the end of six years "The Statutory Commission shall reserve from the control of the Ministry any or all of the powers included in Schedule 'A' which they are satisfied cannot be for the time being transferred with due regard to the public interest". And, according to the second draft "There shall be transferred to the control of the Ministry, all the powers included in Schedules 'A' and 'B', provided that the Statutory Commission may reserve from the control of the Ministry in any province such of the powers included in Schedule 'A' as they are satisfied that it is not in the public interest for the time being so to transfer".

.....speaker (1) : in effect agreed with the proposal with reference to the budget as between subjects "A" and "B". About the ordinance also he agreed, but about the Legislative Council he raised objections. He said that first of all we must have a probationary period in which larger powers alone were to be given to the Legislative Councils but no responsibility. At the end of six years he said the "B" heads may be transferred to the Ministry; at the end of another six years some of the "A" heads may go to the Ministry; some may be transferred to the position in which now the "B" heads are. At the end of the fourth period all heads may be transferred to the Ministry. As to the drafts speaker No. 1 considered that they committed us too far and that it should be left entirely open to the Committee to decide whether any progress at all was necessary. Speaker No. 5 was of opinion that the Triarchy suggested by Speaker No. 1 was unnecessary and that it would unduly prolong matters. That it is best that subjects should be transferred from "A" to "B" straight, at once. Speaker No. 6 agreed with Speaker No. 5. Speaker No. 6 further said that we must show our bonafides; that it won't do to put off these

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things and to ask the Commission to decide whether any progress is necessary. The policy must now be settled by us that progress must be made and it would be left to the Committee only to ascertain the facts, whether those facts exist which would justify a departure. They should not be judges of policy. Speaker No. 2 said that the drafts submitted by the Secretary of State would indicate that the case was really pre-judged ; whereas it should be left absolutely open for the Commission to decide whether any progress at all is necessary. As to the ordinance council, he hoped that it might be a nucleus of a second chamber to be eventually formed. As to the budget he agreed with speaker No. 1 that difficulties did exist and that friction would always exist. Speaker No. 8 agreed with the second draft. He did not see how any special commission can form an opinion at the end of the first six years, if during the first six years no responsibility was to be imposed upon the Legislative Council. It is only after such responsibility was imposed that fair judgement can be arrived at. Speaker No. 3 also agreed with Speaker No. 8. He said without responsibility being imposed, there would be no means of proof and he was quite willing himself that over "B" subjects, the Indians may be given executive control and they should have an executive responsibility also to the Legislative Council. With reference to the budget he said that a solution similar to that of the ordinance might be advisable and that it would be useful to have a Council in order to advise the Governor in matters of that sort. Speaker No. 9 also agreed that there was no objection to executive control being handed over to Indians over what may be called "B" subjects. Of course, in that, what the "B" subjects would be, will have to be carefully scrutinised. Speaker No. 4 said that he had no observations at that stage to make.

140. I said that I still adhered to the opinion that the so-called probationary period of the first six years was un-necessary, because in addition to the observations made already, those made today by the speakers No. 6, 9 and 3 seemed to bear very strongly on this point. The Legislative Councils will impose new taxation only if they have the control of the proceeds of such taxation but if they have to hand them over to another executive to spend, they may not be so ready to impose such taxation and it would not be

right to charge them with remissness. Moreover, as speaker No. 3 pointed out, without responsibility being imposed on them, it would not be right to say that they have had a fair trial. I would, therefore, strongly insist that we must start by giving the Legislative Councils responsible Government over the "B" subjects by the creation, if necessary of an executive completely tolerable to them. What the "B" subjects should be would no doubt vary in each Province. I accepted the Secretary of State's suggestion about an ordinance Council to pass the law by ordinance with the limitations suggested, and also about making a similar provision as Section 50 of the Indian Councils Act about the budget to remove the objections in part, which I advanced the other day. As to the drafts, I was prepared to accept the second draft because, otherwise, it would be difficult to ensure certainty of progress. Speaker No. 10 said that it would be difficult to give any clear opinion on these matters, without knowing what the "B" subjects are, which would vary with each province. Lord Chelmsford said that time was not the essence of the matter. There were various stages. That for the first six years the Legislative Council would have only power over "B" but without responsibility. At the end of the first six years the Legislative Council would have both power and responsibility over the "B" subjects. At the 10th year the Commission will be appointed to decide how far "B" subjects may be handed over to the Ministry under the Legislative Councils. During the probationary period the standing Committees would be a training ground and the capacity of the Legislative Councils might be judged by their willingness to impose taxation. He further said that the question was not only whether the Legislative Councils had behaved well but also whether proper electorates were forthcoming and also whether the franchise had been duly exercised. Mr. Montagu said that he put forward the suggestion of a probationary period of six years at the instance of a certain Bombay gentleman on the understanding that complete control over all the subjects was to be handed over after six years, i.e., Home Rule. But, if, as now appeared, complete control could not be handed over to them at the end of six years, then it would not be right for them to discard the other view which he had held until then, and which was objected to by the people of the country,

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on the understanding that Home Rule was to be given. This, therefore, now becomes the important question whether there should be a probationary period before even the "B" subjects are to be handed over now. On this question, therefore, he would request the Viceroy to address the Heads of local Governments before they arrive at Delhi towards the close of January. The Viceroy agreed to do so.

141. The following is the memorandum forwarded by Lord Chelmsford to the heads of Provinces on the 12th January :—

1. "It is intended that the application of the proposals shall vary with the conditions of each province and it is probable that they will not apply to Burma. This variation will be effected.

(a) at the outset by different allotments of A and B subjects ;

(b) thereafter, by differential treatment at the hands of the statutory Committees hereinafter proposed.

2. On the assumption that in no province are Indian members of the legislative councils yet ready to assume definite responsibility for administration, even in limited spheres, a preliminary period of training is proposed.

3. This period would last for six years, the life time of two successive Councils, reckoning from the next election held for the Legislative Councils.

4. At the next election there will be elected in each province, an elective Legislative Council, on a broad franchise, with such communal representation as may be necessary. Local Governments will cause questions of franchise, constituencies, and therefore the numbers and composition of the Council to be investigated at once. As to the inclusion of nominated non-official members, the aim should be by the adoption of special electorates to avoid all nomination, since nomination is obviously unsuited to the next stage in which responsible Governments will make their appearance. Members of the Executive Council will be ex-officio members of the Legislative Council. The Governor may appoint such other official members, with power to attend and speak as he considers necessary for the due representation of the Government view, but no official other than members of the Executive Council will vote.

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5. To each member of the Executive Council, would be attached a Standing Committee elected by the Legislative Council. The function of the Committee would be an advisory one as described in paragraph 24 of the Home Department letter. The Committee would sit in private and their proceedings would be confidential.

6. It may be possible to appoint to each Department, a member of the Legislative Council in a position analogous to that of a Parliamentary Under Secretary of State, who should act under the direction of the Member in charge, assisting him in debate and representing him when absent.

7. The functions of the provincial government, as distinct from those of the Government of India, would be defined by Statute and divided into A and B subjects. On matters concerning the functions of the Government of India and A subjects, (which would include the pay, conditions of service, pensions of the services generally, police matters, the maintenance of law and order, and religious matters), no legislation should be introduced without the assent of the Governor. The Governor would have an unrestricted right of veto, but in exercising it, or in refusing assent to the introduction of legislation on A subjects, he should state his reasons fully to the legislative Council. The Governor would be expected to exercise his veto very sparingly on B subjects.

8. The Legislative Council would make its own rules of business, subject to the veto of the Governor.

9. The entire budget would be prepared in consultation with the Finance Standing Committee and would be submitted to the legislative council, which might vote alterations as it pleases. But, as regards any change made in the allotment for A subjects, the Governor should have power to restore his own proposals in the budget if he considered that the safety, tranquillity or interests of his Presidency or any part thereof are essentially affected.

10. For protective purposes the power of veto (paragraph 7) and the power of restoring the allotments on A subjects (paragraph 9) appear to suffice. But in as much as the government must always have power to get through vital legislation, it is proposed to give the Governor a power of legislating in an emergency by ordinance. This power will be qualified as follows:—

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- (a) Ordinances must be limited to matters affecting the public peace and order, or the security and preservation of life.
- (b) Ordinances shall be of force only until reviewed by the Statutory Committee hereinafter proposed.
- (c) It is further suggested that before promulgation the Ordinance shall be referred to and considered by an Advisory Ordinance Committee composed of (i) the members of the Executive Committee, (ii) some members nominated adhoc, (iii) the Standing Committee associated with the subject.

11. The drawbacks to this period of training which offers the Councils powers without responsibility need not be elaborated. Some advisers hold that with a view to the practical training of Indian politicians as well as to affording the Statutory Committee, fuller materials for judgement, it would be better from the outset to give limited responsibility to the Councils though they recognise that in that case the list of B subjects must be more limited than under the proposals as they stand. (Conversely it is expected that the list of B subjects will be longer under the present proposals than if the scheme set out in paragraph 35 of the Home Department letter were adopted). The immediate reasons for suggesting a period of training have been mentioned in Lord Chelmsford's covering letter. Apart from these, it is intended that the opportunity of the preliminary period shall be taken,

- (1) to establish a complete system of genuine local self-government.
- (2) to ascertain by public discussion in the Councils the possibility of effecting territorial rearrangements in cases where existing provinces do not coincide with linguistic or racial area:
- (3) to promote the Indianizing of the public services; and
- (4) to extend and improve education throughout the country.

It is a matter on which the opinion of local Governments is sought whether these reasons in favour of instituting a preliminary period of training outweigh the apparent disadvantages of such a course, chief among which is the delay in inaugurating experience of responsibility.

12. At the conclusion of the preliminary period, two courses seem possible. It may be desirable to determine by special inquiry

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without further delay to what extent responsible Government, further than in respect of the B subjects, should be introduced in the provinces; or on the other hand, before proceeding further, to institute a second period of six years, during which the Councils should automatically proceed to exercise administrative responsibility for the B subjects over which they have previously enjoyed predominant control.

13. On the former assumption the Secretary of State should be required by law to ask Parliament to appoint, in the first year of the life time of the second Councils after the present ones, a Committee of inquiry.

14. On the conclusion of the second Councils after the present ones, the following provisions shall have effect:—

There shall be appointed in each province governed by a Governor or Lieutenant Governor, Ministers, who shall act with the advice and consent of the Legislative Council of the Province, whether in regard to all the subjects of provincial legislation, or, to some of them as may be determined by the Statutory Committee.

There shall be transferred to the Ministry, the control of all subjects whether A or B, provided that the Statutory Commission may reserve from the control of the Ministry in any province such of A subjects as they are satisfied that it is not in the public interest for the time being so to transfer.

15. The Statutory Committee shall also consider any ordinances passed by the local Governments with a view to recommending their permanent enactment or repeal.

16. The administration of any A subjects, reserved by the Statutory Committee shall proceed by a Governor in Council, acting in consultation with a Legislative Council.

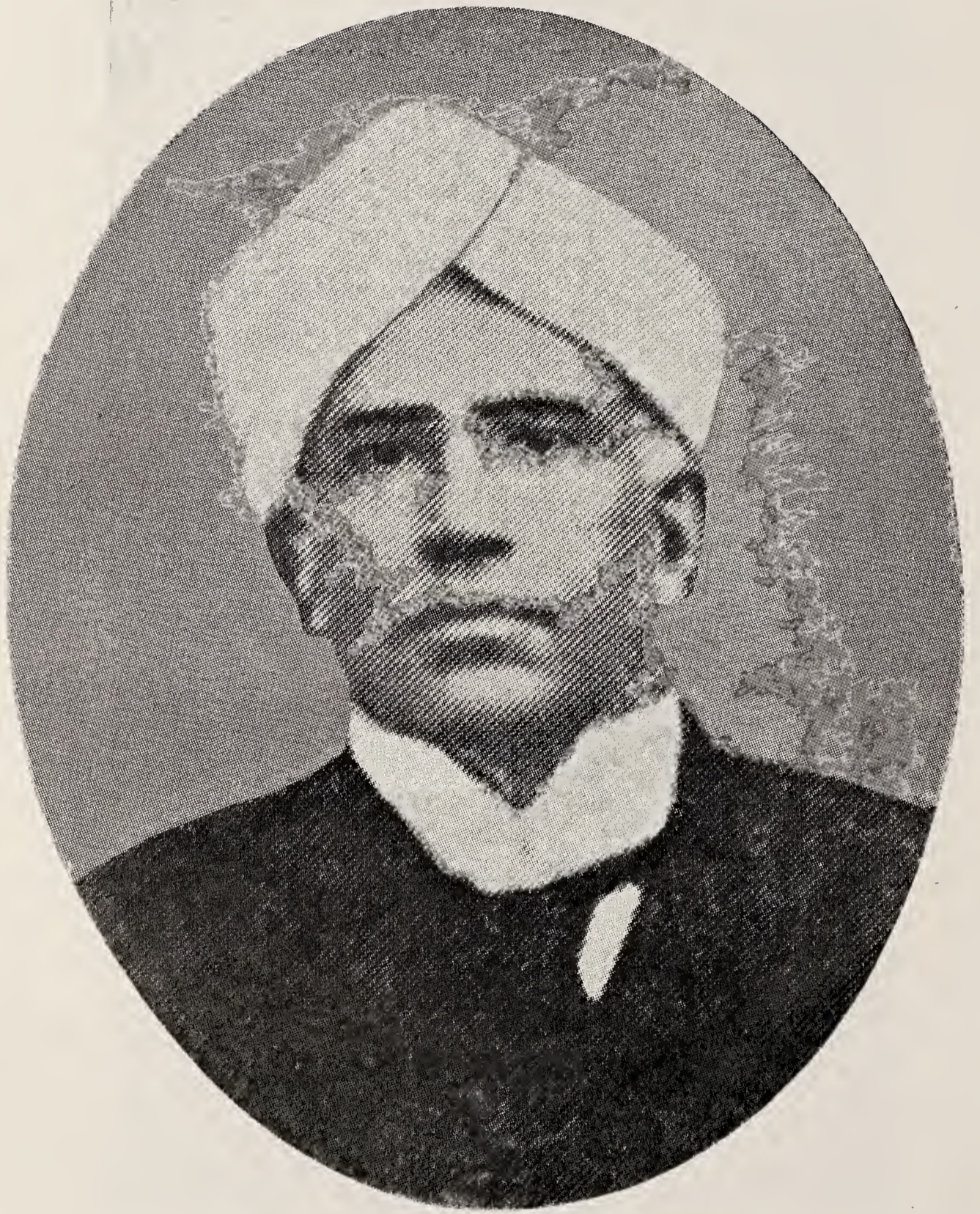
17. It is intended that the relations between the Governor and the Ministry so appointed should resemble those which existed in the early days of responsible Government in the colonies.

18. On the alternative plan there would be:—

- (i) a period of the lives of two Councils during which the Legislative Council would exercise control over B subjects as already proposed;



Congress President



Vakil, High Court



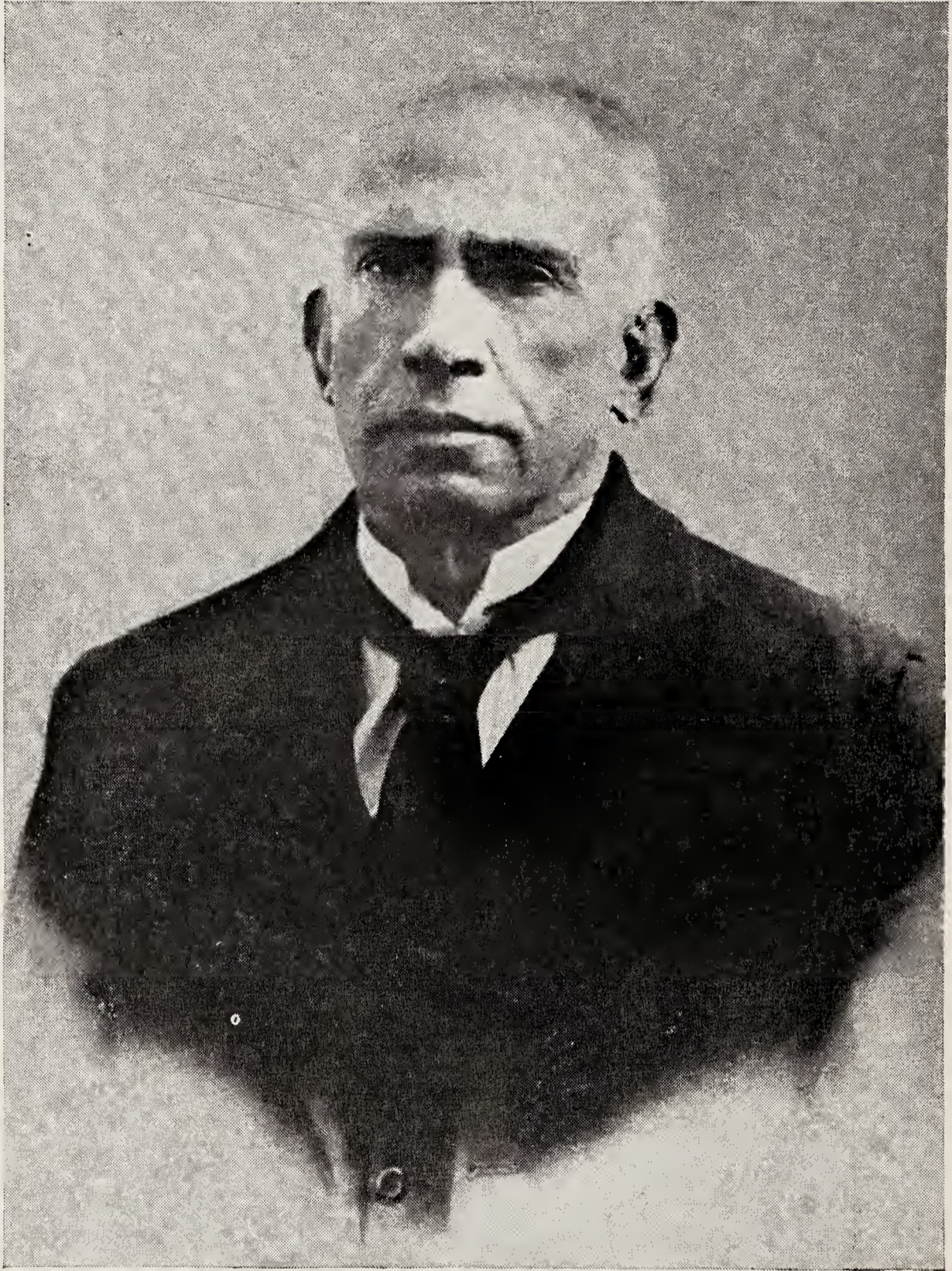
Judge, High Court



Seated L. to R. : Sir Madhavan Nair, Lady Sankaran Nair, Sir Sankaran Nair, Grandson Sankaran (Brigadier)
Lady Madhavan Nair, Mrs. Govindan Nair, Mrs. Govindan Nair, Grand daughter (Mrs. Achutha Menon)
Standing ,, Mrs. K. P. S. Menon, R. M. Palat, Mrs. T. K. Menon, M. Govindan Nair & Mrs. Candeth.



Executive Councillor



In his later days in England

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- (ii) A further period of two Councils, during which the Legislative Councils should assume through responsible ministers, the administration of B subjects ;
- (iii) There would be in the first year of the fourth Council, a Statutory Committee as in paragraph 13, etc., and after the lifetime of the fourth Council, responsibility would be conceded to the Councils over all subjects except for such reservations as might be made.

19. "It is clear that an important factor in the decision of the Statutory Committees will be the manner in which electorates have proved themselves capable of realizing their responsibility. Under the latter alternative, ample opportunities for judgement on this point will be afforded by four elections. It is also suggested that the Statutory Committees should review the necessity for any further maintenance of the system of communal representation ; and also whether the disparity of financial treatment resulting from the permanent settlement in certain provinces should be maintained".

In his Diary about this meeting on the 11th, referring to the fact that myself among others would start with Dyarchy at once, Mr. Montagu seems to suggest erroneously that a transitional period of six years was agreed to, though in the end, he says that "the question whether we shall or shall not have a six years' probationary period is the only thing left for further consideration".

142. While Mr. Montagu not only received no encouragement but opposition from Lord Chelmsford and his Council, he was to receive a far different kind of treatment from the Governors, Lieutenant Governors etc. All the meetings hitherto held were conferences between the Secretary of State and his delegation and the members of the Government of India. We have seen that at the meeting of the 11th, Mr. Montagu wished Lord Chelmsford to ascertain the views of the heads of provinces and thereupon Lord Chelmsford wrote a letter with the memorandum given above. On the arrival of the heads of provinces there was a conference on the 22nd January at which they too were present. The following persons attended that Conference.

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(1) Lord Chelmsford (2) E. S. Montagu (3) Lord Pentland
(4) Lord Willingdon (5) Lord Ronaldshay (6) Lord James Meston
(7) Sir Michael O'Dwyer (8) Sir Edward Gait (9) Sir William
Meyer (10) Sir Claude Hill (11) Sir Sankaran Nair
(12) Sir George Barnes (13) Sir William Vincent (14) Sir James
DuBoulay (15) The Earl of Donoughmore (16) Charles
Roberts, Esq. (17) Sir William Duke (18) Bhupendranath Basu
(19) Mr. G. Carmichael (20) Sir Henry Wheeler (21) Sir Archdale
Earle (22) Sir Benjamin Robertson (23) Sir Frank sly.

At the meeting on that day Mr. Montagu made a pathetic appeal. He prayed them to remember that it should be almost unnecessary to say that the announcement of August 20 was nothing at all unless it was carried out. He hoped that we shall fulfill it generously. Our rule in India is marked by high-sounding pronouncements which are always dangerous unless they are translated into action. But, those who are responsible for the declaration of August 20 meant that they intended to carry out the policy which it indicated and that it should not, like many declarations before, simply remain a document to be quoted against them in future years. He begged them therefore to concentrate their attention upon the progressive realisation of responsible government in the Provinces as the best means of carrying out the declaration of August 20. He added that they should try and get complete responsible government in the Provinces as quickly as possible; as all transitional states are sources of irritation and friction, possibly even of dead-lock, and liable to pungent and weighty criticism, and, therefore, the quicker the transitional period can be got over the more stable the Government would be. Then, he said that the Congress-League scheme was unacceptable because there was no direct responsibility embodied in the scheme at all. That system is rather that of giving orders to a Government that has got to carry them out and not of responsibility for those orders to any constituency. He said that was impossible and power and responsibility should go together. Let me stop here for a moment, to examine this statement. If the Government have to carry out the orders of the Council then the Council has responsibility for its orders. Though it is not responsibility as understood by the English politicians which is responsibility to the constituency. The Indian politicians were, at the time the

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Congress-League scheme was put forward, quite satisfied with responsibility other than to the constituency and, even more, I am not sure that India would not have been better off with such responsibility than responsibility to the constituencies. Mr. Montagu proceeded further and stated that it was represented that it would be too sudden to give responsibility now, and that no demands had been made for responsibility by any section of the Indian people at the time, and he was told that officials desired to precipitate responsibility in order that they might delay and not accelerate the transfer of reserved subjects by proving how people who had not been trained had not been successful in the departments that were transferred, and they were frightened of a diarchy with its risks of friction thus increased. Training period was therefore required. He fully recognised that a training period was open to the objections to the Congress-League scheme and that this scheme gave powers without responsibility and that it belonged to the school of proposals which might at any moment paralyse the Government without taking responsibility for that result. He said the only justification for it was that it was short and definitely and statutorially marked as coming to an end with the beginning of responsible Government. He then referred to the second objection that one can't by statute bind one's successor. He saw no harm in it however. His own opinion was that it should have only two stages; the first is the stage during which the preliminary work should be done and then there should be responsible government in the Provinces. He was not willing himself to leave the question of future developments to Royal or Statutory Commissions, as it created uneasiness and uncertainty.

After describing Dyarchy and the results of the meeting of the 9th and 11th, he concluded thus: "Lastly, I have to point out that the problem is not to be discussed with reference to India alone. India will have to be dealt with on the principles advocated by the spokesmen of the Empire, and any scheme that we put forward will have to find acceptance by the people of England and by patriotic Indians."

I do not consider it is of any use to give the opinions of the various members. It varied from one extreme to the other. I propose therefore to give the opinions only of Sir James Meston and of Sir Michael O'Dwyer. The members of the Government of

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India including myself repeated again the opinions which we had expressed at the meetings of the 9th of January and the 11th of January. We made our observations on the speeches of the heads of provinces in accordance with the views which we expressed therein. It is superfluous therefore to rewrite those speeches.

143. Sir James Meston made a long speech from which the following is extracted:

“Power with responsibility, first on a small scale and afterwards on a rapidly increasing scale, were steps which he could see and which he was prepared to try in his province. As regards power without responsibility, it was possible that those who had in mind conditions in other parts of India were willing to support it. He understood His Excellency the Governor of Bombay to be one of them. But most of them there that morning accepted very cordially the statement made by the Secretary of State in this matter, that power and responsibility must in some measure go together.

Sir James Meston then referred to the scheme which he had laid before His Excellency, the President and the Secretary of State at the earlier stages of these discussions. He claimed that that scheme was one by which responsible government could be introduced at once into certain areas, somewhat smaller than the existing provinces and through the agency of popular assemblies elected directly by the people. It provided machinery which the people could recognise as leading along the path of progress, and which they would recognise as a dignified and fitting substitute, for the agitation that had hitherto represented politics in their minds. Taking that scheme, which he still believed to be the best, he would urge that that scheme met the essential stipulation that government must be in a responsible form. That, he understood, had been put forward by Mr. Montagu that day, as practically the central condition of the question. He believed in responsible government and he believed that we ought to begin it at once. All he said was that we should begin it in limited spheres and in manageable areas. That would be the immediate step. The scheme would allow of the extension from time to time of the powers of these popular assemblies, and it would thus be in literal compliance with the announcement of August 20, which laid down that progress must be gradual and that it must be conditioned by the fitness of the people as proved by actual work.

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He admitted that the scheme involved dyarchy. He admitted also that diarchy was essentially a transitional process and a makeshift. But, was there any other alternative before them? Those of them who supported the view that dyarchy in some form or other was inevitable felt that the difficulties in regard to it had been exaggerated. He did say with certain knowledge that there were in his province many good and suitable men, men of intelligence, men of education not to be measured by B. A. and M. A. degrees, who were willing and ready to come in and take part in any progressive movement or political advance on which you might decide.

He felt strongly that the last memorandum of January 12 was a mistake, and that it would be wise and prudent to go back to the scheme of December last, either as enunciated in paragraph 35 of the Government of India's letter, or in any other form more acceptable, more practicable. He realised that the ultimate form which any scheme would take must rest with the British public; and the British public, in its new spirit, was not convinced that great things had been done. The British public was not going to be convinced about the improvement in local self-government, the number of primary schools, and so on. But, what he did want to say was that there was a strong and powerful element of the case in what had already been done and what was already contemplated. We were definitely and firmly set on the road towards the realisation of responsible self-government. You had first of all the loyal acceptance by India of the announcement of August 20, and you had—here again be ventured to speak for the public services in India of the new conditions, and their determination to forward by every possible means in their power the goal which the Secretary of State had set before them. You had general agreement on this system of standing committees—a system which for the first time brought politicians into the inner circle of Government; to a large and growing extent you had determined to free local bodies from official control; and you had initiated an enormous system of national education of which very little had been heard. The cumulative effect of all those schemes, when placed before the British public, would be no unworthy tribute to His Excellency's statesmanship.

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144. *Sir Michael O'Dwyer*. As to the volume of popular opinion behind the demands made, Sir Michael said, with absolute confidence that it was infinitesimal as far as his province was concerned. It did not receive any support from the masses of the people or the classes who pay the revenue ; and even the politicians who professed to speak in the name of the masses, and mislead the British public and British statesman, knew that the people were not behind them in most of their demands. Attempts were, no doubt, being made in various ways, e.g., by deluding people into the belief that Home Rule badges meant exemptions from service, to manufacture opinion in favour of the most advanced demands. But, he thought that in the Punjab there were very few people who were prepared to accept responsibility.

In his own province he preferred to see his Council without an elected majority ; he thought that a nominated majority was desirable till they had secured by election the representation of certain classes which at present were not represented. There were many such interests at present. Therefore, Sir Michael suggested that all interests might be adequately represented and continuity maintained.

As to the steps to be taken for the preliminary training, their object should, in the first place, be to train the representatives of the people and also the electors simultaneously. The two things should be done at one and the same time. The desiderata, he thought every one would agree with him, were to secure truly and fairly representative classes of men of character with a high sense of public duty. Therefore, Sir Michael thought that a very thorough training should be given to the people in the discussion of questions of policy. As regards A subjects, Sir Michael thought they should have the same Councils as at present, Councils passing resolutions. But, as regards B subjects, they would be allowed through the finance committees to urge their claims. The clash of interests between these various committees would give training and experience. There would thus be a double process of education going on for a substantial period of 10 years or longer, and during this transition period it was advisable to discourage irresponsible agitation in the country. There should be no deviation from the accepted curriculum. The advantages of such a programme were

that while they would be working on existing lines, they could also carry on the government without disorganisation, and they could also carry on the officials with them. They would also encourage emulation between different provinces and so stimulate the political development of each. It was, above all, important that the work of training should be carried on effectively so as really to fit the people for the further stage of responsible Government.

He proposed to teach responsibility through the Standing Committee for training. There was another material difference. The general scheme was for almost wholly elected Councils. But, his whole point was that during the transition period government should maintain control. With the co-operation of the officials and the education of the people going on side, by side, he did not see why at the end of the period of the training they in the Punjab should not be in a position to take a step forward like the provinces which were politically more advanced and which had put forward stronger claims. They could then go through the transition period, which, he said would be one of extreme risk and confusion, without disorganizing the administration, while working on the lines laid down in the Secretary of State's memorandum.

In concluding he was only putting forward this scheme for his own province. *He again emphasised his view that there should not be an elected majority.* It was only when people were ready to accept responsibility and willing to co-operate with Government, that they could give an elected majority.

145. Lord Chelmsford who presided referred, among other subjects, to the necessity of Statutory Commissions. According to him, apart from the question of the transfer of control or the division of subjects, there were four main points to be considered. First, examination of the franchise and the right exercise of that franchise by the electorate. They could not logically transfer power to a responsible Government until they were satisfied that those to whom they were transferring it did represent something substantial. Secondly, he hoped that the interim period might enable them to consider carefully the question of boundaries and readjustment of areas. They did not want any more partitions of Bengal thrust upon the people from outside. If they were to have readjustment, they should take the people along with them in any

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such policy. Thirdly, they all agreed that in theory communal representation was undesirable, but in the circumstances of India they were obliged to have it. Therefore, he would take steps to mark on the face of any suggestions they might make, the communal representation was not to remain permanently. The Statutory Commission should therefore be instructed to enquire whether the conditions still made it necessary for communal representation to go on. For his own part, he advocated that outside the case of Muhammedans and Sikhs, the representation of communities should be provided by a system of nomination which might in time disappear.

It should also fall within the functions of the Statutory Commission to examine how education was progressing, how local self-government was being developed, and how the Indianization of the services was proceeding. He would ask the Secretary of State to reply.

Mr. Montagu wound up the discussion by observing that he thought that if the question of making further reforms after a period of training in councils with a large elected majority with standing advisory Committees is left to the decision of a Statutory Commission, and if the Commission approved the continuance of that question, they would be bound to obey its ruling. There was, therefore, a possibility that they might take no steps whatever towards the progressive realisation of responsible government unless they gave responsibility now. If they did not do so they might be perpetuating the vicious system of power without responsibility.

Lord Chelmsford then announced that on the following day heads of provinces would have an opportunity of consultation to see if they could put forward before himself and the Secretary of State any points of agreement or points of difference. Lord Chelmsford hoped that after long conference that day they would be able to make some valuable suggestions.

146. There were accordingly meetings on the 23rd and 25th. At the meeting of the heads of provinces on the 25th of January, which was their last meeting there were present, Lord Pentland, Lord Willingdon, Lord Ronaldshay, Sir James Meston; Sir Michael O'Dwyer, Sir Edward Gait, Sir Benjamin Robertson, Sir Archdale Earle, Mr. Carmichael, Sir Henry Wheeler, Sir Frank Sly. In sub-

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mitting their report they made it clear that it was not to be regarded as a spontaneous recommendation by the heads of Provinces that a date should be fixed then for the introduction of the first step towards responsible Government; many of them being emphatically of the contrary opinion, and it was only on the understanding that the Secretary of State if after considering all their objections still felt bound to require an immediate advance in the direction of responsible Government that they considered the form which the advance should take. On this basis they expressed their opinion that:

1. Upto the appointed date (which will be fixed by the statute, and which for present purposes is taken as about the time of expiry of the next Councils appointed after the present ones, or about 1922) preliminary action shall be taken on the lines agreed upon at yesterday's meeting; that is to say, there shall be no general constitutional changes made in the structure of the Legislative Councils, but non-official members shall be more closely associated in the work of Government by standing or other Committees and by other means. The opportunity of this preliminary period shall also be taken to establish a complete system of genuine local self-government; to ascertain by public discussion in the Councils the possibility of effecting territorial rearrangements, in cases where existing provinces do not coincide with linguistic or racial areas; to promote the Indianisation of the services; to extend and improve education throughout the country; and to prepare electoral rolls and to effect the substitution of direct for indirect election.

2. On the appointed date, a legislative assembly with a substantial elected majority and with the powers indicated in the memorandum of January 12, 1918 (paras 4-10), shall be instituted in each province except (see Note 3-7 infra).

3. On or at any time after the appointed date, but not later than 1928, the "B" subjects shall be made over to the Legislative Assembly in every province where it exists. At the same time a Legislative Council shall be constituted to deal with the "A" subjects, and shall consist of:—

- (a) a majority of nominated members and
- (b) delegates from the Legislative assembly.

4. Not later than 1932, a Statutory Commission shall examine the working of the system in the various provinces, and

advise what further subjects can be transferred from the "A" to the "B" schedule or, if special cause is shown, in the reverse direction.

5. Periodic enquiry shall be made, by statutory Commission or otherwise, into the retention of communal representation, the working of the franchise, the development of national education, of local self-government, of the Indianization of the public services, and the allocation of the financial burden of India as between different provinces.

6. Nothing in the above shall preclude the institution, at any time after 1922, of legislative assemblies in areas smaller than an existing province.

Note: (i) H. E. Lord Pentland dissents from the proposals.

(ii) Lord Ronaldshay's assent is subject to the reservation that the government of Bengal cannot accept the proposal made in para 9 of the memorandum of January 12, 1918, that the Legislative Council should have power to alter the budget as it pleased, subject to the Governor's right for special reasons of restoring his own proposals as regards any allotment for "A" subjects.

(iii) Sir Michael O'Dwyer's assent is subject to the reservation that at the end of para 2 above be inserted the words "the Punjab", and that a new paragraph be added as follows:—

7. In the Punjab, which is one of the provinces exempted in para 2, an enlarged council with a stronger elective element (but not an elective majority) based on a wider franchise shall be constituted from the 'appointed date', and shall through Standing Committees and in other ways be associated more closely with the working of the administration in all departments more particularly those relating to "B" subjects, as explained in para 22 of the Lieutenant Governor's memo, dated 10th January. Not later than 1928, control over the "B" subjects subject to the necessary safeguards shall be made over to the non-official element in the Council.

The further steps towards responsible government shall be decided upon after the examination of the working of the system by the Statutory Commission referred to in para 4.

147. These gentlemen would not agree to fix the date even for the introduction of the first step towards responsible government or

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in other words they do not agree to fix any date to commence a period of training towards responsible government. Lord Chelmsford and his Government had agreed that the training period may begin in 1922. These gentlemen would not have even that. They leave that too to be fixed by Statute afterwards, relying no doubt on themselves to put that off indefinitely. But, provisionally for the purpose of discussion as they say distinctly they take 1922 for the beginning of the training period. The programme till that date does not comprise anything which may be taken as a direct preparation even for responsible self-government.

This meant of course that there was to be no reform of any kind at all. They say that upto the year 1922 they were to establish local self-government. In 1882 Lord Ripon had asked them to do it. In 1909 Lord Morley had asked them to do it and upto this date they had scarcely done anything. The local Boards have been availed of only to increase taxation. They say that they would extend and improve education etc., an admission that for hundred and odd years they had not been doing anything. Then there may be a training period from 1922 to 1928 but no obligation as the starting date is to be fixed by statute, 1922 being taken only provisionally; no responsibility even then. Before 1932, a Statutory Commission to be appointed who may transfer subjects from A to B or B to A schedule and after that, periodical enquiries by Statutory Commission of various questions. Practically, it means that there is to be no reform. It is sad to read their report. It is incredible but for the fact that the report is there in black and white. There is no guarantee that at any time responsible government will be conferred, or that a preliminary period for education for it will be started. The report is proof of their bitter and unflinching determination not to yield an inch to Indian aspirations, and also of their will to make Montagu yield to them. They little knew that they were pronouncing their own doom and that they were writing their own epitaph. This Report was in the teeth of all Montagu's speeches, entreaties and passionate protests. His acceptance of it would mean that he was to go back baffled, humbled, an object of derision to all India, Englishmen as well as Indians, officials as well as non-officials. He would have no future. He knew that and had no difficulty to make up his mind not to pay

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any attention at all to that Report. (See page 215 to 220 I.D.) He came to lunch with me shortly after and told me that he would introduce dyarchy in all the provinces at once. This time Mr. Montagu found that there was nothing intransigent about me. "There was however, nothing about Nair which was intransigent; on the contrary, he accepted every compromise" (p. 187). "But that Roberts objected to every thing always" (p. 192).

148. Once, I knew the reforms and Dyarchy were to be introduced immediately and there was to be no probation period for six or twelve years I felt satisfied that I could continue as a Member of Government; otherwise, I was determined as I told them to resign from the Government and appeal to the country. A strong step was necessary as all the Indian political leaders, as the Indian Diary states, had given in on this point. The remaining questions formed matter for discussion. I doubt whether any person but Mr. Montagu with the influence of a Secretary of State, so enthusiastic, supported by the conditions of the time would have been able to do anything. Almost every Governor or Lieut. Governor, the Viceroy and members in Council were fighting him, and in very violent terms. On one occasion, he had to say "I told them that I was more depressed than I could say by what they had said; that I did not seem to talk the same language as they did, that I dare say they were right, but if they were right, then our policy was wrong, we need not discuss political reform any further. The announcement of August 20 was wrong; the Morley-Minto Reform Scheme was wrong, and India ought not to have any political institutions".

The franchise and the subjects to be transferred were to be referred to two Committees. The other questions relating to the Provincial Governments as well as the Government of India were considered by us and there was not the same acrimonious disputes as on those matters to which I have already referred. A report laying down the general principles and certain specific reforms were submitted by Mr. Montagu and Lord Chelmsford on the 2nd April 1918 published on the 8th July. In a separate statement we the members of Government expressed our general concurrence.

CHAPTER XIV

RECEPTION OF THE MONTFORD REPORT AND THE ALTERNATIVE SCHEME OF THE HEADS OF PROVINCES.

149. The Reforms Report submitted by the Secretary of State and the Viceroy to the House of Commons gives the reasons for reform, an analysis of the situation which indicates the limitations of the reforms, and states the principles to be followed, as well as the proposals of reform framed in accordance with those principles. I shall follow the same order.

The following are the main reasons for reform, that have been advanced in the Report :

(i) The growing political consciousness among the people of the country ; (ii) the incidents of the war (iii) the great difficulty, if not the practical impossibility, of initiating and carrying out any policy ; (iv) the breakdown of the political machinery. It will be noticed that there is no reference whatever to the Congress charge of misgovernment.

I shall explain these, as nearly as possible, in the words used in the report. The British government have created a limited intelligentsia who desire advance. Their desire to prove that their long period of tutelage may be ended and that they may take their place in the forefront of the world as a self governing part of the Empire is only natural. The spirit of liberty is stirring in Asia as in the rest of the world. British policy in India has been steadily directed to a point at which the question of self-governing India was bound to arise. Impulses in that direction have been encouraged by us. They have disclosed themselves in the constant opposition by the political leaders in recent years to Government measures ; in the ever-growing discontent with the existing laws and the system of administration ; in the great dissatisfaction with the slow progress in social and sectarian reform, as, for instance,

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in questions dealing with education and sanitation. The war has immeasurably accelerated the growth of impulses in the direction of a self-governing India. It has given India a new sense of self-esteem. She believes that she has proved herself worthy of future trust and of a more liberal form of Government. This claim has been strengthened by the speeches of English and American statesmen conceding to all nations, the right of self-determination and it is urged that Britain cannot deny to India that for which, she says, she is fighting in Europe. The Russian revolution also has given an impetus to Indian political aspirations. All this has resulted in the claim for Self-Government, the formation of the Home Rule League. It is extremely difficult, if not impossible, to initiate and carry out any policy under the present constitution of the Government in India which, in the report, is explained in detail. That, this is so, is generally admitted. The Report then points out that the proceedings in Councils are controlled by government. The government officials are not expected to ask questions or move resolutions. They accordingly dislike the position in which they find themselves and there is therefore, a conflict between their conscience and their discipline. The practical absence of Indian officials tends to stimulate the discussion of racial questions. The official solidarity stifles any difference that exists between Indian members and drives them to a League against government and makes the proceedings unreal. The debates accordingly lack life, and the gulf between the officials and non-officials is widening. The Councils are not in any need of the development of corporate opinion which would have the effect of raising the standard of individual performance.

It is desirable to draw attention to what is stated in the report on this point. "In nine years the Morley-Minto reforms have spent their utility. They are no longer acceptable to Indian opinion; and in the light of experience, official opinion also views them with a critical eye". "Parliamentary usages have been initiated and adopted in the Council up to the point where they cause the maximum of friction, but short of that point at which by having a real sanction behind them they begin to do good". "The Councils with their limited opportunities proved to be an insufficient safety-valve. While, therefore, inside the Councils

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there are signs of hardening opposition and the weariness which comes of sterile efforts, outside the Councils the tide of feeling was rising more quickly". "The Councils have done much better work than might appear to some of their critics. But, they have ceased to satisfy Indian opinion, and their continuance can only lead to a further cleavage between the Indian members and the Government and a further cultivation of criticism unchecked by responsibility". "This growing discontent, the widening gulf between officials and non-officials due to the present constitution, imperatively demands the reform of the Councils. Reform is therefore indispensable".

150. The report proceeds to state the conditions of the problem, limiting the scope of reforms. The government, though alien and bureaucratic, are impartial. They commit comparatively few mistakes. They have conferred peace and prosperity upon a willing, submissive and grateful people. They deserve and enjoy the great confidence of the various classes and communities of India who are mistrustful of one another. Those who now desire any reform, form only a microscopic minority. Their aspirations are legitimate and ought to be satisfied and though the government have been always solicitous of associating such educated Indians with themselves, they have been unable to do so to any material extent, mainly because the latter are not in sympathy with the masses whose interests will suffer at their hands. Nor are the latter competent to deal with great political issues and industrial problems or to deal with those questions arising out of religious and caste disputes. The government are, therefore, apprehensive that the machinery of administration, perfect in all its parts, may fall into pieces in the hands of immature Indian politicians.

151. This Report has been hailed as a great and splendid production, and for an official report, issued by the Secretary of State for India and by the Viceroy of India - commended alike by the members of the government of India and by the Members of the Council of the Secretary of State - it is a remarkable production. The report is said to have been widely circulated not only in England but also in all the English speaking Dominions. Yet, as a picture of the India of 1918 it is absolutely misleading. It takes no account, whatever of the Indian National Congress which has

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been going on for more than 30 years. In fact, it refers to it only in connection with the scheme of Reforms which it put forward. Chapter VII of the Report gives reasons for rejecting that scheme. But nowhere does that chapter or the rest of the report deal with the reasons for the Congress-League scheme. Those reasons are to be found not only in the series of the annual reports issued from the opening of the Congress in 1885 to the last Congress held in the year 1917 before the official report was issued, but also in many of the addresses presented to the Secretary of State and to the Viceroy in India, notably in the two addresses, one of which has been given in full above, i.e., the address of the Bombay Presidency Association and the other of which an abstract is given. Perhaps as the representatives of the British Empire, it was not open to them to put forward those features of the government of India which imperatively required a change in its structure by a considerable Indian infusion. Over and over again, it was represented to them that the insistent demands for reform were due to the material grievances which they suffered on account of misgovernment and subordination of the interests of India to those of England and the exploitation of India's resources. There is not a trace of all this in the Report. To an Englishman, therefore, the Report is very satisfactory as it sets out the greatest achievement of his race, but to an Indian politician or patriot, it is very unsatisfactory, as it failed to record the various grievances from which the country was suffering, which I have already briefly set out, and which form the real justification and which proved the necessity of transferring the real government of the country into Indian hands. An opportunity was soon afforded to me of pointing out this omission.

152. The Government of India submitted along with their report on the 5th March 1919, the memorandum of Sir Michael O'Dwyer dated 10th of January 1918, in which he had strongly and violently attacked the educated natives of the country and the proposals for reform on the ground that the British Government have been governing the country in the interests of the masses who are now happy under them and any reforms as contemplated would be prejudicial to their interests. It was unnecessary to submit this report which was written before the Montagu-Chelmsford Report.

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The draft of the Despatch of the Government of India also contained similar observations - since eliminated. I felt bound to meet the challenge. I replied that the Civil Service, as constituted, was unfitted for the task of governing the country. I also pointed out the fact to which I have already referred, that in the interests of peace, order, and good government and in the interests of the masses the entire system has to be changed giving my reasons for the same. And, in order to show that it is not the Englishmen who work for the amelioration of the masses in various matters, but the Indian leaders, I gave the details of Gandhi's action in Champaran in Bihar and Orissa and Kaira in the Bombay Presidency. In India's opinion this was the real reason and justification for substantial reforms, a reason which the authors of the Report failed, as pointed out above, to put forward. I took advantage of the opportunity furnished by Sir Michael O'Dwyer's memorandum and the original draft of the despatch of the Government of India to point this out.

153. My reply was generally appreciated. The leading Anglo-Indian commercial paper the 'Capital', 30th May 1919 writes thus about my reply and Sir Michael's memorandum.

"I have not the space to extract the whole of Sir Sankaran Nair's argument, but every serious politician should study it carefully. It is brilliant and convincing and proves that both in dialectics and ethics he towers head and shoulders above his colleagues in the Viceroy's Council. Perhaps that is the reason he has resigned.

"At the end of the despatch of the Government of India, it is written "our colleague, Sir Sankaran Nair, has recorded a note of dissent, which we attach. Time is important and we have not discussed his arguments, although it will be clear that we have fully considered and rejected them". I have never read more pitiful bunkum. There is not in the whole despatch a scintilla of evidence that Sir Sankaran Nair's arguments were considered or even understood. On the contrary, there is overwhelming evidence that the Cabinet decided that their only safety lay in never-minding him.

"Sir Sankaran Nair has been under a cloud for some time past. Even those who believed in him before his appointment as Member for Education had come round to the idea that he was content to proceed on the line of the least resistance because of the hope-

lessness of his isolation. I was told in a confidential whisper only last year that none came to a meeting of the Executive Council with so little information and knowledge. His minute of dissent creates a change in the spirit of the dream. It confirms Lord Carmichael's opinion that he possesses a highly trained and robust intelligence, and a heart that fears neither man nor beast. By his outspoken indictment of the Bureaucracy he has done an inestimable service to his country and the Empire.

“Sir Michael O'Dwyer's reign in the Punjab is over, and Sir Edward Maclagan has ascended the uneasy gadi. *De mortuis nil nisi bonum*, and I would gladly preserve silence where I cannot praise, but Sir Michael has written his own epitaph with a reckless disregard of posthumous reputation which stamps him for what he is, an iconoclast who can do no more than break cheap plaster casts of our immortal Gods.”

The epitaph aforesaid occurs at the end of an extraordinary memorandum on the question of constitutional reforms which he submitted to the Government of India on 10th January 1918. It is included in the Blue book I have discussed in the preceding paragraphs. It runs thus —

“I am opposed for the present :

(1) to the grant of an elective majority in the councils, because at present—and for a long time to come—we have nothing approaching a representative electorate ;

(2) to the grant to the Councils of control over the budget, as a whole beyond what has already been proposed by this government—because the Councils are not and for a long time to come will not be representative of the rural masses, which provide perhaps 90 per cent of the revenues and should have a predominant voice in deciding on the expenditure ;

(3) to the grant to the Councils of general control of the administration because they are neither truly representative of the masses, nor are they yet qualified by experience for such a responsibility.”

When the next generation reads this charter of bureaucratic hauteur, and is told that the author was a professed Irish Catholic and Home Ruler, it will dismiss the matter as the grim joke of a disappointed expatriate, whose itch for paradox was not equalled

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by his power and ingenuity of expression; but for me, it is sad to see how a long course of autocratic isolation has dulled that quality for which denationalised Irishmen are remarkable, namely, disinterested criticism informed, with sympathy, for the underdog.

Let me quote again from Sir Michael

“Throughout we have to keep before us the solid interests of the masses of the people. They have not spoken yet. Till, they are in a position to speak, i. e., after they have acquired such modicum of political intelligence and acumen as will enable them to understand the broad issues, and till they know what they want and by what measures they propose to get it, we are not, in my humble opinion, entitled to commit ourselves to far-reaching and irrevocable political changes *in order to silence the clamour of the advanced politicians of whom some are out for their own personal interests, others desire to make British rule impossible while those, and they are not few, whose aims are honest and loyal, are still generally lacking in political experience, and in the right to speak for the masses.*”

The italics are mine. A die-hard hack could not have done worse. The only way to deal with a bureaucrat like this, is to follow the example of Tom Kettle, the most brilliant of the Young Irelanders, who ridiculed Kipling, the Punjab *Jingo par excellence*, for trying to put the sunrise out with “a bucketful of Boyne”. Kettle died for liberty in the shell-torn trenches in France.

154. I now proceed to refer to the proposals for reform in the Montagu-Chelmsford Report. The authors of the report pointed out that the policy announced in August 1917, means the gradual transfer of control from Parliament to Legislatures in India and gradual replacement of the nominated government by the government of representative Indians. The main proposal in the Report is, that this change shall be effected by a process of dividing the functions of government into two classes, one of which may be referred to as A class which will be under the control of the Governor and the members of the Executive Council, half of whom will be Indians; the other may be referred to as the B class which will be under the control of the Legislative Council, the great majority of whom will be elected members and Ministers amenable to them, and that the future progress shall be by

transfer of further portions of the field of administration from one authority to the other, after regular survey of existing conditions by a commission periodically appointed by Parliament. These are the essentials of the scheme to which the name "dyarchy" has come to be applied by usage. This scheme was first propounded by Mr. Lionel Curtis who communicated his views to us in May 1916, before the Government of India submitted their first Report in November 1916. Sir George Lowndes and myself accepted the principle, but the majority of the government were against, and accordingly it was dropped. At that time, there was no question that the Indians were to have any (responsible) government; but when the announcement of August 1917 required a scheme of Responsible Government, Mr. Montagu and Lord Chelmsford took it up. According to the scheme of Dyarchy, put forward in the Montagu-Chelmsford Report, the Minister and Legislative Council in charge of the "B" class, which are called the transferred subjects, may exercise considerable influence in the administration of the "A" class called the reserved subjects, as the entire body consisting of the Executive Council and the Ministers form one United Government deliberating jointly in all important matters, though the decisions are to be taken only by the Executive authorities in each Department. Communal electorates and communal representation were allowed to the Moslems as agreed upon at Lucknow, between them and the Hindus in the Congress-Muslem League Joint Scheme. It was also allowed to the Sikhs and denied to the other communities in India.

155. The proposals make it obligatory on the Governor of a Province to select a Minister or Ministers from among the elected members of Legislative Council, the said Minister or Ministers to have charge of the transferred subjects, their term to extend only till the expiry of the life of the Legislative Council by afflux of time or by dissolution. The reserved subjects are to be under the control of an Executive Council. Half the number will be Indians. The Provincial revenues will be estimated in joint discussions of the Ministers and the Executive Council members. After setting apart the contribution to the Government of India the proposed allotments for the reserved subjects will be scrutinised and examined. The rest will be set apart at the disposal of the

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Ministers. If such residue is not sufficient, it is open to the Ministers to suggest extra-taxation. Such taxation proposals would be presented to the Legislative Council only with the approval of the Ministers. The Governor has power to summon either part of the Government to deliberate with him separately. There will be Advisory Standing Committees of the elected members of the Legislative Council who would be entitled to scrutinise the proposals for substantial expenditure and of making themselves familiar with departmental needs. They may record their opinion upon all questions of policy, all new schemes involving expenditure and all annual reports upon the working of departments. They may move a resolution in the Legislative Council if their opinions are not accepted. The resolution of a Provincial Legislative Council on the budget will be binding on the Government. If a member of the Legislative Council wishes the Government to take action in a particular direction it will often be open to him to bring in a Bill to effect his purpose. The Legislative Council will have the right to discuss the whole budget and vote by resolutions upon the allotments on transferred as well as reserved subjects. The budget will be accordingly altered subject to the right of the Governor to restore it if it is essential to the discharge of his responsibility for the peace or tranquility of the province or any part thereof, or for the discharge of his responsibility for the reserved subjects. The result practically will be an effective control for all practical purposes of nearly the whole of the Provincial finance even under dyarchy. The report states we are making over certain functions to popular control and in respect of these, and there will be an increasing number of Commissioners, Magistrates, Doctors and Engineers to carry out the policy of Indian Ministers. This scheme of Provincial Government is superior to the Congress League scheme in its conception and design, as it introduces responsibility at once.

156. Though the underlying basis of the Congress-League scheme has been departed from, the following demands of the Congress, as pointed out in a memorandum on these reform proposals, have been granted.

- (1) Council form of Executive Government in all the provinces,
- (2) Increase in the number of Indians in the Executive Government

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where such form already exists and provision for Indian Executive Councillors being appointed where it comes into existence, (3) Legislative Councils to be enlarged, (4) Substantial elected majority in such Councils, (5) District election, as far as possible, on a territorial basis, (6) Franchise to be as broad as possible, (7) Retention of separate electorates for Mahommedans (This has been conceded in all the provinces except in a province where Mahomedans are in a majority), (8) Where they have separate electorates, Mahomedans should not participate in general electorates, (9) Complete separation of Imperial and Provincial revenues, (10) Abolition of divided heads, (11) Fixed contributions by the Provincial Governments to the Government of India to meet the resultant deficit of the latter, (12) Complete separation of the central and provincial budgets, (13) Financial independence to the provinces with powers of borrowing and taxation, within well-defined limits, for provincial purposes, (14) Legislative independence to the provinces so as not to trench on the sphere of the Government of India, (15) Administrative independence to the Provincial Governments coeval and co-extensive with popular control, (16) Power to the Legislative Council to alter the whole budget in accordance with the resolutions it may carry, (This has been conceded in the case of Provincial Legislative Councils, except only in so far as to certificated allotment on a reserved subject). (17) Legislative Councils to have power to modify the present rules and make their own rules of business, (This naturally includes power to modify the present rules of business, with the sanction, of course, of the Governor, so as to provide that the Councils be summoned at stated intervals and that a motion for adjournment be allowed to be brought forward for the discussion of a definite matter of urgent public importance, if supported by a certain proportion of the members), (18) Increased power of interpellation by supplementary questions by any member being allowed, (19) Complete popular control as far as possible, in local bodies and the largest independence for them from outside control, (20) Development of the Panchayat system in villages, (21) Progressive Indianisation of the higher grades of every service by recruitment in India, exclusive recruitment in England to be no longer in force, (22) The salary of the Secretary of State to be placed on the British Estimates,

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(23) The Indian tax-payer to be relieved of a part of the other costs of the India Office, (24) The control of Parliament and the Secretary of State to be relaxed and modified in respect of all matters in which responsibility is entrusted to representative bodies in India, (25) Periodical Parliamentary Commissions of Inquiry—an old demand of the Congress leaders, (26) A Select Committee of the House of Commons on India affairs—a proposal first made by Sir William Wedderburn and pressed by the Indian witnesses before the Welby Commission.

The above is from the memorandum of Sir Dinsha Wacha, Sir Narayana Chandvarkar and others on the Montagu-Chelmsford Report.

157. So far, I have been referring to the Provincial Governments. Next, as to the Government of India, almost everybody was agreed that responsibility should not be introduced into the Government of India at that stage. In the discussions, therefore, I did not adopt the same attitude as while discussing the question of the Provincial Legislative Councils. The proposals made with referenee to the Government of India are as follows :

The changes in the structure of the Government of India, both in its executive and legislative aspects, are in some respects, an improvment on present conditions. The present Statutory restrictions, in respect of the appointment of members of the Governor General's Executive Council, are proposed to be abolished. The Indian element in that Council is proposed to be increased by the appointment of another Indian member as soon as may be. Passing on from the Executive Council to the Legislative Assembly, an advance is proposed, both as to increasing its total strength as to securing in it, an elective majority. Besides this, there will be a one-third nominated element, out of which not more than one-third will be officials. This is a great advance. To this "Legislative Assembly of India" is to be super added a Second Chamber proposed to be called the "Council of State" The clected element thererin is an improvement on the meagre proportion of the elected element in the present Imperial Legislative Council. Under the reform proposals, joint sessions of the two bodies are contemplated under certain contingencies. On such occasions, the elected members will form the majority. The

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Legislative Assembly of India, with its enlarged and two-thirds elective composition will doubtless be in a much better position than the present Imperial Legislative Council, to exercise influence and have its voice respected in matters of legislation and administration. The right of interpellation also is proposed to be extended by allowing any member to ask supplementary questions; and the power to the legislature to modify, subject to the sanction, of course, of the Governor General, the rules governing the procedure for the transaction of its business is also proposed to be given.

158. While the opponents of Reform attacked the proposals, on the ground that they are incompatible with the problems set out in part I of the Report itself, the Congress party led by Mrs. Besant attacked them on the other side on the ground that these reforms do not meet the requirements of the situation, as they would not lead to an amelioration of the conditions in India or enable the Indians to carry out those reforms which were necessary in Indian interests. The left wing of the Congress party accordingly denounced the proposals as unworthy of England to offer and unworthy of India to accept. The moderate section of the Congress party, however, welcomed the proposals, and Sir Surendranath Banerjee, on their behalf, moved a resolution in the Imperial Legislative Council accepting the same. They were right in their view that the reforms recommended were substantial and bound to lead to further reforms. None of the reforms till that time had, as their object, Responsible or Home Rule Government. These reforms rendered it inevitable that the Civil Service of the Bureaucracy ceased to be the governing body.

159. This report was referred to all the heads of provinces for their opinions. Their replies were received and considered by the Government of India. They were all summoned to Delhi and at a Conference therein held, they framed their constructive proposals to take the place of the Montagu-Chelmsford recommendations. Generally speaking, the majority proposed a Government in the Provinces consisting of a Governor with an Executive Council, composed of an equal number of official and non-official members to be selected by the Governor from among the elected (but in the Punjab from both the elected and the nominated) members of the legislature. There would be no division of

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functions in the Government into two categories and the Governor would be free to allot at his discretion, any portfolio to any member of his Council. The legislature proposed would have a substantial elected majority and for the purpose of enabling the Government to secure the legislation which it wanted, the majority minute accepted the procedure by certificate and Grand Committee proposed in the Report, with certain modifications designed to give the Executive a free hand. In the matter of supply the majority minute proposes that the legislature should vote the budget but the Governor should have power to restore the original provision in certain circumstances.

CHAPTER XV

THE GOVERNMENT OF INDIA ACT PASSED

160. The Government of India, rejected this scheme and submitted their report on the 5th March 1919. In submitting their report the Government of India dissented from many of the proposals made by the Montagu-Chelmsford Report. They submitted their opinions on the Franchise Committee report, and also on the report of the Committee for the transfer of subjects to the control of Legislative Council and the Ministers. I submitted a minute of dissent generally agreeing with the Montagu-Chelmsford Report, where the Government of India differed from it. In opposition to the Montagu-Chelmsford Report, the Government recommended that the Budget should be settled finally by the Executive Government only, and if necessary even without the consent of the Ministers acting under the popular assembly. I strongly dissented from this view. There was the franchise question discussed after Mr. Montagu went away. The committee appointed by him included Surendranath Banerjee, Srinivasa Sastri and Aftab Ahmed. Their Report was considered by the Government of India as very unsatisfactory. The franchise was not wide enough and its constituencies were very unsatisfactory, but we had to practically accept them. The Hindus and the Muhammedans came to an agreement among themselves as to their respective claims. The Government, however, in their report wanted to upset that agreement in order to favour the Muslims. I was unable to agree.

The Government of India almost nullified the Reforms by agreeing to transfer only local Self Government. They refused to transfer Education, Industries and Health Departments etc., to Indian control. Here also, I strongly dissented. In addition to these, I wanted certain further Reforms in favour of Indians.

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The Franchise Committee did not give votes to women, only Mr. Hogg was for removing the sex disqualification. The Government of India accepted their recommendation. I dissented and my dissent was partially accepted by the Parliamentary Committee, following whose advice, the Parliament decided to give power to the Provincial Governments to remove sex disqualification. There was then the very important question of the Grand Commission. Both the Montagu-Chelmsford Report and the Government of India Report, recommended Grand Committees in the Provinces, to enable the Governor to pass any laws, he might want, over the Legislative Councils, the majority of the Grand Committee being officials and nominated members. I strongly dissented and maintained that the Governor may have the power of veto which should be sufficient. My main reason was that the Grand Committee, disallowing the measures passed by the Council and passing measures in spite of them, would become the normal course, emasculating the Legislative Councils altogether, while the Governor's power of veto would only be rarely exercised and would eventually fall into disuse. The Report of the Government of India was referred to a Joint Select Committee of Parliament. On all these questions, evidence was taken by the Committee and that evidence strongly supported my dissent, and the committee accordingly accepted those views.

16I. As a direct consequence of the Reforms, there were more Indian Members added to the Viceroy's Executive Council. This was a very important change. After all, the Executive power continues in India to be more important than either the Judicial or the Legislative. When I joined it, there was only one member, myself. My dissenting minute persuaded Chamberlain to give us two. My final dissenting minute on the Government of India despatch asked for three and this was accepted by the committee. In 1915, there was only one Indian member in the Executive Councils in the Provinces. We were unanimous in the first despatch in November 1916 in asking that the number be increased to two, so that there may be as many Indians as Englishmen in the Executive Councils. In addition to this, there are now three ministers in full charge of the transferred subjects with at least full powers, if not greater than the members, and with equal pay, so

that so far as Executive Control is concerned the Indians are more powerful than the Civil service.

About the other Services, Montagu discussed the question with my colleagues and came to a general agreement. This also was a great advantage as they yielded to him more than what they would have yielded to any Indian agitation.

Of course, the most important of the services was the Indian Civil Service. In India, while Montagu was here, it was agreed that half the recruitment should be in India and other half in England. But after going to England he agreed to the recruitment being reduced to half number, being Indians; including those recruited in England by competition. Even this is I think, a very good proportion. As to the Finance Department, I remember Sir William Meyer, the Finance Member, asking me whether I would agree to smaller number of appointments being reserved for non-civilian Englishmen. I sought the advice of Sir Bupendra Mitter who held High Office then in the Finance department, afterwards a member of Government and High Commissioner for India in London, who advised me that the Civilians are 'such damned clever fellows, that it would be difficult to prove our superiority to them.' While our superiority to non-civilian Englishmen will be easily accepted in a few years time, and the whole department will fall into our hands. I had better therefore accept the offer to reserve a larger number of seats for non-civilians in view of the ultimate gain to us.

162. The bureaucracy was thus fighting every inch of ground, though in the meantime the Prime Minister of England was begging for assistance. On the 4th of April, the Viceroy received the following telegram from the Prime Minister.

"Although it is early for the final result of the present battle to be estimated, it is quite clear already that manpower is the fundamental problem for the Allies' consideration. Unless in this battle the enemy succeeds in effecting his full purpose, the prevention of which we have full hopes of, he will certainly refit as rapidly as possible in the hope of another blow being struck at us before we are prepared to meet it. In this battle, he has proved his capacity to drive in the western front. Consequently, on our ability to refit our armies, as fast as we can, depends the future

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course of the war and it is likely that in May, June and July will come the difficult time. We shall have to draw upon all our available resources in order to do this. The area of war is, at the same time, spreading steadily towards the East. Therefore, it may be necessary for India to deal with emergencies which arise in that theatre without our being able to reinforce it from the West. I know that recruiting in India, has lately been exceptionally good, and no doubt is entertained by me, that India will be awakened by this new effort on the Germans' part to tyrannise over the world to realise more clearly the dangers by which she is menaced. Accordingly, I think that this opportunity should be taken by you to do all in your power for the Indian establishment for war to be increased, not only in respect of troops but of military equipment of all kinds and railway material. As soon as you possibly can, please let me know what you consider is possible in this direction".

163. We, the Government of India, accordingly held a meeting on the 27th and 29th April to which we invited representatives from all India. Gandhi was amongst them. Gandhi interviewed the Viceroy, enquired how they were to go on with recruitment when a secret treaty between England and Russia was published in the papers, dividing Turkey among the allies. Chelmsford told him to remember that this treaty was published by an enemy government. We begged Gandhi to go on with all efforts to win the war. This appeared to me to be a bit disingenous as we had no doubt, as to the genuineness of the treaty itself. Gandhi relying on what Chelmsford said, converted himself into a recruiting sergeant for the war, and his speeches in the Bombay Presidency were published and circulated in the Punjab.

This statement by Chelmsford was rather unfortunate. England seems to have acted against Turkey, not only during the war but even after that. Mr. Churchill does not speak out of his own knowledge. He does not refer to the source of his information. A naval officer who was on one of the English warships told me that the Greek troops landed under the protection of English guns to attack the Turks. He could not understand why the Turks were attacked. When I mentioned this fact to Mr. Montagu, he told us at a meeting of the Council, that at his request

a search was made for the records about the landing of the Greek troops, but all the records were missing. He evidently did not believe it himself. Lord Curzon's action at Constantinople and Lloyd George's reply to Mahommad Ali, show the inimical attitude of England to the Turks at that time.

164. Mr. Montagu had now to make Lord Curzon accept the Reforms as finally recommended by the Joint Parliamentary Committee. Lord Curzon was the last hope of the diehards. Of the outstanding figures connected with these reforms, the first is Mr. Montagu. The diehards consoled themselves with the reflection that he was hasty, ill-informed and not statesman-like. The next is Lord Chelmsford and the Government of India, who according to them, were bullied by Mr. Montagu into signing the Report. I have already pointed out that far from being bullied, it was they who bullied Mr. Montagu into abandoning his own views and they would have entirely succeeded but for my 'vile' temper. But, they felt confident that they could entirely rely upon the capacity and experience of Lord Curzon into destroying or attenuating the Reforms, and they had good reason for their hopes. What was the position of Lord Curzon? He had reversed the Local Self-Government policy of Lord Ripon and made the official President of the Corporation really the Corporation itself, and the local Councils only his advisory bodies. He had refused to separate Judicial and Executive functions and perpetuated this system which made the Executive Officer also the Judicial authority. He took great pride in his land revenue policy which made all land, the private property of the Executive Government and denied all private property except in those few localities where the Government had granted it to any individuals. His educational policy was entirely against Indian educated opinion. Now, the reforms contemplated were fatal to him in all these respects. He must have known that all his pet and cherished schemes would be got rid off, and his policy on all these questions would be set aside, and every thing that he fought against, would be re-established. The diehards, therefore, had good reasons to hope that he would not agree to them. Again, he had fought strenuously against the independence of the Madras and Bombay Governments, and against Governments composed of

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Executive Councils, and pressed the Secretary of State to reduce them to the level of the other provincial Governments. This provincial autonomy foreshadowed and recommended, would far from carrying out his anticipation, that his policy would be carried out later, would do exactly the reverse, by elevating all the provinces to the rank of Governor's provinces. He had strenuously insisted that the governing class i.e., the Indian Civil Service should consist mainly if not wholly of Englishmen, but under the reforms proposed the Civil Service would cease to be the governing class, and half the posts in the Service were within 20 years to consist of Indians. He had insisted, times without number, that what India wants is efficient Government, and not Parliamentary Responsible Government. But, these Reforms substituted Parliamentary Responsible Government for efficient Government. It was known that he intensely disliked the Montagu-Chelmsford Report. He had assured those who had interviewed him, like Sir Reginald Craddock, not to be apprehensive of the results, as the reforms would be finally settled only by the Cabinet and not by Mr. Montagu. In these circumstances, they had scarcely any doubt that Lord Curzon would not agree to them, in which case it was hardly likely that these reforms would be accepted by the Cabinet and by Parliament. Yet to their surprise and amazement Lord Curzon accepted them.

Even, Lord Morley once asked the question, "How did he (Montagu) make Curzon swallow all this?" The reason of his final acceptance of the Parliamentary report was according to himself this: Mr. Montagu requested Lord Curzon himself to nominate such members of the Committee as he wanted. When finally the Joint Parliamentary Committee submitted a unanimous Report, Lord Curzon told Mr. Montagu that he, Mr. Montagu had scored, as all the members of the Committee whom he himself had nominated had accepted this scheme and he did not, therefore, think it right on his part to attack it, and he must accept it. I doubt whether he spoke the truth.

A Bill was introduced into Parliament, and passed as the Government of India Act 1919. Lord Curzon himself piloted it through the House of Lords. This Act he must have realised would be the doom of his Indian work on which he prided himself.

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The only part of his work that remained was the bitter racial animosity between the Bengal Hindus and Mahommedans, and the undying hostility of the Bengalee Hindus towards Great Britain. Reading the story of his life, one's memory goes back to the ancient Greek tragedies. Relentlessly and remorselessly Lord Curzon's Indian *karma* pursued him. He co-operated to undo all his work. His opposition would have scotched if not killed the Bill. He, a veritable King of Kings in India, was not merely in name but in truth a Secretary under a *commoner*, Lloyd George who, whenever he wanted it, took action over his head, and he submitted to it. All this time, he was undergoing physical torture and all this for the sake of becoming the Prime Minister of England. Yet, when he came near it, it eluded him. The King Emperor, the Head of the Crown of the Aristocracy, preferred to this aristocrat of aristocrats, one of tried-extraordinary-capacity, a commoner till then unknown to fame, to fill the post. A humiliation so bitter to aristocratic pride can scarcely be conceived. No wonder, after such disappointment and humiliation, he broke down more than once before His Majesty. He was the man who did not like to see an Indian, a member of the governing service in his own country.

I believe, he allowed himself to be humiliated thus, by Lloyd George, to become the Prime Minister. If he had refused to support Montagu, he would have had to resign, as Lloyd George would have supported Mr. Montagu. He would then have lost his chance of the Premiership. For that, he swallowed the bitter pill of the Indian Reform Statute, but in vain.

165. The reception of the Reform Statute in India was varied. In the Congress, i. e. the left wing of Indian politics, itself, there was a good deal of difference. The following resolution of the Indian National Congress held at Amritsar in the closing days of December 1919 and the 1st of January 1920 shows the sharp conflict even in such an extreme body. The following is resolution No. XIV.

(a) That this Congress reiterates its declaration of last year that India is fit for full Responsible Government, and repudiates all assumptions and assertions to the contrary, wherever made.

(b) That, this Congress adheres to the resolutions passed at the Delhi Congress, regarding Constitutional Reform, and is of

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opinion that the Reforms Act is inadequate, unsatisfactory and disappointing.

(c) That this Congress further urges that Parliament should take early steps to establish full Responsible Government in India in accordance with the principle of self-determination.

Proposed by Mr. C. R. Das	(Bengal)
Seconded by Mr. B. G. Tilak	(Bombay)
Supported by Mr. S. Satyamurthi	(Madras)
Mr. Hasrat Mohani	(United Provinces)
Pandit Rambhau Datt Choudhry	(Punjab)
Mr. Chandra Bansi Sahai	(Behar)

Mr. M. K. Gandhi, of Bombay, then proposed the following amendment:

(a) Omit the words "and disappointing" from Clause (b) and add the word "and" before "unsatisfactory".

(b) Add the following clause after clause (c):

"Pending such introduction, this Congress begs loyally to respond to the sentiments expressed in the Royal Proclamation namely, 'let it (the New Era) begin with a common determination among, my people and my officers to work together for a common purpose, and trust that both the authorities and the people will co-operate so to work the Reforms as to secure the early establishment of full Responsible Government, and this Congress offers its warmest thanks to the Right Hon. E. S. Montagu for his labours in connection with them."

Seconded by Mr. M. A. Jinnah	(Bombay)
Supported by Mr. C. S. Ranga Iyer	(United Provinces)
Mr. B. Pattabhi Sitaramayya	(Andhra)
The Hon. Pandit Madan Mohan Malaviya	(United Provinces)

Mrs. Besant then proposed the following amendment to the above resolution :

"That this Congress welcomes the Reforms Act as opening the gateway of freedom to the Indian Nation and as giving her the power to walk on her own feet along the road to Responsible Government, thus forming the first substantial stage on that road; and it earnestly begs the people to take the utmost advantage of its provisions, so as to reach the goal in the shortest possible time. It places also on record its gratitude to Mr. Montagu and Lord

Sinha for their strenuous work against the greatest difficulties, both in India and in Great Britain.”

Seconded by Mr. S. R. Bomanji (Bombay)

Supported by Mr. P. K. Telang (Bombay)

Mr. Bepin Chandra Pal moved the third amendment, which ran as follows :

“The Congress in the meanwhile recommends that the provisions of the Reform Act be used as far as possible with a view to secure full responsible government at an early date and it desires to record its thanks to Mr. Montagu for his labours in connection with the Reform.”

Seconded by Mr. Mohammed Ali (Punjab)

Supported by Mr. T. Prakasam (Andhra)

Mrs. Besant's and Bepin Chandra Pal's amendments were put to the vote and lost.

A compromise was then arrived at under which it was decided to retain the words “disappointing” in clause (b) in the original motion and to add the following clause as clause (d) to the proposition:-

“Pending such introduction this Congress trusts that so far as may be possible, the people will so work the reforms as to secure an early establishment of full responsible government, and this Congress offers its thanks to the Rt. Hon. E. S. Montagu for his labours in connection with the Reforms.”

The following resolution as amended by the compromise was then passed by an overwhelming majority:-

(a) That this Congress reiterates its declaration of last year that India is fit for full Responsible Government and repudiates all assumptions and assertions to the contrary wherever made.

(b) That this Congress adheres to the resolution passed at the Delhi Congress regarding Constitutional Reforms and is of opinion that the Reforms Act is inadequate, unsatisfactory and disappointing.

(c) That this Congress further urges that Parliament should take early steps to establish full responsible Government in India in accordance with the principle of self-determination.

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(d) Pending such introduction this Congress trusts that so far as may be possible the people will so work the Reforms as to secure an early establishment of full responsible government, and this Congress offers its thanks to the Right Honourable E. S. Montagu for his labours in connection with the Reforms.

At the same time, a Conference was held by the moderates at Calcutta. A resolution moved by Mr. Surendranath Banerjee was passed accepting the Government of India Act of 1919 as a definite and substantial step towards the progressive realisation of responsible self-government. He bitterly attacked that section of the Congress which repudiated it and deprecated agitation at the start of the new Reforms. A new title "The National Liberal Foundation India" was adopted. This practically finished my work in India so far as the Reforms were concerned.

166. If I had agreed with my colleagues in 1916 or if another had been in my place, it is possible my colleagues might have agreed to give us, something more than what is in the Report of 1916. As I have said already, I considered the matter carefully before I submitted my dissent.

Any Reforms then granted would have of course fallen short of Montagu's Reforms. Also if another Indian had been in my place in 1919, a probation period of six years with a promise of responsible government afterwards might have resulted. Further, without me these Reforms proposals might not have been carried through. Mr Montagu would not have been able to bring them into operation at once, or even to carry out the important measures through the Parliament without my minute. For, when he carried certain measures, which I had not put forward, by a majority in the Parliamentary committee, Lord Selborne, the President, threatened that their Report would not be treated as an agreed measure. He would not let the Committee go beyond my dissent.

CHAPTER XVI

MISCELLANEOUS ITEMS ; ADMISSION OF INDIANS INTO ARMY AND SCOUT MOVEMENT

167. Before dismissing Montagu and his Diary, I would refer to two statements made therein. An order came from the Government in England to fix a day for prayer for success in War. I told my Secretary, Sir Edward Maclagan that I had no faith in this, asking God to take part in politics, to murder Germans to assist the Allies, and that I wished Lord Chelmsford himself took charge of the Ecclesiastical Department. With my consent, after speaking to me about it, he took charge of the Department. Within a few days, I met at dinner the Roman Catholic Archbishop, who assured me that he would far prefer a cultured Indian to a fanatical Protestant like Lord Chelmsford, whom he treated just as the Roman Catholic Archbishop of Dublin was treating the Viceroy of Ireland,—he did not sign his name in the Visitors' Book and would not recognise him in the street. I repeated this to Lord Chelmsford who was very much upset at it. Shortly after, he told me that the Archbishop must have been influenced by the fact that an ancestor of Chelmsford voted against a statute removing some Roman Catholic disability.

In fact, the war fever was consuming every Anglo-Indian. A clergyman on the Ecclesiastical establishment in India - at that time I was the Head of it—told me at the Viceregal Lodge that every German, man, woman, or child should be killed. The following is the description by an Englishwoman of an average Englishman.

“It would be a delicate, and indeed probably a dangerous task to try and find out exactly what is George's idea of God. Our own impression is that the average man believes God to be an Englishman, a staunch Conservative, and a member of the Church of England. George, by a process, more or less incompre-

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hensible to anybody else, can combine this conviction with his assertion that God is a just God. And, in George's opinion, God is, always has been, and always will be, on the side of the English. So much for the personal relations existing between the average man and his Maker"*

168. I refer to another incident which is very trivial, but I am referring to it as Montagu has mutilated it. I requested Mr. Basu to get me Bengali Sweets when I was giving a dinner to Chelmsford, not Hardinge. Basu telegraphed to Calcutta for them, but they did not arrive. On enquiry, we heard, that the message was not delivered by the telegraph authorities, as the Bengali word for sweets was used by the Revolutionaries for bombs. I mentioned it to Lord Chelmsford who passed it on to Montagu at a lunch or dinner in my presence.

169. Having now finished what I have to write about the Reforms, I will say a few words about my colleagues. I often found on various questions that the Civilians took a stern view and the others, myself, Sir George Lowndes, and Sir George Barnes, took a lenient view. This I suppose must have been due to different environment and culture. It was particularly observable in dealing with our relations with the Foreign Rulers like Afghanistan or Persia, or even with Native States. The same tendency was visible in dealing with cases of Indian emigrants. We were generally in favour of Indian emigrants and labourers, and the Civilians in favour of employers. There was an amusing incident in the treatment of Indian emigrants by the Australian and other Colonies. Lord Chelmsford was very particular to stop the practice of the distribution of woman labourers. He agreed to receive a deputation of Indian women headed by Lady Tata. She had received a communication from certain ladies in Australia that they were very sorry that such things were taking place. They had never heard of them before and she had their full support. Lady Tata wanted the wives of the Members of the Council also to form part of the deputation. One of them belonged to the highest exclusive Brahmin sect in S. India. She refused to be a member of the deputation as according to her religion, she could not shake hands with anybody. Finally,

* "Man, Proud Man" edited by Mabel Ulrich

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at her husband's insistence, she accompanied Lady Tata. Lord Chelmsford shook hands with everybody. She was so nervous that she shook his hands very violently up and down. The other ladies also were unaccustomed to such receptions. Each behaved in her own way. The result was Chelmsford after receiving the address, hurriedly ran out of the room without speaking to them. Lady Tata, accustomed to a different treatment in England, was not pleased.

170 Sir Reginald Craddock left the Government of India after the first Report of 1916. Sir Claude Hill and William Mayer left us after the Montagu-Chelmsford Report. Sir William Mayer was succeeded by Mr. (afterwards Lord) Meston. India could not have found a stronger custodian of Indian finances than Sir William Mayer. He was rebuked by Sir Austen Chamberlain for his strong attitude. I have already referred to Mr. Montagu's denunciation of him as an Indian Nationalist in this matter. It was possibly his solicitude for Indian finances that may have contributed to the failure of the Mesopotamian campaign and the surrender of Kut. In this respect, Lord Hardinge acted strictly in accordance with the practice laid down for the conduct of business. The Viceroy, the Finance Member, and the Commander in Chief, usually decided all questions relating to the conduct of the campaign. When the English Committee found fault with Lord Hardinge and Sir William Mayer, they forgot the position occupied by India. As a partner in the Commonwealth India would have been bound to place all her resources at the disposal of England, and if necessary bleed herself to death in the interests of the Empire. But, the sacrifices which a partner is justified or is bound to make, a servant is not bound to and should not be called upon to make. Lord Hardinge and Sir William Mayer acted quite rightly in jealously guarding India's interests in the expenditure of money for the Mesopotamian campaign. The deficit should have been supplied by England.

171. Both Sir William Mayer and Sir Claude Hill very strongly supported the claim of Indians for admission into the Army and also the Scout Movement In India. Sir Baden Powell was agreeable to start the Scout Movement and to admit Indians

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as comrades of Anglo-Indians. The Scout master in India would not hear of it. Sir Claude Hill and Sir William Mayer after great efforts succeeded in persuading him to allow separate companies to be formed. Lord Chelmsford also was not at first favourable to it. I was to unearth a minute of General (afterwards Field Marshal) Haig who wrote that though there were risks in the movement "we have to face them. Our ancestors" he said "did not win India without facing great risks, and if we are not willing to face them, the time has come for us to leave India" or words to this effect. This, I believe decided Lord Chelmsford.

172. My two colleagues were also very strong in urging the admission of Indians as officers into the Army. Queen Victoria is venerated in India, and she had pressed upon Lord Curzon to find means for "providing somehow increased opportunities for the Military aspirations of Indian gentlemen and princes" (Curzon Vol. II. p. 126). This had only resulted in a very insignificant and practically useless scheme. The reason was that the Army Council in England was always opposed to it. Lord Roberts was the dominant influence. They all brought forward the argument of the so called Indian Mutiny, but they would not remember or divulge the provocation that led to it. The story of the greased cartridges which would deprive the Hindus and Mohammadans of their caste was declared by English writers always, to be a mischievous and malicious invention. It is now admitted that the story of the cartridges greased with the fat of the cow and the pig, in its entirety, is true. It was also known to the Government of that day. Yet the Bengal Troops all these long years have suffered under the cruel imputation. General Chesney had always fought for free Indian admission, but he could not prevail against Marshal Roberts. It must be said to Lord Curzon's credit that he agreed with General Chesney in holding that there was no fear of disloyalty, and he thought with Marshal Haig and General Chesney, that Military Service in itself would make them loyal. Lord Curzon's sentiments in the respect for which I do not think he has obtained any credit, deserves the highest praise. When we took up the question for consideration, Sir Charles Munro (Commander in Chief) was new to India and he complained ruefully, "Here I am with only a few months in

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India, but these two gentlemen" referring to Sir Claude Hill and Sir William Mayer, "are bombarding me on all sides and would not give me any time" but finally agreeing to the admission of Indians put forward a small scheme which however conceded the principle. We had to be satisfied with it.

173. The Reform scheme was soon to be brought into operation. Most of the departments in the Provinces transferred were so far as the Government of India was concerned administered by me. I was looking forward to carrying out a great many Reforms or rather in assisting the Ministers in the Provinces to effect great Reforms. The Dacca University bill was ready to be introduced into the Council. When the Bengal partition was revoked, Lord Hardinge had promised this University to the Mohammedans, and he had, when leaving India, specially directed me to pass the bill. I was not able to do it partly on account of the discussions about the Reforms, and partly on account of the severe criticism of the bill drafted, before I took charge, by Sir Ramsay Muir. I desired to re-draft it in the light of that criticism, and of the Report of the Calcutta University Commission. I had again to deal with this Report recently received and introduce the necessary changes in the Universities so far as I thought it necessary. The period that had passed was to me one of great stress and struggle. I looked forward to comparative calm. But, all this was frustrated. I had to resign the service. For an Indian Member, resignation is so serious that I think I ought to give the circumstances in detail. It is not very pleasant to refer to those which concerned me personally. But I am compelled to do it.

CHAPTER XVII

PARTITION OF BENGAL AND STARTING OF THE SWADESHI AGITATION.

174 “Hindu Mussalman Riots” :- Though I had scarcely anything to do with the agitation consequent on the Bengal partition, and I had to deal with the revolutionary crimes only after I became a Member of Government in 1915, it is necessary to understand the story of the Bengal partition and the revolutionary crimes arising out of it in order to explain the stern opposition of the non-officials to the Rowlatt Act and my support of their view. It was this Rowlatt Act which led to the Punjab tragedy and my resignation, I therefore venture to refer to it in some detail. Lord Curzon was mainly responsible for it. Some of his activities which made him deservedly unpopular, as those relating to the Land Revenue Settlement, the separation of the Judicial and executive functions, Local Self-Government and Educational policy, have been already dealt with. The separation of Judicial and Executive functions and the nature of the Police force must be borne in mind in considering the Bengal agitation and its results. *

But for Lord Curzon's previous record, it is possible that the agitation might not have assumed such huge proportions. His land revenue settlement policy and his resolution on the separation of the judicial and executive functions were only a continuation of a policy already in operation. But the rest stand on a very different footing. I have already dealt with his reversal of the Local Self-Government policy (para 164) and his educational policy especially in relation to Bengal. His resolution about the Public Service Commission is important and justly created great alarm and dismay. I shall briefly refer

* see Appendix

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to it also, as all this was responsible for the tremendous agitation that followed, from which the Empire has not yet recovered.

175 “Indian Civil Service”:- Clause 87 of the Charter Act of 1833 provided “That no native of the said territories nor any natural born subject of His Majesty resident therein shall, by reason, only of his religion, place of birth, descent, colour or any of them, be disabled from holding any place, office, or employment under the Company”. In forwarding this Act to the East India Company, the Court of Directors said.

“The meaning of the enactment we take to be that there shall be no governing caste in British India; that whatever other tests of qualification may be adopted, distinctions of race or religion shall not be of the number. That no subject of the King, whether of Indian or British or mixed descent, shall be excluded either from the posts usually conferred on our uncovenanted servants in India, or from the covenanted service itself, provided he be otherwise eligible, consistently with the rules and agreeable to the conditions observed and enacted in the one case and in the other”.

Lord Lytton observed in a confidential minute as follows:- *

“No sooner was the Act passed than the Government began to devise means for practically evading the fulfilment of it.....We all know that these claims and expectations never can or will be fulfilled. We have had to choose between prohibiting them and cheating them, and we have chosen the least straightforward course”.

It is not a matter of surprise, therefore, that in 1853, when the Charter had to be renewed, it was found that during the twenty years that had elapsed not one of the natives had been appointed to any offices except such as they were eligible to before the Statute.

In 1858 appeared the Proclamation of Queen Victoria, “And it is our further will that so far as may be, our subjects of whatever race or creed, be freely and impartially admitted to

* see Sir Valentine Chirol ‘India’ 1926 p. 85.

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offices in our service, the duties of which they may be qualified by their education, ability and integrity duly to discharge”

Soon after, nomination to the Civil Service was replaced by open competition; the examination was to be held only in London, which meant practical exclusion of Indians from the Civil Service

Immediately after the Mutiny, there was some attempt to give effect to the intentions of Parliament, and a Committee recommended the holding of examinations simultaneously both in India and in England for recruitment to the Indian Civil Service—a fact not divulged, however, to the public till 1876.

In 1869, the Duke of Argyll frankly admitted :

“With regard, however, to the employment of natives in the Government of their country, in the Covenanted Service, formerly of the Company and now of the Crown, I must say that we have not fulfilled our duty, or the promises and engagements which we have made.”

In 1870, the Government of India were empowered to frame rules for the employment of the natives of India in the Civil Service without undergoing the examination in London. Rules were, however, framed only in 1875 which, as stated by the Public Service Commission, “remained practically inoperative, only one, or at the most two, appointments having been made thereunder to the judicial branch of the Service”.

In 1878—79, Lord Lytton said :

“Since I am writing confidentially,* I do not hesitate to say that both the Governments of England and of India appear to me up to the present moment, unable to answer satisfactorily the charge of having taken every means in their power of breaking to the heart, the words of promise they had uttered to the ear”.

As to all the various measures taken till then, Lord Lytton said that they were ‘all so many deliberate and transparent subterfuges for stultifying the Act (of 1833) and reducing it to a dead letter.’

In 1883, when Lord Northbrook pleaded for Indians, Lord Salisbury said : ‘My Lords, I do not see what is the use of all this political hypocrisy’.

* See Valentine Chirol supra.

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A few years after, in 1886, the Public Service Commission was appointed. They practically denied the right of Indians for admission into the Civil Service by removing the class of appointments, to which they might be appointed under the rules of 1870, from the cadre of the Civil Service and amalgamating them with the provincial service. They reduced also the number of such appointments. The Secretary of State reduced it further by excluding the higher administrative appointments. Racial disqualification was frankly recognised by dividing the Services into Imperial and Provincial, the former being intended for the Europeans, and the latter for the Indians, with different rates of pay in all the important services.

Finally, the coping stone was placed by the resolution of Lord Curzon, dated the 24th of May 1904 which laid down as a broad principle that :

“ The highest ranks of civil employment in India, those in the Imperial Civil Service, the members of which are entrusted with the responsible task of carrying on the general administration of the country, though open to such Indians as proceed to England and pass requisite tests, must, nevertheless, as a general rule, be held by Englishmen, for the reason that they possess, partly by heredity, partly by upbringing, and partly by education, the knowledge of the principles of government, the habits of mind and the vigour of character which are essential for the task, and that the rule of India being a British rule, and any other rule being in the circumstances of the case impossible, the tone and standard should be set by those who have created and are responsible for it ”.

All through, generous proclamations of equality as fellow subjects were being made ; in the name of the Queen Empress in 1858 ; at the Delhi Durbar in 1877 by Lord Lytton ; again by the Queen Empress in 1887 ; afterwards by the late King Emperor in 1908 ; and later by the (present) King Emperor, about keeping the promises which had been made to Indians in 1858. It is impossible to say that, so far as the services are concerned, the promise and the statute have not been consciously violated. Thus Lord Curzon got rid of Indian claims for free entry into the services.

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He explained away the Queen's Proclamation as not conveying any promise of personal fitness alone for the appointment without any consideration of race or class or creed. This was denounced as a breach of promise which greatly irritated him. He took advantage of the opportunity afforded by the convocation address to impeach the character and veracity of Indians; a very imprudent step on the part of a Viceroy. This irritated the Bengalis beyond endurance and his unpopularity knew no bounds. The "Amrita Bazaar Patrika" pointed out the next day that he himself had been guilty of the very defect which according to him, characterised the Indians,—to the amusement of all India, Englishman, and Indian, official and non-official.

176 "Hindu Mohamedan trouble":— To understand the genesis of the Bengal agitation, it is necessary to go back to the origin of the Indian National Congress.

Soon after it was started, its opponents denounced it to the Mohamedans as a Hindu, and in particular a Bengalee movement; to the so-called warlike races, as a movement started by two effeminate races like the Bengalis and the South Indian Brahmins, and therefore bound to be injurious to their interests and fruitful of results derogatory to their self-respect. The non-Brahmins and other Hindu races made practically no response to this invitation to secede from the Congress but, the Mohamedans took up an attitude of opposition.

This was only natural. The Sepoys in the so-called Indian Mutiny strove to restore the Delhi puppet Mogul who was a pensioner of the British Government to the throne of his ancestors. From that time, the Muslims were suspect in the eye of the Government. A Muslim murdered a Chief Justice of Bengal, another murdered a very popular Viceroy. They were living in great disfavour. So, an invitation from the Government when the Congress was started was eagerly welcomed. Already there had been trouble in the Madras Presidency. A Mohamedan butler of the collector of a District had obtained permission, on his assurance that the Hindus would not be required to stop any procession in front of it, to build a mosque. But the Hindu processions were not allowed to go with music. They vindicated their rights to take

the procession past the mosque with music, except at the time of congregational prayers, if notice of which had been given beforehand to the Hindus. This decision was confirmed at various times and I myself had to insist strictly upon its observance. This ruling has been recently accepted by the Privy Council also. There was accordingly not much trouble in the Madras Presidency so far as these processions were concerned. The good sense of the Madras Mohamedans created no trouble by the slaughter of cows in public. Moreover the Registrars of Co-operative Societies generally were Indians and they refused to give their sanction to any loan to one in a village when there were Hindu Mohamedan factions in the village or town. An intimation to that effect soon brought about a settlement, but the case was very different elsewhere.

177 What followed in the North-West Provinces was described by Allan Hume, justly called the 'Father' of the Indian National Congress, in a public speech delivered at Allahabad in 1888. Hume said:-

“For how stands the case? On the one side, stand we of the Congress preaching union, good fellowship, kindness and tolerance to all—a kindly co-operation in efforts for the amelioration of the lot of the entire nation, a recognition of the fact that subjects of the one beloved sovereign, children or residents of the same great country, we are all brethren, whose good and evil fortunes are so inextricably interlinked that the advancement of one section is the gain of all, the injury of one the loss of all. This I humbly conceive is God's own Gospel of peace and goodwill amongst men. On the other side, stand certain opponents of this good work teaching Mussalmans that the Hindus are not their brethren, that they are a different nation, that their interests are different, and in every possible way labouring to excite distrust and foment sectarian animosity in the minds of the Mussalman population against their Hindu brethren. This, I denounce as the devil's own dismal doctrine of discord and disunion. Yes, and by its fruits, we may know it. For ten long years, peace had reigned in all the cities of Upper India. Even the lowest classes of Hindus and Mohamedans dwelt in amity together; the old

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demon of sectarian jealousy, atrophied under our kindly and tolerant British Rule was sleeping into death from inanity when straightaway these unfortunates screaming out their ill-omened dogmas of discord woke him again into life, and the last two years there has scarcely been a city in Northern India, from Jubbulpore to Lahore, in which there has not been more or less serious trouble between the ignorant classes of our two great communities. These are the fruits of our opponents, propaganda, and for all sin and suffering and even in some cases bloodshed that have ensued, these new doctrines of disunion are as distinctly and directly responsible as the man who gives his brother poison for food is for that brother's death. That man may have given poison ignorantly and in all good faith, it can only have been in good faith that some Mussalmans have been thus poisoning the minds of their co-religionists; but while we acquit the men while we remember, so far as they are concerned, only the services which they have rendered at other times—we are bound as true men to denounce and repudiate this great evil that however unwittingly their words have wrought”.

We well know the two high officials and the Mohammadan gentleman, and those who acted under them to whom Hume was referring.

178. The outrages in the North-West Provinces is described in detail by Pandit Bishan Narayan Dar, a Barrister, of good practice in Allahabad in a pamphlet entitled “an appeal to the English public on behalf of the Hindus of North-West Province and Oudh” with an appendix containing a full account of the riots in the part of India referred to, and all the public documents referring to them, published by him. He shows there in detail, that the authorities had acted with gross partiality in favour of Mahomedans, that the rules of evidence and procedure had been set at nought in trials of Hindus, that summary trials were held to deprive the victims of the right of appeal, that “large carcasses of bullocks were being carried in open carts through lanes and by-lanes in Hindu quarters that “the Hindus unable to bear the outrages, closed their shops”; and that then, to cap all, the officials compelled the wealthiest Hindus to patrol the

streets as special constables and thus to defile their eyes with the abominable thing". With proper precaution and adequate dispositions on the part of the authorities and the police, such occurrences as these would have been impossible. "They, not un-naturally, formed some basis for the foolish idea of the more ignorant Muhammadans that the English officials had taken sides with them against the Hindu Community". "In the Azimgarh district, where none of those excesses have occurred, a reign of terror has been established under the orders of Sir Charles Crosthwaite. Hundreds of Hindus have been sent to gaol; punishments have been severe and exemplary, prosecutions are still going on; a punitive police has been appointed and its charges thrown upon the Hindu Zamindars, and British troops have been ordered to march through the villages to molest and harass and oppress the zamindars and their half-starving tenants. At present, in the Azimgarh district, the Government of the Queen-Empress does not exist, and therefore, the authorities there can justly and lawfully pit class against class and persecute the Hindu". This last sentence suggests the sting of Mr. Dar's allegations. He declared that the authorities were taking sides with the Muhammadans against the Hindus, and that they were doing so in pursuance of a policy more ancient than respectable—the policy of sowing division among the people in order to make it easier to rule them. In some of the villages in Azimgarh the Hindu police were removed and Mohammadan police sent in their stead, and while the jails are crowded with Hindus, it is said that hardly a single Muhammadan has been arrested. "I have seen the Hindus of the district lately", says Mr. Dar, "and I pity them from the bottom of my heart. Terror and despair are depicted in their faces; they do not feel that they are in a land which they can call their own. They have deserted their hearths and homes and are wandering about from place to place". Sir Charles Crosthwaite, he said, fancied he had found out the real origin of the riots. He put them to the charge of the National Congress or the Sabhas, or Cow Protection Societies. Mr. Dar showed that the charge against the National Congress was absurd, its great aim being the suppression of all disunion between the two great races of India and the fusion

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of them into a national party. Perhaps the mistake was not so great as regards the Sabhas.

I have already referred to the Hindu Mahomedan troubles in the Bombay Presidency.

179. In Bengal also Hindu Mahomedan riots were not unknown. There, however there was a Lieutenant-Governor of exceptional ability and impartiality. The following orders were originated by Sir A. MacDonnel and carried out by Sir Charles Eliot. According to their orders, cattle intended for slaughter should not be led or driven through public frequented streets nor along main roads where alternative paths could be taken nor in such a way as to draw attention to them. Also that kine should not be slaughtered for food except in places specially set apart for the purpose, and in secluded spots surrounded by walls high enough to prevent anyone from the seeing what was happening inside. Finally, that beef should not be hawked about or exposed for sale except in shops licensed for the purpose. This stopped all trouble in Bengal as long as these rules were enforced. It was with full knowledge, no doubt, of the Hindu Mahomedan troubles that Lord Curzon carried out his scheme for Bengal partition. The real reason for that partition was, as Lord Curzon afterwards declared, to assist the Mahomedans. In his own words which were repeated to me by Sir Valentine Chirol, he divided Bengal 'to give the Mahomedan a chance'

180. The Partition of Bengal :- It was in December 1903 that the proposal to transfer a portion of the Presidency of Bengal to Assam was first published. It was strongly opposed; within a period of two months from the publication of the proposal as many as 500 public meetings were held to protest against it. Many of the leading zamindars, like the Maharaj of Mymensingh, Cossimbazar, Natoro and Susang, opposed the proposal. The Bengal Chamber of Commerce and also the "Englishman" opposed it. In February 1904, Lord Curzon himself visited the districts of Chittagong, Dacca and Mymensingh, according to official view, to ascertain public opinion and not to compel the public to adopt his views. The Nawab of Dacca declared himself in favour of an alternative scheme

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of partition, and Lord Curzon made up his mind to supersede it with a wider scheme. In March 1904, there was a protest meeting held in the Calcutta Town Hall which was largely attended. Nothing was heard of the scheme for some time, but in January 1905, when Sir Henry Cotton visited Calcutta, there was another Town Hall Meeting which prayed the government to submit any new scheme to the public before any final decision was arrived at. Sir Henry forwarded this resolution on the 12th January. Early in February, the partition scheme was submitted to the Secretary of State who announced in Parliament on the 4th July that he had given his sanction to the scheme. On the 8th July 1905, this scheme, which was afterwards carried out, was published after sanction was thus obtained from the Secretary of State without the knowledge of the people of India, though the Secretary of State had warned Lord Curzon in June that he had not consulted the people about this scheme. The same day, or the next day, there was a Legislative Council meeting where the partition was fiercely denounced. "The Englishman" "The Statesman", "The Capital", and all the English papers strongly protested against the scheme. On the 17th July also a big meeting was held at the Ripon College where it was resolved that all British goods should be boycotted till the partition scheme was withdrawn. There were various public meetings held where this question was taken up. On the 26th July, a public meeting was held at the Backergunj District where there was a song by a student from which the following is an abstract :— "Why are you all asleep in torpor. Wake up Bengalee heroes with sword in hand". But this paper was taken from the student and torn up by Babu Aswini Kumar Dutt. Towards the end of July, a pamphlet entitled "Who is our King", a fierce denunciation of the British Government was widely distributed. It referred to the establishment of grog shops in every village, to the destruction of native industries, to the dumping of British goods in India, to the imposition of tax upon tax, to the ruin of the Zamindars and ryots, to the looting of India's wealth in every way, thus killing people and causing famine, malaria, etc. It also said "the more you submit the more the cowards will oppress"....."Then why should we

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submit?"....."We shall not use foreign articles", "boycott" those. "Brother, come; come for once with expanded chest, and by offering the blood of the heart, in saving the mother, let us be our mothers' worthy sons".

Another pamphlet "Golden Bengal" was also circulated at the same time, which was an appeal both to Mahomedans and Hindus to rise in rebellion. It ran as follows:—"Grand meeting in Calcutta, 50,000 men ready to die. You also be ready".

"Where are you dying? What is the good of crying? The only thing left now is to give our hearts' blood. Oh, brother, shed your heart's blood. Wherever you may be, combine, and take oath that you will give no heed to your own interests unless and until the nest of the *feringhis* babul (a kind of small and tiny bird) has been torn into pieces and thrown into the Ganges....." This was the first incitement to physical violence. On the 7th of August there was a public meeting held in the Town Hall, where the boycott of British goods was definitely accepted as a legitimate instrument, "as a protest against the indifference of the British public in regard to Indian affairs and the consequent disregard of Indian public opinion by the present Government". The government were warned, that the disasters which had overtaken Russia were due to the folly of attempting to govern against the will of the people.

On the 12th of August the "Bengalee" declared that there was no hope of any development by sympathy. "It must be a case of development by antagonism or political nirvana".

181. After this, many open-air meetings were held in Calcutta at which large crowds of students were present. The picketing system was started. Parties of students and school boys commenced to parade the bazaar dissuading customers from purchasing foreign goods. The Land holders Association declared themselves in favour of the Swadeshi Movement and Boycott. All the naibs and peons of the zamindars took an active part in it, and compelled the tenants to obey their orders. The Marwaries also supported the movement. Shopkeepers were prevented from bringing European goods to their shops, cartmen refusing to carry them. When the poorer classes were unable to pay for country-made goods, which were dearer than the foreign goods, the

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Swadeshi patrols themselves paid the difference. In many places, foreign clothes and cigarettes were burnt. Meetings and processions took place daily in towns and large villages. At Barisal, an effigy of Lord Curzon was burnt and his funeral ceremonies were performed. The general attitude of the Bengalis towards the Europeans changed. "Bande Mataram" was adopted as a war-cry. The Pandits and Goswamis of Nawadwip, who are held in great reverence throughout the land, supported the movement. They preached against the use of foreign goods, particularly salt and sugar. Brahmins refused to assist in any religious ceremony in which foreign articles were used, or foreign clothes worn. Washermen and barbers were instructed not to serve those who used British goods.

On the 28th September, on the occasion of the Mahalaya at Kalighat Temple, according to the "Bengalee", about 50 thousand people vowed in the presence of the Goddess, at the dictation of the priests, to abstain from buying foreign goods or from employing foreigners to do anything that could be done by an Indian.

182. The question was raised in the House of Commons by Mr. Herbert Roberts, when the Secretary of State promised to furnish Parliament with papers to form their own opinion. This was taken as a promise that nothing further would be done without giving the Parliament a chance to express an opinion; but in September, it was announced that the partition would be enforced on the 16th October without the papers being laid on the table as promised, and on the 29th September, the necessary legislation was carried out at Simla, without a single Indian Member being present. The boycott of English goods had been going on for about three months. Mr. Gokhale, in the meantime, told the people of England and Manchester in particular of the genesis of the boycott. The Manchester, merchants, on the 12th October, pressed the Secretary of State to cancel the Partition. He asked Lord Curzon, if possible, to postpone it. But, Lord Curzon was of opinion that the agitation was childish and about to subside and carried out the Partition on the 16th.

The 16th of October 1905, the day fixed for Partition, was observed as a day of mourning both in Calcutta and in the

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mofussil. Shops were closed. Food was not cooked. Hundreds of thousands of Hindus purified themselves in the Bhagirathi for the sins of their Rulers. They walked through the streets of Calcutta barefooted in the garb of woe and at a great meeting, the foundation-stone of Federation was laid. A national fund was started. The people vowed to remain united and took the Rakhi.

With the knowledge of what was passing elsewhere between Hindus and Mahomedans as already pointed out, to carry out the partition in the face of such opposition was criminal and wicked.

The partition was carried out, and on the 16th of October, the day of the Partition, Sir Bampfylde Fuller was appointed Lieutenant-Governor of East Bengal.

CHAPTER XVIII

“BANDE MATARAM” AND DISAFFECTION AMONG SCHOOL BOYS AND STUDENTS IN COLLEGES

183. Lord Curzon left India in November 1905 in circumstances which are too well-known to require any mention here. I have set out the nature of the agitation—the universal English and Indian condemnation of the partition. There is now, no doubt, that the partition was an ill conceived measure. The sequel proved it. Lord Ronaldshay writes that Lord Curzon admitted that the agitation continued “in every accent of agony and denunciation”. As for the Calcutta English newspapers, Lord Curzon was of opinion that they “do not know what to do or say.” He knew that public opinion had been growing. “It is articulate, is daily becoming more powerful, and it cannot be ignored”, yet he carried out the partition; his only justification being, administrative efficiency, forgetting that in the circumstances which he himself has admitted the question is not one of administrative efficiency, but whether the administration itself was not going to be paralysed as it really afterwards was. The fact that the partition was intended to evoke Mahomedan opposition as against Hindu, and that this was the real ground of opposition is not noticed by Lord Ronaldshay at all.

184. Sir Bampfylde Fuller had to face a critical situation. He had to face a justly discontented people and to guide the Swadeshi movement. He should have adopted a policy of tact and conciliation. It is very easy to win the Hindus by sympathy and kindness. But he soon began a policy of repression by forcibly dispersing public meetings, by calling out the military and police, and stirring up religious antagonism between Hindus and Mahomedans.

He issued a circular to District Officers through the Commissioners of the Divisions prohibiting the shouting of “Bande

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Mataram" in streets or other public places. He also prohibited the holding of public meetings in public places. Sankirtan processions were disallowed, music or shouting in the case of processions was also prohibited. The police were directed to interfere in all cases where rudeness was offered to Europeans or Musalmans. According to the official version there was lawlessness throughout the province. It is instructive to refer briefly to a few instances.

When certain public speakers from Calcutta were addressing a peaceful meeting at Rampur Boalia about boycott and announced their intention of holding a mass meeting on a piece of land belonging to a well-known zamindar of the place, the meeting was dispersed and the mass meeting was stopped. Certain students, according to popular version, were interfered with by the civil police, with the result that the Police were set upon and stoned by a large mob of people in the main bazaar in Mymensingh. In Serajganji, the police, while patrolling the streets and controlling the movements of the crowds that were constantly assembling in them (according to official version) "used more force in the execution of their duties than was necessary". It is added in Government Reports that "the police were beyond doubt insulted, and it is feared that they may have lost their temper". Military police were brought to Dacca and Barisal. According to official reports they were subjected to a great deal of provocation apparently in the hope that they would give occasion for lawlessness. Shop-keepers, it is said, raised their prices. Complaint was made by the Peoples' Association to the Viceroy that the police indiscriminately attacked men in the streets, trespassed into houses, assailed people, removed Bande Mataram and Swadeshi placards and belaboured shop-keepers. More serious charges were made on the Congress platform. Serious allegations were made by certain members of the Legislative Council and others of the insulting treatment by Sir Bampfylde Fuller, threatening them, it is said, that he would at once bind them down to keep the peace if they did not agree to his terms.

185. There were a series of measures intended to prohibit such public meetings as were undesirable in the opinion of the Executive. Legislation was passed prohibiting any public meeting

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which was likely to cause public excitement, or which was held for the discussion of certain subjects without the sanction of the police, or the Magistrate. The existing law was declared to be ineffective on account of the difficulty or impossibility to secure evidence, sufficient for conviction. This legislation was preceded by the Regulations of Meeting Ordinance early in the year. Under these laws, meetings called to express sympathy with Lala Lajpat Rai were prohibited in Faridpur and certain Conferences which were intended to be held in the Dacca Division, according to the popular party to preach Swadeshi,—and according to the officials to preach boycott,—were prohibited.

Meetings which were convened in connection with matters of social reform, such as widow marriage, reduction of expenses at marriage, etc., religious meetings which were to be addressed by fakirs and sadhus, were prohibited under the apprehension that the subjects of discussion would not be confined to these harmless and beneficial movements and that the meetings would be used to promote a feeling of discontent and disloyalty to the British Government. One meeting which was proposed to be held by members of the depressed classes to consider what the arrangements they could make for getting themselves shaved, as these classes had some difficulty in obtaining the services of the barber, was disallowed. Often, the name of the speakers had to be approved, the language of the resolutions to be passed had to be settled, and the lines of the speeches to be made were to be laid down in consultation with the Executive authorities.

It was reported in the press that a District Magistrate had refused permission to hold public meetings to enlist public opinion in favour of Gokhale's Compulsory Education Bill and Mr. Basu's Civil Marriage Bill. Once, a meeting is prohibited the party of constitutional agitation would not attempt further meetings. Of course, under these conditions, real public agitation to remove even a legitimate grievance was impossible.

186. As to the Hindu Mahomedan conflict, though the relations between the Hindus and Mahomedans may have been unsatisfactory in Northern India, in East Bengal, things were very different, though curiously enough there were stronger

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Reasons for the Mahomedans to dislike the Hindus. The Hindus were, as compared with Mahomedans, well-off: they were the employers of Mahomedan labour, they were money-lenders to Mahomedan debtors. The Mahomedans were in a large majority. For instances in the Thanas of Esenganj and Nandail the Hindu Male population according to the census table before the partition was only 32,343, while the Mahomedan male population was 1,07,209, yet they lived amicably. The fact was that the bulk of the Mahomedans in East Bengal were Hindu converts who practised Hindu rites. The families belonging to different religions were related to one another going into mourning in case of death in each other's families. There were already signs that things in future might not be so harmonious. Owing to the new Educational policy, a large number of Mahomedans versed in religious learning were turned out by the Madrassas of Dacca and Chittagong. Mahomedan pilgrims were returning from Mecca. These were anxious to raise the standard of orthodoxy among their own people and they induced them to abandon Hindu rites. Their appeals were already taking effect on the wealthier classes of Mahomedans, but the masses were generally unaffected and the feeling between the two religious classes were not strained during the earlier days of the partition; they thus worked together. With insignificant exceptions, the leading Mahomedans joined the Hindus in their agitation against partition but soon there was a change.

Sir B. Fuller and his Lieutenants in touring through East Bengal naturally encouraged all who were in favour of the partition and openly invited both Hindus and Mahomedans to express their dissent. The Hindus did not really respond to his invitation. As to the Mahomedans, it was different. In addition to the reasons above stated, the Mahomedans, also suffered real grievances along with the other Hindu ryots. There were few Mahomedans zamindars. The ryots, Hindu and Mahomedan, were already complaining of oppression and unjust exactions by landlords who were mainly Hindus. In many cases there were illegal cesses for the remuneration of their zamals, for the purposes of Hindu poojas, and on every pretext also, it is said, many cesses were levied at a fixed rate on the

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rents paid. It is also said that on special occasions, such as marriages or births in the zamindars' families, large contributions were given. The tenants were unable to dig tanks, build houses or cut down or remove trees except with the permission of the zamindar and on such terms as he may demand.

187. In this state of circumstances they were encouraged by certain interested persons to hope that the partition would result in a reduction of rents. As many Mahomedans retained Hindu social and religious practices, young men trained in the Madrassas at Dacca and Chittagong denounced them and had been attempting to convert them to strict Islamism. There were thus all the materials for an explosion and the official invitation was eagerly availed of by the Mahomedans. I shall give some illustrations to explain the nature of the strike. In some places, for instance, in Nandail Ilaka, an image of Kali was removed from a temple and a cow's head put in its place. The Mahomedan servants were persuaded and, in some cases forced to leave their Hindu masters. The Hindus were insulted in many places. In some places, Hindu women were carried off by the Mahomedan ryots and married in nika form to their captors. Women very often had to spend nights in tanks, and sometimes had to remain in daytime also up to their neck in water near the stations to wait for the trains to get into and leave the country-side to go to the towns to escape the Mahomedan rowdies. According to the Hindus, the officials were responsible for creating an impression that the Government were going to do something for Mahomedans; that their rents would be reduced; that they would be given the same advantages as are enjoyed by the ryots in Assam; and that the Hindus having lost favour with the Government, the Mahomedans would be supported in any movement against them. At an anti-partition meeting at Iswarganj in January, a Mahomedan is reported to have said— "so long we were kept down by the Hindus. The Government wants to raise us in its arms. Shall we not get up into its arms?"

Pamphlets were distributed in which the Nawab of Dacca was said to have been invested with the ruling powers in those provinces. The Lieutenant-Governor had already said,

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referring to the Hindu Mahomedan question, that he was a man with two wives and the Mahomedan wife was his favourite.

188. While the question of partition was under discussion, the leaders Surendranath Banerjee and others began the boycott and Swadeshi movements. Day after day in the College Square, Surendranath Banerjee spoke to the students in his usual fiery language, dwelt upon the iniquity of partition, and called upon all the boys to assist in carrying on the Swadeshi, and boycott movements, telling them that the future of the country lay in the hands of the boys. He wrote the following in his "Bengalee" dated 2nd August 1906.

"Sikher Balidan" (by Miss Aswini Kumar Dutt) is a book which ought to be in the hands of every school boy. It is a thrilling record of Sikh martyrdom. It tells us in a few well-written biographical sketches, the story of the up-building of the Sikh character which made the Sikhs what they were, and what we hope they will yet be. In all great movements, boys and young men play a prominent part, the divine message first comes to them, and they are persecuted and they suffer for their faith. "Suffer the little children to come unto me" are the words of the divinely inspired founder of the Christian religion; and the faith that is inseparable from childhood and youth is the faith which has built up great creeds and has diffused them through the world. Our boys and young men have been persecuted for their Swadeshism; and their sufferings have made Swadeshism strong and vigorous. The blood of the martyrs is the cement of the church; and the sturdy faith of the Sikh which braved death and disaster with unflinching courage was reflected in the heroic suffering of its youthful martyrs. Our authoress tells us the story of the martyrdom of Fateh Singh Jarwar Singh, the youthful sons of Guru Govind. The two boys, confronted with their persecutor, never flinched from the faith of their father. They were entreated to save themselves by abjuring their religion. They firmly refused. They rose above all temptation, even the terrors of death. Mark the heroic words of these boy-martyrs:—"He who has foresaken his God fears death. To the devoted, death is real birth. We rejoice

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in the presence of death. In death, shall we find our everlasting joy" Thus exclaimed the sons of Guru Govind, and torture followed by execution terminated their young lives. The little book reveals the process of nation building through the ordeal of fire and persecution. It should be in the hands of everybody who has his eyes open to the significance of the events that are passing around us". How the boys responded to his call is stated by Sir Surendranath in his book "The building of a Nation" page 196.

189. Before Sir Bampfylde Fuller took charge, on the 10th October, a circular had already been issued by the Government of Bengal (in East Bengal also) directing that the boys of any school or College should not take any part in political questions or in boycotting, picketing, or in anything else connected with the Swadeshi movement, and that the heads and teachers of institutions and anybody connected with the management might be enrolled as special constables in order to keep the peace, and that all Government help would be withdrawn and that the University would be asked to disaffiliate the institutions if these orders were disregarded. On taking over charge, he supplemented this by the issue of another circular to the Commissioners, telling them that it was most undesirable that young men should be employed in any political agitation and especially agitation which is really anti-British. He made a tour through the districts and repeated the instructions already given with some amplifications in a circular issued to the Director of Public Instruction.

Everywhere, there were troubles with school boys. At Rangpur, the Hindu students of the Government and the technical schools, left the schools in a body as a protest against the punishment inflicted upon some of them for having taken part in political agitation, and to avoid further disturbances, the Superintendent of Police appointed the teachers and some of the masters and managers as special constables in accordance with the order already referred to. This was regarded as a direct insult to them as they complained that the object was not to strengthen the police force or to preserve peace but to insult them. The matter went up to the High Court, where the prose-

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cution was withdrawn. There was no further appointment of special constables under the circular already referred to. At Dacca, Madaripur, Serajgunj, Noakhali and elsewhere, the boys and the school-masters defied the circular. Many boys were prosecuted and some of them flogged or sent to jail. Hundreds were punished by expulsion from schools. The managers were compelled to dismiss the school-masters, Grants and scholarships were withdrawn. A question was put in the Legislative Council about the alleged atrocities committed by the Military Police and about their conduct and certain orders issued by the Lieutenant-Governor with the opinion of a lawyer who was officiating Advocate-General, that some of these orders were illegal. The answer is instructive. "The Government of India have no information regarding the newspaper allegations referred to in question III or as to the legal question referred to in question V. The matters to which these questions relate are within the competence of the Government of Eastern Bengal and Assam. The Government of India approve of such action being taken by the Government of Eastern Bengal and Assam as may be necessary to suppress the lawlessness, and intimidation which appear to have characterised the so-called Swadeshi movement in the province. On educational as well as on public grounds, the Governor-General in Council cannot condemn too strongly the employment of school boys and undergraduates in any form of political agitation". The Secretary of State asked for an explanation of the punishment inflicted on school boys. On the 8th of May, the Viceroy advised the Lieutenant Governor to re-instate those boys, and most, if not all, of them were, within a few days afterwards, unconditionally reinstated.

190. On the 5th of July 1906, the Secretary of State telegraphed to the Viceroy that a question had been asked in Parliament whether the Inspector of Schools, Dacca Division, had issued orders that teachers advocating Swadeshi movement should be dismissed and the right of competing for government scholarships should be withdrawn from schools in which such teachers were interested. He wanted to know whether this was true, and called for further remarks. In reply to the Government of India, the Government of Eastern Bengal and Assam

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telegraphed: "No such orders as those described in the Secretary of State's telegram of 5th appear to have been issued by the Inspector of Schools, Dacca Division....." Further enquiries were made by the Indian Government on account of the orders having been reproduced in the "Bengalee" newspaper of the 12th of June, and finally, they reported to the Secretary of State, after making due enquiries, "We have now ascertained that orders were issued by the Inspector of Schools, Dacca Division, as stated in your telegram". He acted, however, under the direct orders of the Director of Public Instruction, which were approved by the local Government. They did not consider the action of the local authorities either judicious or expedient and proposed to invite the local Government to remove these repressive measures "which have only now been brought to our notice". The result was that at the request of the Government of India, the orders were cancelled in a great majority of cases.

An application had been made, at the instance of Sir B. Fuller, to disaffiliate certain schools, which in his opinion, had been guilty of grave misconduct. The Government of India directed him to withdraw that application as it was felt to be undesirable to raise in the Senate, the question of the Partition of Bengal. He felt himself unable to comply with the wishes of the Government of India. This was the ostensible ground of his resignation: the real reasons can easily be conceived,

Not much inducement would be required to turn such boys into revolutionaries. What the influences were which made them revolutionaries is described in Chapter VI. of the Sedition Committee Report. They cite the judgment in a Bengal conspiracy case, where a judge observed "those responsible for the conspiracy did their work well. They realised that their best chance was to get hold of the youth of the country and inflame them by appealing to their sense of religion and their sense of chivalry and to this end they prostituted the teaching of their sacred book". Study of such books as the lives of Mazzini, Garibaldi, Washington etc. made deep impression on their young minds. The Sedition Committee point out that the revolutionary associations had spared no pains to secure recruits from schools and colleges and they had achieved great success. The

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great lesson, however that has to be learned is that all this was founded on a real grievance, and disloyalty arose by the interference of the Government with legitimate movements like Swadeshi.

191. Thus closed Sir B. Fuller's regime, which was described by a Bengali gentleman, Bhupendranath Basu, who was one of the most prominent agitators of the period and afterwards a member of the Secretary of State's Council, as a nightmare. It is possible that Lord Curzon if he had remained in office, might have taken measures to conciliate public opinion either by modification of the partition or other-wise; but Lord Minto allowed things to drift and left everything in the hands of the bureaucracy who acted on the theory that any agitation against a "settled fact" bordered on sedition. Sir B. Fuller employed military police; he engaged in a crusade against students and colleges and he broke up public meetings above all, he and his colleagues brought into existence, two forces which have since exercised great influence in the political evolution of the country. His government of province fostered if not created Hindu-Mahomedan tension, and by creating a feeling that no fair play was to be expected from the British Government brought into existence a party violently opposed to British rule.

CHAPTER XIX

THE BIRTH OF THE MUSLIM LEAGUE, PANIC AMONG HINDUS AND SURENDRANATH BANERJEE'S CONVICTION

192. About this time, it was known that Mr. Morley was in correspondence with the Viceroy about the reforms. The Mahomedans were encouraged to present a now-well-known address in October 1906 to which they received a sympathetic reply. Soon after, in December, the first Muslim League was formed. It was started in opposition to the Congress. It was said to have been rendered necessary by the resignation of Sir B. Fuller and by the agitation of the Bengali speaking Hindu population, which required an organisation on the part of the Muslims to protect their interests. All this time, Mahomedan excitement continued to increase and conflicts between Hindus and Mahomedans were of frequent occurrence. Soon after the formation of the Muslim League in December 1906, the Nawab of Dacca went to Comilla, to work up a pro-partition agitation. His visit was synchronous with lawless occurrences in the town. A riot broke out when he was passing through the town. The police refused to interfere with the rioters and the Magistrate refused to take notice of the incident. The Magistrate, the Commissioner of the Division, the Sessions Judge, the District Superintendent of Police, and other local European Officers were entertaining the Nawab in the Club House while a portion of the town was being looted by Mahomedan rowdies. All this was stopped only when a Mahomedan was shot dead on the public road. For this, three Hindus were sent up for trial, and were convicted by the Sessions Judge; one was sentenced to be hanged and the two others, to transportation for life. The High Court in 1907 quashed this conviction against all the three men.

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193. They pointed out that "the method of the learned Judge in dealing with the testimony of the witnesses by dividing them into two classes, Hindus and Musalmans, and accepting the evidence of one class and rejecting that of the other, is open to severe criticism. The learned Judge ought to have directed his mind solely to the evidence which had been given before him, and to have excluded from his consideration all preconceived sympathies with either section of the population". They also said that "the best and most reliable witnesses would have been the Commissioner of the Division, the Magistrate of the District, and Superintendent Byrne; but none of them were called by the prosecution. The non-appearance in the witness-box of the Commissioner of the Division and the Magistrate of the District has not been explained, and we have every reason to believe that Superintendent Byrne, who could have given evidence on this, as well as other points of importance, was purposely withheld from appearance at Comilla or the court at the trial. During the course of the the trial in the Sessions Court, Byrne, on the 31st May, wired to the learned Sessions Judge himself, from Dinajpore inquiring when he was required. He again wired from Dinajpore on the 8th June. "Kindly telegraph when required. Arrangements made to start to-night". The learned Sessions Jugde directed an urgent telegram to be sent in answer: "Do not start till you get orders"; and an urgent telegram was accordingly sent to Byrne and Byrne was not examined, About one accused, they said "it seemed to their Lordships that Mangal Singh was implicated because he was a police officer doing his duty at a troublesome time, and had therefore rendered himself highly unpopular to a large number of Mahomedans of a low class".

194. This was followed within less than a month by another serious disturbance at Jamalpur where a Mahomedan mob attacked the Hindus on the occasion of a Hindu bathing festival for which a large number of people had collected from different parts of the Country. Here, also a Hindu temple was wantonly desecrated and Hindu idols broken. The Mahomedans announced by beat of drum that the Government had given them permission to loot the properties of the Hindus

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and to marry their widows in nika form. Many Hindus left the place in a state of panic. Here also the Hindus had to use firearms in self-defence.

195. Some Bengali leaders, with Surendranath Banerjee at their head, issued a manifesto in which it was said, "Hindu shops have been looted, Hindu temples have been desecrated, the images of Hindu deities have been defiled, the cutcheries of Hindu zamindars ransacked, Hindu women have been outraged". The remarks in various Judicial proceedings are significant. A Mahomedan Special Magistrate remarked: "There was not the least provocation for rioting: the common object of the rioters was evidently to molest the Hindus". The same Magistrate observed in another case: "the evidence adduced on the side of the prosecution shows that, on the date of the riot, the accused had read over a notice to a crowd of Mussalmans and had told them that the Government and the Nawab Bahadur of Dacca had passed orders to the effect that nobody would be punished for plundering and oppressing the Hindus. So after the Kali's image was broken by the Mussalmans, the shops of the Hindu traders were also plundered." In an abduction case, Mr. Barniville, the Sub-Divisional Officer remarked that the outrages were due to the announcement that the Government had permitted the Mahomedans to marry Hindu widows. He submitted a report: "some Mussalmans proclaimed by beat of drums that the Government had permitted them to loot the Hindus."

This trouble between the Hindus and Mahomedans began to spread.

The Hindus in Eastern Bengal, in particular, had deemed it necessary to arm and organise themselves as a measure of self-defence against Mahomedan oppression. That there was this apprehension, and it gave rise to this movement for self-defence, there is no doubt, and it was proved conclusively on many occasions in courts.

Counsel were often stopped from going into evidence the in order to prove this assertion, as in the opinion of the judges it was placed beyond doubt. It is desirable that I should state, in the words of one of the Judges himself, the position.

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“It is plain beyond controversy that at or about the time to which we are referring, considerable ill-feeling existed between Hindus and Mahomedans, and the evidence further points to the conclusion, that in Jamalpur and possibly in other places also, infuriated Mahomedan mobs had, to some extent, got beyond the effective control of the authorities entrusted with the duty of keeping the peace. There was thus a wide-spread panic among Hindus that they might be insulted or outraged by Mahomedans with impunity, and also a belief that the authorities were either unable or unwilling to afford them adequate protection. It is not necessary for the purpose of the present case, to investigate, whether and how far, this panic was well-founded; nor is it pertinent to the present enquiry to determine who were to blame for the highly strained feeling between the Hindus and the Mahomedans.

I am concerned only with the fact, firmly established by the evidence, that there was wide-spread panic amongst the Hindus and the means of self-protection were deemed necessary by men of intelligence and respectability.”

196. Accordingly, societies with secret rules were formed throughout the province for the purpose of encouraging physical exercises, for self-defence, and for the ultimate regeneration of the Bengali race.

These were the national volunteers. They assisted in carrying on the boycott. They assisted at political meetings, attended large fairs and pilgrimages, some of them attended to tens of thousands of pilgrims; for the services which they rendered at the Ardhodaya Yog in Calcutta in February 1908 they received the thanks of the Commissioner of Police. They discovered many missing pilgrims, arrested thieves, whom they handed over to the police. They became, therefore, exceedingly popular. By this training, they became organised bodies.

People's minds were inflamed by the steps taken to put down the agitation against the partition, by the seditious newspapers which had in the meantime come into existence, and by the attitude of some of the officials in favour of the Mahomedans as against the Hindus. It is probable that the national volunteers overstepped the limit in these circumstances; however that may

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be, in course of time, the measures taken by them, though directed against the Mahomedans, were treated as meant indirectly against the government. This is put so well in a judgment of the High court that I cannot do better than quote an extract to illustrate the position:-

“The Mahomedans were the supporters if not the tools of the Government. Mahomedans oppression was government oppression. Self-defence against the aggressiveness of the Mahomedans involved opposition to the government. In a word, the objective was the government and not the Mahomedans, the likelihood of whose joining hands eventually with their Hindu compatriots was occasionally the subject of comment and prophecy”.

197. This was the Government view. In consideration of their presumed lawful purposes and their services, these societies of national volunteers were at first supported by public subscriptions, but the Government attitude and a declaration of their illegality stopped that source of their income. Many volunteers accordingly gave up their societies. Some others felt they had gone too far to retract. These of course, became real revolutionaries, and their societies were either converted into revolutionary societies or merged in those which were frankly revolutionary. Others there were, who would have willingly become loyal and peaceable citizens, if they had been given a chance. This evolution of national volunteers is noticed by the District Administration Committee, but practically ignored by the Sedition Committee.

198. And, when Lord Minto was interviewed by the leading Indian Politicians, he explained to them that the partition of Bengal must be regarded as an accomplished fact. There was thenceforward nothing to be hoped for in India and the venue was changed to England. The Liberal Ministry had succeeded to power. The agitation to create further public opinion and rouse the masses against the partition, no doubt, continued in India. But, all hopes rested on the new Ministry in England. At the Benares Congress, which was held at the end of the year, this partition was denounced, and the Swadeshi movement and the boycott of English goods were formally adopted. During

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the month of January 1906 meetings were held in various places, some of them attended by thousands. In the mofussil, delegates were also elected to attend the great Town Hall meeting which was held in Calcutta on the 31st January. This meeting resolved to present a memorial to Lord Morley, who was then the Secretary of State. In February, Sir Herbert Roberts moved an amendment to the address in Parliament, when Lord Morley said that there was a great subsidence of feeling against partition, and refused to interfere with it. According to the official version, this was a signal for a vigorous attempt to renew the agitation in Calcutta. Various meetings were held and, in particular, as many as 20 public meetings were held on the day of the University Convocation, the 3rd of March, (a date specially selected with the object of emphasising the protest) with the result that the Convocation ceremony was attended by only a small fraction of the usual number of graduates and spectators, and the Senate House was noticeably empty. The most notable of these meetings took place at the temple of Kalighat and, according to the official version, it is said to have been attended by more than 25,000 persons. The Goddess was invoked with a solemn hymn and the audience was asked to take a vow to boycott British goods until the partition of Bengal was withdrawn or modified in a manner to satisfy the people.

199. Lord Morley's reply seems to have convinced a certain section, that there was nothing to be hoped for by constitutional agitation. I have already referred to the appeal to violence and revolution made by certain persons as the only satisfactory method of getting redress. A song which was largely circulated among the students appealing to the warlike form of the Goddess Kali, commended the shedding of blood and counselled the use of indigenous weapons for self-defence and physical education. Drill and the study of native quarter staff play for aggressive purposes had been already advocated at numerous meetings, and exhibitions of proficiency in the latter art had been given on several occasions both in Calcutta and in the mofussil. In a speech in Calcutta, one of the Bengali political leaders advocated recourse to active resistance and

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said, "We should now return lathis for lathis", and similar utterances were reported from various other places. The result was, that a physical-force party was formed who taught drill and the use of quarterstaves. Newspapers were started, notably "Yugantar" which openly preached the futility of constitutional agitation and incited hatred of British Rule.

200. The constitutional party, did not give up their attempts. The Bengal provincial conference was held at Barisal on the 14th and 15th April, and to attend this meeting Babu Surendranath Banerjee and others went down from Calcutta (Banerjee p. 221 et seq). His arrest and conviction at Barisal (which was subsequently set aside), the conduct of the Magistrate in regard to the complaints of the delegates and the breaking up of the Provincial Conference created extreme indignation throughout India, not only among the Congress party, but also among others who did not hold such advanced opinions, but who attached great importance to the right of public meeting, and who were unfavourably impressed by the summary and illegal character of the Magistrate's procedure. Universal sympathy was expressed for Babu Surendranath Banerjee who was applauded as a national hero, and numerous meetings of protest held in almost every province gave a great impulse to the agitation against partition. The movement to renounce constitutional methods was very much strengthened. The boycott of British goods was resumed in many places where it had been given up. Excommunication was also resorted to to enforce the boycott. Mr. Gokhale, in his two speeches in England on the 5th and 19th May, fiercely denounced those proceedings of the Government of Eastern Bengal and Assam and demanded the recall of Sir B. Fuller. He said "Sir B. Fuller's government has in six months done more to discredit the character of the British rule in India than have all the denunciation of the worst critics of that rule, Indian or European, ever done during a hundred years". His description of events will long remain a severe indictment of the character of the administration.

201. From this time, a change seems to have come over the Government of India. On the 7th of May the objectionable

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Bande Mataram circular was withdrawn. In fact, the Bengalis had evaded all Government orders, and practically rendered them ineffective. While the Government prohibited the Swadeshi and anti-partition gathering in public squares and on public land, such meetings were held on private lands. While the cry of Bande Mataram in public place etc, was prohibited, the cry was raised in private houses and on private lands on the roadside. The military police had been already withdrawn.

202. Sir Surendranath Banerjee and his friends, i.e., the Constitutionalists, however, carried on their agitation for the repeal of the Partition. They had principally two daily newspapers, one "Bengalee" edited by Surendranath Banerjee himself, and the other "Amritha Bazaar Patrika" edited by Motilal Ghose. They tried their best to prevent Bengal passing into revolution. They were very anxious for a calm atmosphere so as not to prejudice the Reforms, then under contemplation. The whole story of the agitation as carried on by this party is given by Sir Surendranath Banerjee in his book "A Nation in Making". I shall not therefore refer to it in detail. The partition of Bengal was, of course, their main grievance. There were also other material grievances, the redress of which was put forward by them as necessary for India's benefit; but which was impossible of attainment under the British Government. The Constitutional party was at one with the other party in their view of the Bengal partition, and the necessity of removing some of the material grievances which the physical violence party always put forward. The result was that the opponents of reform to the Bureaucracy classed the two together and did not hesitate to proclaim that the constitutional Reform Party, which only desired Reform and nothing more, and which was attached to the British rule was also a seditious body like the other which aimed at the expulsion of the British. This is probably a natural consequence of the official view of the character of any constitutional agitation to upset an accomplished fact; yet, in spite of these discouragements the Reform Party persevered. The consequence, however, was that the members of this party were also sufferers. Many respectable men like Aswini Kumar Dutt, who belonged to their party, were interned and deported.

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Sir Surendranath Banerjee himself, and Bhupendra Basu narrowly escaped arrest and trial. However, they persevered hoping that the Reforms would soon come and afford material relief. But, it was repressive measures that came first. In 1908 a law was passed giving Magistrates the power, at the request of the Executive, to make orders confiscating newspapers alleged to incite violence. They may be made in the absence of the persons implicated. The Act was not allowed to remain a dead letter.

CHAPTER XX

THE MORLEY-MINTO REFORMS AND THE BREACH IN THE BUREAUCRATIC CITADEL-REVERSAL OF BENGAL PARTITION.

203. The question of Reforms had been taken up by Lord Minto who had formulated his views tentatively to the Secretary of State in 1906. In 1907 the Local Governments were addressed and opinions were invited from representative persons and bodies. In 1908 the resolution indicating the lines on which the reforms were to be carried out was published, and promises were made to carry out free education and separation of judicial and executive functions. In 1909 the Councils Act was passed, and the reformed legislative councils first met in 1910. These questions, were, thus, all the time under discussion and the Indian leaders of constitutional agitation were naturally anxious that they should be discussed in a calm atmosphere. It is undoubtedly true that they refrained from violating the law by holding prohibited meetings, etc., as they did in the earlier days of the partition. It is also true that they might have in certain cases, by a violation of the law, created public sympathy in their favour both here and in England and put the Government entirely in the wrong. They did this with great success at the Barisal Conference in Sir B. Fuller's time, before there was any talk of reform. Movements which might have been carried on without any danger to themselves, they dropped. The Congress, to prove its loyalty and submission to constituted authority, cast off its extreme wing and refrained from holding its session in 1907.

The important provisions of this Reform Council Statute, commonly called the Morley-Minto Reforms, were that almost all questions of public importance could be brought forward in the Council by non-official members who could move resolutions.

Till that time, such questions could be brought forward only by interpellations. The result was the Government were put on their defence. They had to meet the arguments of the non-official members. It was plain enough that the ventilation of grievances in the Legislative Councils, would, if they were genuine, create a great public opinion in the country. The franchise was extended and the number of members in the Legislative Councils was increased. Except in one province, these reforms allowed a non-official majority. The resolutions passed by a non-official majority, no doubt, may be disregarded once or twice by the Government, but it would not be safe for any government to ignore the resolutions if repeatedly passed. Above all, Indians were appointed as members of the Provincial Executive Councils, and an Indian member was appointed to the Viceroy's Executive Council. The results were very important. No member could decently cast any racial reflections. No one could repeat anything like what is reported to have been said, something in these terms by one who had world-wide fame, "If Gokhale were a member of this Council could I make such and such an observation? Would it, therefore, be wise to appoint an Indian to this Council, however eminent?" Till this time, it was not in the power of Indian politicians except in a very indirect manner to place their views before the Secretary of State and the Parliament and the British public. Great and important questions were decided practically behind their backs on representations made by the Government of India or Provincial Governments. From this time forward, every despatch of the Government of India had to be signed by the Indian member also, with the result that the Indian member may, if he dissented from the views of the others, express his own opinions which would be considered by the authorities in England before finally deciding the matter. The Morley-Minto Reforms accordingly must be regarded as a great advance, though considering the conditions in India, it was not a satisfactory advance.

204. It was to the appointment of an Indian as a member of the Government of India that the greatest objection was taken. Here, for the first time, as pointed out above, an

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Indian was taken into partnership. The Legislative Councils could only give advice. Here, the Indian had to take part in the decision of any question. It was the first great breach in the citadel of Bureaucracy and it is no wonder, therefore, that it was seriously objected to. The appointment of an Indian member in the Government of India was made by Lord Morley, because it was imperatively demanded as a measure both of administrative justice and of sound statesmanship. The objection then raised is one that has been repeated during the Montagu-Chelmsford Reforms and ever after. It was pressed that the gulf between Europeans and Indians was always being widened and the cordial relations which prevailed before the days of the Congress and the Ilbert Bill no longer existed. The race antagonism has, ever since those days, been accentuated and embittered by the action of the press, both Aglo-Indian and Indian, which has laid itself out blindly and foolishly but none the less effectively, to exaggerate differences, especially racial differences, and to make the most of all occasions for strife. Its influence has been strongest on school-boys and students, and it is doing its best to train up the youth of India in abiding hatred to the ruling race, and also inflame the mind of the ruling race against the Indians. At the same time, the enormous increase in the number of lawyers and the consequent spread of the legal spirit have diminished the personal influence of the English officials and have given rise to scandals in administration which in some of the more advanced provinces, have marked the transition from a regime of executive discretion to one of law. It is usual to regard the reform party broadly as being divided into two groups - a moderate and an extreme. It would be more correct to say according to these opponents that their objects were identical though their methods were different. According to them, the extreme party desire the exclusion of British rule from India and their policy is to make the Executive Government of the country impossible, and by fanning racial hatred to pave the way for a general insurrection. The moderate party adopted a more discreet but as objectionable a policy. They demanded Home Rule for India—the form of Government of a self-governing colony. The danger of this

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policy lies in its resemblance to constitutional methods. This constant preaching must achieve as its result, the same effect as the disloyal agitation of the extreme party. It cannot, but fan racial hatred and enhance the difficulties of the Executive Government. The non-official Englishmen and their press are entirely opposed to the consummation, wished for by the Indian agitator within any reasonable time. On the other hand, almost the whole of the Indian press which is under the control of one or the other of these parties is insistent on these demands. There is ample evidence that this political agitation has influenced the minds of common people. It is not only in India that the political atmosphere is full of change. Everywhere, a new spirit is abroad, all the various castes and classes have now obtained political consciousness and they are all seeking to enforce their claims against one another and against Government. It is not in such circumstances that the Executive Government can in any way be weakened by transfer wholly or in part to Indian hands. These were the reasons advanced against the appointment of Indians.

205. The first important measure to come before the Reformed Council was a new Press Law for the better control of the press. Under that Act the Executive of every province acquired the right, without the intervention of any Court of Justice, to forbid the coming into existence of any printing press or paper except after payment by the owner of a heavy pecuniary security, which might be declared forfeited to the government, if the press or the paper published what the government considered illegal matter. When the government thus placed a ban upon the appearance of a new printing press or paper, there was no appeal of any sort, but where it declared the forfeiture of existing presses or papers, or of the security deposited, there was an appeal to a special court of judges. The government might declare any paper, book or other document, whether printed in India or England, or else where, to be forfeited and order it to be seized by the police and all suspected premises to be searched by them, although the owners were not charged with any legal offence. The government was the sole judge in the first instance whether

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the matter published was illegal, and the only remedy the pressmen had, was to appeal to a special bench of judges. Fresh powers were also given to Customs and Post Office Officials to seize and detain for the government suspected newspapers, books and journals for the inspection of the local Executive. It was frankly admitted by Sir Herbert Risley, that three-fourths of the mischief aimed at by the new law, was already covered by the stringent provisions of the Penal Code. But the Penal Code could only be enforced through a judicial proceeding, by definite evidence in the hearing of the accused, and after a judge had been satisfied that his guilt was made out. Under the new Act, the Executive could step in and forbid or confiscate publications without any legal preliminaries. Moreover, the new Act created a novel offence by forbidding any newspaper to publish any words or signs "which might be likely to have a tendency, whether by inference, suggestion, allusion, metaphor, implication, or otherwise, to cause annoyance to any person and thereby induce him to do any act which he was not legally bound to do or to omit to do any act which he was legally entitled to do". The reasons for this Bill were stated by Sir Robert Rinsley in the following terms. According to him, the newspapers wrote :-

"The government is foreign, and, therefore, selfish and tyrannical. It drains the country of its wealth; it had impoverished the people and brought about famine on a scale and with a frequency unknown before; its public works, roads, railways and canals have generated malaria; it has introduced plague, by poisoning wells, in order to reduce the population that has to be held in subjection; it has deprived the Indian peasant of his land, the Indian artisan of his industry, and the Indian merchant of his trade; it has destroyed religion by its godless system of education; it seeks to destroy caste by polluting maliciously and of set purpose, the salt and sugar that men eat and the cloth that they wear; it allows Indians to be ill-treated in British Colonies; it levies heavy taxes and spends them on the army; it pays high salaries to Englishmen and employs Indians only in the worst paid posts; in short, it has enslaved a whole people, who are now struggling to be

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free. My enumeration may not be exhaustive, but these are some of the statements that are now being implanted as axioms in the minds of the rising generation of educated youth”.

Now, with the exception of this statement about the plague and the poisoning, all the others are, according to many well informed loyal and respected critics of the British Government, substantially true. It would not be safe after this Act for any one to discuss any question relating to the matters referred to in the paragraph above cited. It will be open to the Government to penalise a paper and stop any discussion relating to the Land Revenue of the country or the industrial Policy, to the taxation of the country and army expenditure, and to the question of salaries. There was, however, no strong protest against the Bill because they were assured that an appeal was provided to the High Court, who could remedy any injustice.

206. But within a short time that was proved to be an illusory remedy. This provision was considered in the case of a pamphlet entitled “Come over to Macedonia and help us”. It was admitted that the pamphlet was not seditious and that it did not offend against any of the provisions of the Criminal Law of India. The Mussalmans were very much excited by the attack on the Turks by the Balkan Christian races. It was generally reported that various atrocities were committed on the Turks. Hence the pamphlet. It was also conceded that Mahomed Ali who wrote it, was acting in the highest interests of humanity and civilization in appealing to the Christian instincts of the English people and asking them to go over to Macedonia in order to relieve the Turks from the inhuman outrages committed by Bulgars and others against all the instincts of Christianity. But the Chief Justice decided that such an appeal was repugnant to the Press Act whose provisions were very comprehensive and language as wide as human ingenuity could make it. He said, “Indeed, it appears to me to embrace the whole range of varying degrees of assurance from certainty on the one side to the very limits of impossibility on the other. It is difficult to see to what lengths the operation of this section might not plausibly be extended by an ingenious mind. They would certainly extend to writings

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that may even command approval. An attack on that degraded section of the public which lives on the misery and shame of others, would come within this widespread net; the praise of a class might not be free from risk. Much that is regarded as standard literature might undoubtedly be caught”.

He held that that Executive were within their powers in suppressing the pamphlet and that the courts could afford no remedy. And all that he could do was to say that Mahomed Ali left the court without any blemish on his character and he allowed no costs to the government. This, of course, is a terrible indictment of the law. This pronouncement was conclusive in Bengal, and if the executive government did not accept it, the law should undoubtedly have been repealed or modified. The provisions of this law have been put into effect many times.

207. Apparently as a compensation to the constitutionalists, the detenues, Aswini Kumar and others were released from internment. The Bengal partition was reversed by the King Emperor at the Delhi Durbar in December 1911, and their main grievance was thus removed.

The work of the constitutional party was over. They had set before themselves the task of upsetting the Bengal partition, and they had got it reversed although at heavy cost. They had a new partition which kept together the Bengali speaking race. Therefore, their chief objection for the Bengal partition was removed and, therefore, they had no valid cause of complaint against the new partition. But they suffered grievously by the removal of the capital from Calcutta to Delhi. Thereby the great influence which the Bengalis had hitherto exercised, over the Government of India, practically disappeared.

208. From this time forward, the attitude of the constitutional party changed.

Before the announcement of these reforms, there were various remedial and preventive measures proposed by the Bengal Government to check the exploitation of schools for political purposes, which was being carried on both by the Congress leaders and by the members of revolutionary organizations. After the announcement, the Congress leaders withdrew

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from this. There was not the same enthusiasm in starting and maintaining the national schools as before, and the Government of Bengal were therefore able to recommend to the Government of India, that proposals for licensing schools and teachers, etc., which they had made, might be dropped, as measures were then required only to check the secret methods which were being adopted by disloyal organizations. The papers of physical violence party, the "Yugantar", "Sandhya", "Bande Mataram", etc., had been already suppressed under the Press Law of 1908.

With all its defects, the reforms had effected a complete change in the attitude of the educated classes. I quote the opinion, which I think is quite right, of a competent witness—Sir H. Adamson—Lieutenant Governor of Burma—written in September 1915: "I was an Additional Member of the Legislative Council during the later part of Lord Curzon's rule. I was an Ordinary Member of Council during the greater part of Lord Minto's rule. When I recall the attitude of the leaders of the educated classes on Lord Curzon's Council, their antipathy to almost every government scheme, and their openly expressed distrust of British rule, when I remember the attitude of the various popular Congresses at the same time, whose deliberations carried opposition almost to the verge of sedition, and when I contrast these conditions with those that existed at the end of Lord Minto's rule, after material concessions had been given to the Indian people, and with the conditions that exist now when these concessions have been for some time in operation, I have no hesitation in believing that among the educated classes British rule is more popular in India now than it was ten years ago".

British rule must be distinguished from 'Bureaucratic' rule which had been steadily losing in popularity for many years, in fact ever since the time of Lord Elgin.

209. But there was a class who were not conciliated. The sufferings of the people had gone deeply into their soul. They persevered in their revolutionary activities. The passionate utterances their leaders had aroused and inflamed their minds against the British Government and had satisfied them that nothing but

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the destruction of the British Government would save them. They were satisfied that the government would continue to incite the Mahomedans against the Hindus, and life would be intolerable to them on account of Mahomedan atrocities, whereas even if the Mahomedans were supreme in the land and governed the country, their hardships would not be so great, as they had experience of Mahomedan Government in the olden days. Other causes also were in operation.

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210. Annie Besant made it her mission to tell Hindus of the superiority of the Eastern religions to that of the West, and that if India failed the world at this crisis, it would be sunk in gloom and despair. She spoke really of a spiritual India. Vivekananda went further and was more militant, Ranade at the yearly gatherings spoke of unity and concord and the necessity of getting rid of all that stood in the way in the interests, both of spiritual and material progress. I vividly remember the wild cheering with which Ranade's utterances at a social reform gathering—that the Indians were the chosen people of God, destined to dominate the world - were greeted. With passionate fervour, Annie Besant preached the Hindu Religion.

The encouragement given by Lord Curzon to vernacular and classical education gave a great impetus to this movement. As has generally happened in history, this religious renaissance led to political speculation. India's fall from her high estate; the danger to her soul from an alien and material civilization; the impossibility of development on her own lines, according to her own traditions when all her movements are controlled by foreigners; the necessity of self-government for progress; the alleged impossibility of any progress, material or moral, when her intellect was almost atrophied under a sense of inferiority; all those questions were discussed with vigour. Many of these social and religious reformers were also members of the Congress and accepted the contentions of Dadabhai, Digby, Romesh Chunder Dutt, and others.

One is reminded of Fichte's "Speeches to the German nation" to the Berlin students in 1807 - when the French were actually in occupation of the city. Substitute India for Germany

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in his speech, and we have what the Religious preachers have been saying to India from 1895. "Germany compared with other nations, is *spirit, life and good*, struggling against *matter, death and evil*. Let Germany but attain to self-knowledge and she will rise and overcome the world". I shall refer to a few of the Bengalee leaders who were responsible for this passionate crusade against the British Government.

211. **Arabindo Ghosh:** The most arresting figure of the movement was Arabindo Ghosh. His full name is Arabindo Ackroyd Ghosh - Ackroyd Ghosh being the name of a friend of his father. He obtained a first class in classical Tripos at Cambridge. He passed into the Civil Service, but was not admitted on account of his failure in the riding test. He became the Vice-Principal of Gaekwar's College, Baroda. While there, according to the Rowlatt Seditious Commision, he wrote a pamphlet named "Bhawani Mandir" which according to them sets out the "aims and objects of the revolutionaries (see paragraph 94). Let me examine the book for myself. It is said there:-

"A temple is to be erected and consecrated to Bhawani the mother, among the hills. To all the children of the mother the call is sent forth to help in the sacred work.

WHO IS BHAWANI?

Who is Bhawani, the mother, and why should we erect a temple to her?

BHAWANI IS THE INFINITE ENERGY

In the unending revolution of the world, as the wheel of the Eternal turns mightily in its course, the infinite energy, which streams forth from the Eternal and sets the wheel to work, looms up in the vision of man in various aspects and infinite forms. Each aspect creates and makes an age. Sometimes She is Love, sometimes She is Knowledge, sometimes She is Renunciation, some times She is Pity. This Infinite Energy is Bhawani, She also is Durga, She is Kali, She is Radha the Beloved, She is Lakshmi, She is our Mother and the creatress of us all.

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BHAWANI IS SHAKTI

In the present age, the mother is manifested as the mother of Strength. She is pure Shakti.

THE WORLD IS GROWING FULL OF THE MOTHER AS SHAKTI

Let us raise our eyes and cast them upon the world around us. Wherever we turn our gaze, huge masses of strength rise before our vision, tremendous, swift and inexorable forces, gigantic figures of energy, terrible sweeping columns of force. All are growing large and strong. The Shakti of War, the Shakti of Wealth, the Shakti of Science and tenfold more mighty and colossal, a hundredfold more fierce, rapid and busy in their activity, a thousandfold more prolific in resources, weapons and instruments than ever before in recorded history. Everywhere the Mother is at work; from Her mighty and shaping hands enormous forms of Rakshasas, Asuras, Devas are leaping forth into the arena of the world. We have seen the slow but mighty rise of great Empires in the West, we have seen the swift, irresistible and impetuous bounding into life of Japan. Some are Mlecha Shaktis clouded in their strength, black or blood-crimson with tamas or rajas; others were Arya Shakthis, bathed in a pure flame of renunciation and utter self sacrifice: but all are the Mother in Her new phase, remoulding, creating. She is pouring her spirit into the old; She is whirling into life the new.

The deeper we look, the more we shall be convinced that the one thing wanting, which we must strive to acquire before all others, is strength—strength physical, strength mental, strength moral, but above all, strength spiritual which is the one inexhaustible and inperishable source of all the others. If we have strength, everything else will be added to us easily and naturally. In the absence of strength we are like men in a dream who have hands but cannot seize or strike, who have feet but cannot run.

Our race has grown to be just such an old man with stores of knowledge, with ability to feel and desire, but para-

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lysed with senile sluggishness, senile timidity, sensible feebleness. If India is to survive, She must be made young again. Rushing and billowing streams of energy must be poured into her; her soul must become, as it was in the old times, like the surges, vast, puissant, calm or turbulent at will, an ocean of action or of force.

Many of us, utterly overcome by *tamas*, the dark and heavy demon of inertia, are saying now-a-days that it is impossible; that India is decayed, bloodless, and lifeless, too weak ever to recover; that our race is doomed to extinction. It is a foolish and idle saying. No man or nation need be weak unless he chooses, no man or nation need perish unless he deliberately chooses extinction.

India cannot perish, our race cannot become extinct, because among all the divisions of mankind, it is to India that is reserved the highest and the most splendid destiny, the most essential to the future of the human race. It is she who must send forth from herself the future religion of the entire world, the Eternal religion which is to harmonise all religions, science and philosophies and make mankind one soul. In the sphere of morality, likewise, it is her mission to purge barbarism (*mlecchahood*) out of humanity and to aryanise the world. In order to do this she must first rearyanise herself.

It was to initiate this great work, the greatest and most wonderful work ever given to a race, that Bhagwan Ramakrishna came and Vivekananda preached. If the work does not progress, as it once promised to do, it is because we have once again allowed the terrible cloud of *tamas* to settle down on our souls, fear, doubt, hesitation, sluggishness. We have taken, some of us, the *Bhakti* which poured forth from the one and the *Jnana* given us by the other, but from lack of *Shakti*, from the lack of *karma*, we have not been able to make our *Bhakti* a living thing. May we yet remember that it was *Kali*, who is *Bhawani*, Mother of strength whom Ramakrishna worshipped and with whom he became one.

But the destiny of India will not wait on the falterings and failings of individuals; the Mother demands that men shall arise to institute her worship and make it universal.

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TO GET STRENGTH WE MUST ADORE

THE MOTHER OF STRENGTH

Strength then and again strength and yet more strength is the need of our race. But if it is strength we desire, how shall we gain it if we do not adore the Mother of Strength? She demands worship not for Her own sake, but in order that She may help us and give Herself to us. This is no fantastic idea; no superstition, but the ordinary law of the universe. The Gods cannot, if they would, give themselves unasked. Even the Eternal comes not unaware upon men. Every devotee knows by experience that we must turn to Him before the Divine Spirit pours in its ineffable beauty and ecstasy upon the soul. What is true of the Eternal, is true also of Her who goes forth from Him.

All great awakenings in India, all her periods of mightiest and most varied vigour, have drawn their vitality from the fountain heads of some deep religious awakening. Wherever the religious awakening has been complete and grand the national energy it has created has been gigantic and puissant; wherever the religious movement has been narrow or incomplete, the national movement has been broken, imperfect or temporary. The persistence of this phenomenon is proof that it is ingrained in the temperament of the race. If you try other and foreign methods, we shall either gain our end with tedious slowness, painfully and imperfectly, or we shall not attain it at all. Why abandon the plain way which God and the Mother have marked out for you, to choose faint and devious paths of your own treading?

We will therefore build a temple to the white Bhawani, the Mother of Strength, the Mother of India; and we will build it in a place far from the contamination of modern cities and as yet little trodden by man, in a high and pure air steeped in calm and energy. This temple will be the centre from which Her worship is to flow over the whole country; for there, worshipped among the hills, She will pass like fire into the brains and hearts of Her worshippers. This also is what the Mother has commanded.

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212. "KARMA - A NEW ORDER OF BRAHMACHARINS"

Adoration will be dead and ineffective unless it is transmuted into Karma.

We will therefore have a Math with a new Order of Karma - Yogins attached to the temple, men who have renounced all, in order to work for the Mother. Some may, if they choose, be complete Sanyasins, most will be Brahmacharins who will return to the Grihasthasram when their allotted work is finished, but all must accept renunciation.

Bhakti and Karma cannot be perfect and enduring unless they are based upon Jnana.

The Brahmacharins of the Order will therefore be taught to fill their souls with knowledge and base their work upon it as upon a rock. What shall be the basis of their knowledge? What but the great so-aham, the mighty formula of the Vedanta, the ancient gospel which has yet to reach the heart of the nation, the knowledge which when vivified by Karma and Bhakthi delivers man out of all fear and all weakness.

THE MESSAGE OF THE MOTHER

When therefore, you ask who is Bhawani the Mother, She herself answers you, "I am the infinite Energy which streams forth from the Eternal in the world and Eternal in yourselves. I am the Mother of the Universe, the Mother of the Worlds, and for you who are children of the Sacred Land, Aryabhumi, made of her clay and reared by her sun and winds, I am Bhawani Bharathi, Mother of India".

Then if you ask why we should erect a temple to Bhawani, the Mother, hear Her answer, "Because I have commanded it, and because by making a centre for the future religion, you will be furthering the immediate will of the Eternal and storing up merit which will make you strong in this life and great in another. You will be helping, to create a nation, to consolidate an age, to aryanise a world. And that nation is your own, that age is the age of yourselves and your children, that world is no fragment of land bounded by seas and hills, but the whole earth with her teeming millions".

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Come then, hearken to the call of the Mother. She is already in our hearts waiting to manifest Herself, waiting to be worshipped—inactive because the God in us is concealed by tamas, troubled by Her inactivity, sorrowful because Her children will not call on Her to help them. You who feel Her stirring within you, fling off the black veil of self, break down the imprisoning walls of indolence, help Her each as you feel impelled, with your bodies or with your intellect or with your speech or with your prayers and worship, each according to his capacity. Draw not back, for against those who were called and heard Her not, She may well be wroth in the day of Her coming; but to those who help Her advent even a little, how radiant with beauty and kindness will be the face of their Mother:

213. The work of the Brahmacharies and Sanyasins in the temple is thus defined.

All who undertake the life of Brahmacharya for the Mother will have to vow themselves to Her Service for four years, after which they will be free to continue the work or return to Grihastasram. Their chief work will be that of mass instruction and help to the poor and ignorant, nurse the sick, conduct works of charity, and any other good work.

They will undertake according as they may be directed, various works of public utility in the big towns and elsewhere connected especially with the education and religious life and instruction of the middle classes, as well as with other public needs.

They will approach the Zamindars, landholders and rich men generally, and endeavour,

(1) To promote sympathy between the zamindars and the peasants and heal all discords.

(2) To create the link of a single and living religious spirit and a common passion for one great ideal between all classes.

(3) To turn the minds of rich men to works of public beneficence and charity to those in their neighbourhood, independent of the hope of reward and official distinction.

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As soon as funds permit, some will be sent to foreign countries to study lucrative arts and manufactures.

They will be as Sanyasis during their period of study, never losing hold of their habits of purity and self abnegation.

On their return, they will establish with the aid of the Order, factories and workshops, still living the life of Sanyasis and devoting all their profits to the sending of more and more such students to foreign countries.

Others will be sent to travel through various countries on foot, inspiring by their lives, behaviour and conversation, sympathy and love for the Indian people in the European nation, and preparing the way for their acceptance of Aryan ideals.

After the erection and consecration of the temple, the development of the work of the Order will be pushed on as rapidly as possible or as the support and sympathy of the public allows. With the blessings of the Mother this will not fail us.

214. Now this is what the Seditious Committee Report says :

“ A new order of political devotees was to be instituted but it was optional for the members to become sanyasis (ascetics). Most of them were to be brahmacharis (or unmarried people) who would return to the Grihastha-asram when the allotted work was finished. What that allotted work was though not specified, is clear. It was the liberation of India from the foreign yoke. The combination of the religious, political and social views is clearly brought out in the rules already mentioned, by which the new order was to be governed. Generally speaking, a new organisation of political sanyasis was to be started, who were to prepare the way for revolutionary work. It is significant that at this stage there is no reference to violence or crime.”

This is a cruel misrepresentation. The Brahmacharis may return to the “Grihastha asram” after four years-not after “any allotted” nor specified work - the “allotted work” is fully set out. The objects appear not only innocuous but laudable. First, according to Arabindo comes the Brahmachari life or a life of service. The Hindu religion prescribes a life of service to the Guru. It is said that Arabindo Ghose got this idea of

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general service or service to others from Christianity. This may be so. But it must be remembered that in Vaishnavism, Karma or general service is implied. In Buddhism, which is only an offspring of Hinduism, it is obligatory (see essays by D.T. Zsuzsi; The Meditation Hall and the ideals of Monkish Discipline, page 301). There is nothing inconsistent with a monastic Brahmachari life of service in Hinduism. Seva-sangams particularly of the Ramakrishna Mission are now spreading all over India. There is one great distinction between Arabindo Ghosh's monastic Brahmachari life and the Monastic life of Christianity, the Sevasangham life of Ramakrishna Mission or the Karma Sanyasa life of Vaishnavism. In the three latter the life of service and rigorous monastic life are coincident in point of time and is operative throughout life. But, according to Arabindo Ghosh, Brahmacharya may be followed by a family life or life of Karma. If one leads only a life of virtuous Karma, it would lead him according to the Hindu religion, to Paradise. But if he takes to a life of Sanyasam and proves himself worthy of it according to religion and philosophy it would lead him to the Supreme Goal. This is the Hindu religion as applied to modern conditions. In various publications after he settled down at Pondicherry he has explained his philosophy in detail. But they have no bearing on the questions before me which are confined to the Bengal agitation, in so far as it is responsible for the Rowlatt Report and the Rowlatt Committee. I have gone into this at some length not only in the interests of truth but also to show that the Report of the Rowlatt Committee on which the Rowlatt Act is based, the evidence on which it is based being not available to the public, should be accepted with some reserve.

215. In the year 1906 Arabindo started "Bande Mataram". "Jugantar" edited by his brother Barendra Krishna was written for the masses in Bengali. "Bande Mataram" was started in English by a company composed of, among others, Arabindo Ghose and Bepin Chandra Pal. His paper exercised a very great influence in fostering the agitation against partition. The press was finally declared forfeit in November 1908. In the Conspiracy case in which his brother was sentenced to ten years rigorous imprisonment, he was acquitted as the Judge found that Arabindo

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Ghosh has not been guilty of any offence known to law. The Judge described him as "a man who seems to have an extraordinary hold over the affections of his countrymen, and added, "It is freely admitted for Mr. Arabindo Ghosh that his ideal is independence but the attainment of it is to be reached by passive resistance and by educating the people to stand by themselves and counsel for the Crown, admits that there is nothing wrong in cherishing such an ideal provided, it is not sought by violent methods". "Now, not a single article has been pointed out to me which suggests the use of violence",

After his paper was forfeited, he started in June 1909, a weekly Magazine called the "Karma Yogin". For a letter in that paper which appeared over his signature, he and the printer were prosecuted. Arabindo Ghosh went to Pondichery before the warrant against him was executed. The printer was prosecuted, but his conviction was set aside by the High Court. Now, the Karma Yogin article contained the following which was the Key sentence of the article; "if the nationalists stand back any longer, either the National movement will disappear or the void created will be filled by sinister and violent activity. Neither result can be tolerated by men desirous of their country's development and freedom;" and again "fear of the law is for those who break the law. Our aims are great and honourable free from stain and reproach, our methods are peaceful though resolute and strenuous. We shall not break the law, and therefore we need not fear the law". "But if a corrupt police, unscrupulous officials, or a partial judiciary make use of the honourable publicity of our political methods to harass the men who stand in front, by illegal ukases, suborned and perjured evidence or unjust decisions, shall we shrink from the toll that we have to pay on our march to freedom? Shall we cower behind a pretty secrecy or dishonourable inactivity? We must have our associations, our organisation, our means of propaganda, and if these are suppressed by arbitrary proclamations we shall have done our duty by our Motherland, and not on us will rest any responsibility for the madness which crushes down open and lawful political activity, in order to give a desperate and sullen nation into the hands of those fiery

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enthusiastic and unscrupulous forces that have arisen among us inside and outside India." And again "These are the objects for which we have to organise the national strength of India. On us falls the burden, in us alone there is the moral ardour, faith and readiness for sacrifice, which can attempt and go far to accomplish the task. But the first requisite is the organisation of the Nationalist party. I invite that party in all the great centres of the country to take up the work and assist the leaders who will shortly meet to consider steps for the initiation of Nationalist activity. It is desirable to establish a Nationalist Council and hold a meeting of the body in March or April of the next year. It is necessary also to establish Nationalist associations throughout the country. When we have done this, we shall be able to formulate our programme, and assume our proper place in the political life of India".

It is also to be regretted that a warrant was issued against him on account of this article. He should have been allowed, in my opinion, to prosecute a nationalist association in order to stop "Sinister and violent activity". However, he was not allowed to do so. He acted in accordance with the advice he himself has given in the "Bhawani Mandir" quoted. After four years of activity, 1906 to 1910, he attempted to return to Grihasthasram by starting the Karma Yogin. The name itself is significant. When he was not allowed to do so, he became a Sanyasi according to the advice in the Bhawani Mandir. We will leave him there to nurse and develop his "Shakti",

It would be interesting to compare the philosophy of this Bengal Philosopher with the philosophy of Gandhi which he first gave out in the Punjab. Gandhi's work is not consistent with Indian philosophy and religion. Arabindo Ghose's, on the other hand, is going on from strength to strength as it forms a texture of the Hindu religion. I pass on to the Revolutionary part.

216. To the revolutionaries, Bhagavad-Gita was a great inspiration. Arabindo Ghosh also was a great student of it. Since his retirement to Pondicherry he has written a commentary on the Gita. The following verses were those which were

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impressed always on the minds of the young men invited to participate in the agitation.

“The wise grieve neither for the living nor for the dead. Nor at any time verily was I not, nor thou, nor these princes of men, nor verily shall we ever cease to be, hereafter. As the dweller in the body experienceth in the body, childhood, youth, old age, so passeth he on to another body, the steadfast one grieveth nor thereat. The contacts of matter, O, Son of Kunti, giving cold and heat, pleasure and pain, they come and go, impermanent; endure them bravely, O Bharata. The man whom these torment not, O chief of men, balanced in pain and pleasure, steadfast, he is fitted for immortality. The unreal hath no being; the real never ceaseth to be; the truth of things, Know That to be indestructible, by whom, all this is pervaded. Nor can any work the destruction of that Imperishable one. These bodies of the embodied One, who is eternal, indestructible and immeasurable, are known as finite. Therefore fight, O Bharata. He who regardeth this as a slayer, and he who thinketh he is slain, both of them are ignorant. He slayeth not, nor is he slain. He is not born, nor doth he die; nor having been, ceaseth he any more to be; unborn, perpetual, eternal and ancient, he is not slain when the body is slaughtered. Who knoweth him indestructible, perpetual, unborn, undiminishing, how can that man slay, O Partha, or cause to be slain? As a man, casting off worn-out garments, take new ones, so the dweller in the body, casting off worn-out bodies, entereth into others that are new. Weapons cleave him not, nor fire burneth him, nor waters wet him, nor wind drieth him away. Uncleavable he, incombustible he, and indeed neither to be wetted nor dried away; perpetual, all pervasive, stable, immovable, ancient. Unmanifest, unthinkable, immutable he is called; therefore, knowing him as such thou shouldst not grieve. Or if thou thinkest of him as being constantly born and constantly dying, even then O mighty-armed, thou shouldst not grieve. For certain is death for the born, and certain is birth for the dead; therefore over the inevitable thou shouldst not grieve. Beings are unmanifest in their origin, manifest in their midmost state, O Bharata, unmanifest likewise are they in dissolution.

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What room then for lamentation? As marvellous one regardeth him; as marvellous another spoketh thereof; as marvellous another heareth thereof; yet having heard none indeed understandeth. This dweller in the body of everyone is ever invulnerable, O Bharata; therefore thou shouldst not grieve for any creature”.

These are the words spoken by Lord Krishna to Arjuna, the representative man, exhorting him to fight. Krishna tells him not to care for his life or death. The various names-son of Kunti, Bharata, Partha-are the names of Arjuna.

217. **Bande Mataram**: Quite as important was the novel ‘Ananda Math’ by Bankim Chandra Chatterjee. It describes the adventures of a band of Sanyasis who belonged to the temple Ananda Math. They were men who had renounced home and friends, given up property and pleasures, conquered their passions and caste, and made a vow to fight for Hinduism to death. They greeted one another with the words ‘Vande Mataram’. The Bengal revolutionary societies were formed after this model and Bande Mataram became their war cry. Political meetings began with it. Popular leaders were welcomed by that cry.

I propose to refer now to a few of the leaders of the Revolutionary party.

218. **Bepin Chandra Pal**: I first met Bepin Chandra Pal at the Congress of 1906 at Calcutta, where he led the opposition to Surendra Nath Banerjee. On account of his speeches in Madras which followed soon after, I had to consider the question whether he was a revolutionary or not. He has himself described his philosophy of Sakti.

“The occasion that brings us together here is not political. We are met here to celebrate a festival in honour of Sakti. Sakti worship is a familiar thing among us. It has been a part of our religion from time immemorial. It has indeed been an essential element in every religion. Man approached his God in the earliest stages of religious evolution as Sakti, or Power everywhere. Primitive man had no conception of the God-head, except as “a Power not himself”. He came face to face with this Power in the life of Nature on the one side, and

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in the organisation of Society on the other. In his Nature's surroundings, in the play of physical forces about him, man came in contact with a power not himself, that curbed and controlled his physical life. In his social surroundings, in the laws, the customs and the regulations of his tribe, in the disciplines of his religion, he stood face to face with another Power, not himself, that curbed and controlled his instincts, his desires and his social life and activities; and through these dual manifestations of force were first quickened man's intuitions about God. This has been the origin of religion everywhere.

“Indeed, there can be no religion without a consciousness of Divine Omni-potence. Whether that Omni-potence be conceived as Love or relentless fate, it is there at the root of man's religious intuitions, and in the aspirations of his religious life.

“But though the real and the highest worship of Sakti must be through the cosmic and social revelations of it, this highest form of Sakti worship is possible to the highly educated and cultured alone. The masses can hardly be expected to approach this high standard; and yet they too must be initiated in the mysteries of Sakti worship; and for them adequate symbols and rituals must be provided. And I feel no hesitation to say, that I cannot conceive of a better symbol of Sakti in our present condition than the symbol of Kali, not conceived as a supernatural deity, but simply as the symbol of cosmic evolution on the one side, and of race consciousness on the other. Indeed, the whole range of legends concerning Sakti worship in India clearly indicates this symbolic character. Cosmic force was symbolised in the Vedic Indra and Rudra; while Durga, Kali, Bhawani, Bhagavathi, all these represent more or less the symbol of the race spirit. These are all war-deities, and the wars with which they associated, in our pauranic legends, are clearly tribal wars. The credit of victory in these wars could only be given to the tribal deity, which could be nothing else than the representation of the spirit of the tribe or race. And as such these symbols may well be utilised, if properly interpreted, for the organisation of our new civic religion and sacraments. In this view and in this form I do not feel any hesitation to recommend the Kali symbol to those of my countrymen to

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whom it may really appeal as an inspiration for the cultivation of Sakti.

“Indeed, Bankim Chandra Chatterji had already set up Kali as a symbol of “Mother as She is”, Kali is thus an excellent symbol of Sakti both in its natural and national aspects. In nature, as in social life, the power or authority that rules is essentially benevolent. Cosmic evolution is the evolution of an idea, and so also is the social evolution; and goodness is the soul of this idea in both its aspects. The ultimate fact in nature is not decay and death but progress and life. The ultimate fact in social authority is also not bondage but freedom. And Sakti thus stands rooted universally in goodness; Kali springs from and is rooted in the heart of Siva. It wages war standing upon goodness; Goodness is what springs from Goodness; is also what it seeks perpetually to realise and attain. Kali is naked, because possessed by the spirit of goodness it has lost consciousness of itself. Nakedness implies passion. Nakedness symbolises detachment. It is the sign not of savagery, but of selflessness. Sakti destroys and kills, but not from self-regarding motives, but moved by its passion for the good. Carnage is a part of the divine ordering of the universe. Nature’s teeth and claws are bloody. Sakti as symbolic of cosmic force naturally bears the emblem of carnage and destruction—the garland of human heads dripping blood on its bosom. As symbolic of race consciousness also Sakti works out its divine ends sometimes through war and carnage. Indeed Sakti is never manifested except in and through conflict. The conflicts of forces in nature reveal the infinite energy that stands behind it. In society also it is in the conflict of interests and ideals that social authority reveals and develops itself. So in both its aspects, cosmic and social, the right symbol of Sakti can only be that of a war Goddess. In view of it all, it is difficult to conceive a better symbol of Sakti than that, in and through which it is worshipped by popular Hinduism.

“And we need this worship today more than we did in the past. All strength seems to have gone out of the Nation. Inertia has been elevated almost to the ideal of religion among the people. Selfish dread of struggle has been apotheosised as

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the very perfection of faith and love. Laziness has been ennobled to the position of divine peace; and all this has contributed to the decay of the national life. From inertia to the highest faith the course of evolution lies through self-assertion and self-exertion that imply severe and relentless struggle. Our people must realise the sanctity now of conflicts. They must realise that the highest good can only reach itself out in this world through bitter struggles; and the symbol of Kali may well be utilised now to arouse the dormant energies of the nation and to lead it on to realise its highest destiny through conflicts and struggles that are necessary processes of all evolution.

It would put courage into drooping hearts. It would impart a religious meaning and significance to our national movements. It would help to revive faith in the supernatural, and thus remove any demoralisation that may have set in among the people”.

Bepin Chandra Pal was responsible for starting the famous “Anusila Samiti”, which was ostensibly intended for the improvement of Bengali youth for the promotion of discipline and physical exercises. He was also the Secretary of the Sivaj Festival Committee in Calcutta. That festival was soon followed by the organisation of Sakti Samiti. His Madras speeches were definitely revolutionary. But he left Madras before any proceedings could be taken against him. He left for England soon after, and on coming back to India he explained away a good deal of what he had written before and towards the end of his life he practically became a conservative in politics.

219. *Suprabhat*: The “*Suprabhat*” edited by Miss Kumudini Mitter, published the poem *Suprabhat* by Sir Rabindranath Tagore which contains the following stanza.

‘Whose voice do we hear coming from the sunrise,
Saying to us, ‘Fear not : Fear not :

There is no death for him who will lay down his life’.

In further issues it contained also these lines:—

“The Mother’s worship can no longer be performed
with fruit and flowers.

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The Mother's hunger can no longer be appeased with words only.

Blood is wanted :

Heads are wanted :

Workers are wanted :

Warriors and heroes are wanted :

Labour is wanted, and firm vows and bands of followers ;

The Mother can no longer be worshipped with fruit and flowers”.

There are several other verses of the same kind. The following are some of them. One who was killed in his youth replies thus to the Goddess Sakti who asked him why he died so early.

“Where is the pain, Oh Mother : where is the grief ?

Daily I play with death ; death is no enemy of mine”.

The Goddess asks again,

“Oh child, whose loved one are you ?

For your sake I die.

The sight of your golden face makes me glad, but why have you become so desperate, and why is there no fear in your tender heart ?

The dead man replies,

“In this vast world many are the homes that call me with voices of affection ; many are the kind Women who will treat me as mothers. Death is my bride and my mother :”

About another the following lines were written :—

“Oh deathless devotee, the song of thy glory will never cease ;

The voice of time will be raised echoing that song softly ;

The flame of the pyre will blaze with redoubled brightness.

Come back again :

“Thy fellow pilgrims watch beside the pyre to complete the worship,

They place the basket of renown and glory on the bank of the Ganges

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Their yearning eyes are uplifted ;
Come back again :
Now is the sacred dawn of a new life,
Now each heart throbs in unison with the hearts of all,
Holding the thunderbolt to their hearts, and
wiping away their tears, the bands of Santans cry,
' Come back again :''

The motto of the journal was

“ March on : March on : Oh brother ;
It is useless to lag behind ; it is useless
to be like the dead. What good is there,
Oh Brother, in living a life in death ?
Brother, March on ; March on :

She states her policy thus:—

“ In the midst of the despondency which seems to have seized the elderly portion of the community, the younger portion are inspired with hope and enthusiasm, and they are confident that the long dark night is about to be succeeded by a bright day. Their enthusiasm has communicated itself to the once inert part of the social organism.

“ Suprabhat ” was a monthly magazine. It was suppressed under the Press Act of 1910.

220. **Barindra Kumar Ghosh** : Barindra Kumar Ghosh, like his brother Arabindo, was born in England but he was brought to India in his childhood. When the Bengal Partition agitation began he started “ Yugantar ” in 1906 with certain others. His object was to persuade the young boys that the British Government was founded on fraud and oppression, and that religion and history dictated its removal. In the meantime by religious, athletic and educational discipline, a fanatical organisation was to be created which would develop by murders of officials, and would finance and arm itself by plunder. Secret societies were formed and as stated already “ Yugantar ” was started. Sir Lawrence Jenkins, the Chief Justice, said that the articles therein exhibit “ a burning hatred of the British race ; they breath revolution in every line, they point out how revolution is to be effected. No calumny and no artifice is left out which is likely to instil the people of the country with the

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same idea or to catch the impressionable mind of youth". Its sale was so great that the crowds seeking to purchase it formed an obstruction in the street. The following article shows the policy of the paper.

"The foreigners manage by artifice to obtain and take away the wealth of the country and everything substantial in it, and throw the Indians, reduced by them to skeletons, into the horrid jaws of famine, pestilence and poverty. On the one hand inactivity, lifelessness, impotence and want of energy and, on the other poverty, pestilence, scarcity and famine have gained a permanent footing in the land. Is this to be called peace? War or a revolution is an infinitely better thing than the peace under which mortality is fast rising in India. If even fifty millions of men disappeared from India in an attempt at deliverance, would even that not be preferable to death in impotency and peace? Why should he who was born a man and of a man die like a worm? Has the Almighty provided no means of deliverance for him who cannot prove himself a man and act as such in his life? He has: **IF YOU CANNOT PROVE YOURSELF A MAN IN LIFE PLAY THE MAN IN DEATH.** Foreigners have come and decided how you are to live. **BUT HOW YOU ARE TO DIE DEPENDS ENTIRELY UPON YOURSELF.** Others have meddled in your mode of living, but no one can meddle in your mode of dying. The right of deciding how you are to die is your own, if you cannot show yourself a man in life, show yourself one in death—that is the teaching of the times."

"To-day, the Bengalis alone of all the Indian have understood that the Westerners are a set of fierce and bloodthirsty beasts of prey. They are a nation completely devoid of mercy, righteousness, conscience and manly virtues. They do not want the world to be made happy. They do not want righteousness in the world. They want to live for themselves only. They want everything for themselves to eat. They want to fill their coffers with all the treasures of all the nations of the world. They want all the inhabitants of the world to lay everything that they possess at their feet and become their slaves. The Bengalis have understood this, and are consequently trying to dispel the

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illusion. The Bengali is to-day making all India appreciate his own sterling divine qualities. This is why that avaricious, bloodthirsty nation is going about with open mouth and baring its fearful teeth to devour the Bengalis”.

Like Bepin Chandra Pal, he advocated the worship of Sakti. “The Mother is thirsty and is pointing out to her sons the only thing that can quench that thirst. Nothing less than human blood and decapitated human heads will satisfy Her. Let her sons, therefore worship Her with these offerings, and let them not shrink even from sacrificing their lives to procure them. On the day on which the Mother is worshipped in this way in every village, on that day will the people of India be inspired with a divine spirit and the crown of independence will fall into their hands”.

He was prosecuted many times and finally was sentenced to transportation for life.

221. It is not surprising that under such inspiration various secret societies were formed in Bengal and assassinations of officials, robberies for the purpose of acquiring the means to purchase weapons and rifles to start a revolution were carried out. The outrages from 1906 to 1917 are described in chapters 4 to 6 of the Sedition Committee's Report. It is superfluous to refer to them here. But what to my purpose of explaining the opposition to the Rowlatt Act, is important is that in many cases it was found that the prosecution evidence was manufactured and also that the witnesses or the accused were often subjected to torture and other illegal pressure. The Bengal trials disclose a state of affairs not very creditable to the administration. They disclosed not only inefficiency but untrustworthiness and hence raised great alarm in the public mind who would not believe that persons punished solely on evidence obtained by the police could be held guilty. The police had already a bad reputation. And in the public mind it was clear that there had been no substantial improvements. The revolutionary crimes commenced in 1906 and the first important case in the Report of the Sedition Committee is the Comilla shooting case which has already been referred to (see paras 192 and 193).

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222. The first dacoity attended with considerable loss of life and property is what is called the Burah dacoity on the 2nd June 1908. See the Report of the Committee. The dacoits attacked a house in Burah in the small morning hours, proceeded with their booty to the neighbouring river killing two men on their way, continued their course in a boat along the river in day time, a distance of about 70 miles, pursued by a succession of villagers, including a Head Constable and Police Inspector, drawn from the villages and huts through which they passed. After the pursuit had lasted throughout the day the dacoits made their escape at nightfall. All the accused who were tried for this dacoity were acquitted. The Police were working under extremely favourable conditions, which are referred to, showing that the dacoits were under the observation of many persons including policemen. The Head Constable was one of the identifying witnesses. The High Court Special Tribunal, that tried the case, not only rejected the testimony of the witnesses but also said, "We have come to the conclusion that improper influences have been at work and that the evidence is tainted with that deplorable interference which so enormously increases the difficulties and anxieties of the Courts of Justice: for, if the taint be present, who can accurately estimate the extent? There had been much to give rise to the apprehension of this mischief, but apprehension gave way to conviction when S....., came into the dock." They further found that depositions which favoured the defence were withheld and, "the identity of one of the witnesses was suppressed for some sinister purpose". Reading the judgment it appears clearly, if I may presume to offer an opinion, that the judges did not set up an unduly high standard in the matter of evidence necessary for the identification. This was also the non-official Anglo Indian opinion. Nor was there any reason to suppose that these simple villagers were unwilling to reveal the identity of the criminals on account of the political motive of the crime. The reasons for the failure of the prosecution will be apparent to those who bear in mind the observations of the Police Commission.

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223. The next, known as the Midnapur case, illustrates the length to which some are prepared to go. It shows the necessity of strict supervision. It is sometimes the case with the Police whenever an offence is committed, or believed to be committed, to implicate in it all persons who, in their opinion, should be deprived of their liberty, and it is only to be expected that sedition trials in Bengal would be attended with similar attempts. In the Midnapur case 154 persons, rajahs, zamindars, pleaders, among them leaders of the District Bar, men of high position in society, including those who were very prominent in the constitutional agitation which was carried on against partition, were accused of a conspiracy to murder a District officer. The Advocate-General withdrew the prosecution against all except two or three of the accused who had made confessions and the latter were placed on their trial. They were convicted by the Sessions Judge, and acquitted on appeal. The judgment of the Learned Chief Justice is a terrible indictment of the system of British administration of justice in India. Even at this distance of time it is painful reading. The man who confessed was in custody for many days. Pressure was put upon him by the Police to confess, but he refused to make any incriminating statements. His mother was persuaded to press him to follow the advice of the Police; as, otherwise, their properties would be lost and his brothers and old father would be arrested. Pressure was also put upon the father by the District Magistrate and the Police to persuade the son to confess, but he resisted it. The man was removed from the under-trial ward to a separate cell of small dimensions, where he was kept in solitary confinement—a form of prison treatment which is by law strictly limited even in the case of convicts, and is not in accordance with rules; and in common with all who were kept in these condemned cells, as they are called, he was awakened every three hours. Even after such harsh treatment he held out. Then, the threat was really carried out. His father, an old Government servant who had retired on pension, was arrested, according to the words of the District Magistrate himself, “at my suggestion”. His son wept when he found that his father was arrested. The Chief Justice found, and it is

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difficult to say what else he could find, that the arrest was a move towards getting from the accused the statement he had hitherto withheld. After that he soon confessed. The confession was recorded by a Magistrate in the presence of the District Magistrate, at whose instance he was arrested. The latter intervened actively by putting and suggesting questions on the strength of documents and information with which he had been previously furnished and which were withheld from the accused. The confession was disbelieved and the man was acquitted on appeal. The informer, put forward by the prosecution in the original proceedings, was tried and sentenced for perjury. The defence in this case also contended that the finding of the bomb in the house in which the accused was staying was due to the Police placing the bomb there. The Chief Justice remarked that the evidence did not enable the Court to form a pronounced theory but he was not prepared to set aside the contention of the defence in view of the methods pursued in the case. This was on the 2nd June 1909. There was a civil suit which afforded no redress.

224. Other cases may be cited from the Reports (like the Howrah Gang Case) in which the High Court found, among others, that Police pressure was being exercised to secure confessions, false statements by approvers and other kinds of false evidence, and that they kept back statements made to them under the plea—not believed—that they had disappeared. I shall wind up with one other case known as the Mussalampars case immediately preceding the Defence of India Act.

A Police officer was killed by a bomb explosion: two other Police officers and another person were severely wounded or injured. The prosecution case was that one of the accused actually threw the bombs. Two of the judges were convinced of the absolute innocence of the accused; a third judge said "My deliberate conclusion is that the endeavour made to establish a connection between the innocent lad and a dastardly crime by means of evidence tainted in a large manner by manifest untruth and manufactured incidents has been completely unsuccessful". It is difficult on reading the judgment of the Chief Justice to avoid the inference that the Police, to defeat the

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probable allegation that the pistol had been placed where it was found, endeavoured by false evidence to establish the contention that the weapon was not discovered until after the arrival of a responsible European officer. In many respects the judges found that the story given by the witnesses was false. These judgments convinced even the Anglo Indians that the Police evidence generally could not be trusted (see the leading newspaper "Statesman").

225. The nature of the evidence, often relied upon to prove, seditious intent is remarkable—association in school, games, sports, lathi exercise in public, wore a sinister aspect. Kindly acts were brought up against the accused. The Chief Justice observed in one case :—

"It would have been a misfortune if this argument had possessed the force claimed for it, for I can imagine nothing more deplorable than that young men should be driven into churlishness through the fear that their kindly deeds may rise up in judgment against them."

We know from other sources that enthusiastic support of Gokhale's Compulsory Education Bill had been brought up against a schoolboy. I have been referring to a number of cases in which men have been convicted for revolutionary conspiracies. In this connection, we must not forget the opinion of the Calcutta High Court expressed in a case which was tried for many months in which the prosecution put forward all the evidence which they could procure to prove the extent and nature of the revolutionary conspiracy. The Chief Justice made the following observation :—

"I have hesitated much as to whether it could, with any show of reason, be said that the evidence has disclosed a conspiracy for so serious an end as waging war against His Majesty, and I have hesitated the more when I have borne in mind the class of men arraigned before us as accused, and the arms that have been disclosed consisting, as they do, for the most part of a few revolvers, some muzzle-loading guns, some antiquated and broken pistols and a handful of arrow heads. Even Lalit, when he says that the object was "to make the country independent", adds "there was no immediate hurry".

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Jotin Hazra seems to have regarded the movement as a means of livelihood, and in proclaiming his repentance, he declared that he recognised that all this dacoity business was bad and that he had been worse off since the dacoities than before. Before us he expressed the view that 'these dacoities constituted a secret society'. Panna Lal, who also professes to have been a member of the conspiracy, declared in his confession to Mr. Patterson, 'all who entered the gang perpetrated swindles in the name of Swadeshi'. Here he improved his story. Still, the provisions of the law are comprehensive and it does not require very formidable elements either in men or means to satisfy its definition of a conspiracy to wage war. For the conspiracy with which we are concerned, no act or illegal omission is necessary; the agreement of two or more will suffice, so that the determination of the Court that a conspiracy to wage war has been established does not imply, as its terms might suggest, the existence of a serious menace to the constitution or the stability of constituted authority in India. And I think it right to say this in explanation of my conclusion that a conspiracy to wage war has been proved."

226. I have showed how the administration of justice stood in 1915. There were revolutionary movements, but the prosecutions were indiscriminate. Along with the guilty, a good number of innocent persons were prosecuted. Many of them obtained justice only by appealing to the High Court. It was about this time that war was declared and the Defence of India Act was passed, in March 1915, at the request of Sir Michael O'Dwyer primarily with reference to the state of affairs in the Punjab but also with reference to the revolutionary movements in Bengal. It was passed:—

(1) to enable Government to restrain the movements of those persons who in the opinion of government were acting in a manner prejudicial to the public safety or defence of British India. The local government can compulsorily domicile any one in any portion of the Province under section II of the Act. Breaches of any of the rules concerning domicile in the Districts to which the Act had been extended can be punished without resort to the ordinary courts.

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(2) To create special tribunals for speedy trial, against whose judgments there was no right of appeal in case of certain serious offences and breaches of orders passed on persons whose movements are restricted under the Act.

This was the situation when I joined the Government of India. I found that the Government of Bengal had been dealing with a good number of persons alleged to be connected with revolutionary movements against whom it would have been hopeless to proceed under the ordinary law, as no court would convict them on the evidence available. There were many persons proceeded against, whom it would have been extremely difficult for a court to convict; all of them would have been very doubtful cases. There were many cases in which it would have been inexpedient to take action under the ordinary law. Generally speaking, it might be said that all the persons whom the officials suspected of being connected with the revolutionary movements, were proceeded against under the Act. They were either interned or tried by the special courts and convicted. It undoubtedly aroused justifiable discontent. The officials believed that a serious blow had been struck at the movements alleged to be revolutionary by the measures which had been taken. Further, the old regulation of 1818 was used against suspected persons who had nothing whatever to do with the King's enemies outside India.

227. What I have said hitherto about the operation of the Defence of India Act is admitted. But my own opinion went much further. To me, it was quite clear that torture and illegal pressure were applied to elicit evidence. I found in case after case that a witness was examined by relays of police officers who allowed them no rest or sleep, and consequently in order to escape this torture, they went on making statements agreeable to the examining police officers. Such statements might be true or might not be true. When such statements were accepted in Bengal by the superior officials or the members of government, it was not easy for the Government of India to interfere nor was it easy to say that they were wrong. The Government of India did the only thing they could do. They appointed a Commission of Judges on one occasion, to go

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through these papers. Naturally they were not prepared to say that they could not be acted upon. This is the only natural conclusion as these statements were not made in public or in the presence of his (accused's) own counsel. In fact, counsel was not allowed to the persons making statements. The Report of the Sedition Committee is mainly based on the statements, of witnesses; so made under the Defence of India Act. Corroboration of such statements is not of much value as the corroborating evidence is in many cases prepared at the instance of the police themselves.

CHAPTER XXII

SIR MICHAEL O'DWYER—PUNJAB ADMINISTRATION

228. The Duke of Cannaught had appealed to all to forget the Punjab incidents of 1919. It was those incidents which were leading to the dissolution of the Anglo-Indian Empire. I doubt very much whether it is possible for the empire to recover from the blow dealt by the Government of Punjab and General Dwyer; but it has become necessary, for reasons that will appear later, for me to refer to the Punjab story. Punjab became a part of the Indian Empire more than 50 years later than the other provinces. Local Self-Government institutions were created later in time and were not as advanced as in the other provinces. The Legislative Councils also were later and not as good as elsewhere. While all the incidents mentioned were taking place in Bengal, Punjab was not happy. Six lawyers in Rawalpindi were charged with sedition, for most violent and seditious language, as Morley said in the House of Commons. Bail was refused and for five months they were imprisoned. Finally they were all acquitted by the Judge who tried the case, who said that there was no evidence to justify the prosecution and the evidence that was adduced was suspicious, if not fabricated. Trouble thickened. The Local Government passed a law which increased the land and water rates. This affected the military class in the Punjab. The Commander in Chief interfered and the Government of India disallowed the measure. Lajpati Rai who was responsible for the agitation was arrested, but there was no charge and no trial. He was released after some time. Lord Morley, in his published speeches, omitted all reference to him.

229. Sir Michael O'Dwyer was appointed Lieutenant Governor of the Punjab by Lord Morley, who was not struck by his liberal views when he saw him. He considered him the

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most illiberal Anglo-Indian statesman that he had seen. The final decision was due to Sir Valentine Chirol who was asked to select a name out of the three which Morley had before him, and Sir Valentine, not a friend of India, selected Sir Michael O'Dwyer. He took charge in May 1913. He was only a few weeks in the Punjab, when at a Durbar at Rawalpindi in reply to a combined address of welcome by the District Board and the Municipal Committee, he said "I have received many excellent and wellmeant suggestions as to how I should carry on the administration, what I should do to meet the aspirations of the people to further the movement towards Self-Government, towards the separation of Executive and Judicial functions and in regard to other matters of state policy. Abstract speculations of this nature have their interest and their value. They gain in value, if, in addition to enlarging on the duties of the administration, some stress were made on the elementary duties of the people as citizens and subjects. I should have welcomed and I shall welcome any practical suggestions as to how Government can discharge more efficiently its primary obligation to secure life and property, and how the people can be aroused to a sense of their duty to their community. All other questions of policy are in my opinion, subsidiary to these two and should stand over till these obligations are adequately discharged". In the same speech he addressed a warning to the Press. A month latter in the very first speech in the Legislative Council, he administered a second warning to the Press. He said that if the action already taken did not have the desired effect, groverment would deal with the offenders as with any other individuals that break the law and would employ all the means the law placed at its disposal, and of these, the taking of security and forfeiture were the least. The warning was promptly followed by action under the Press Act of 1910. Security was demanded, warnings were given, the security already deposited forfeited in many cases.

230. Under the Press Act of 1910 in the years 1910 to 1914, 52 Newspapers and 200 presses were warned. 9 news-papers and 6 presses ceased to exist on account of the security demands. Applications from 53 newspapers and presses were rejected and

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they failed to start owing to security demands. This was under the Press Act of 1910. Under the Act of 1915, 9 newspapers were warned in 1916, and in 1917, 18 newspapers including all the leading papers were warned. Security was demanded from various newspapers. Orders were passed sometimes prohibiting the publication of any account of the proceedings of meetings held to protest against internments. A warning given to one newspaper is practically a warning to all the newspapers.

The reasons for the action taken in each instance are very insignificant. I give them in the official language. One Mahomedan newspaper, started in the interests of agriculturists which was directed to give security for Rs. 12,000 and which was paid by the people, was "warned in April 1914 on the Land revenue administration of India under British rule". Another paper "was called to account for misrepresenting facts in a murder case which occurred 5 or 6 years ago and in which police malpractices were wrongly alleged in an article "Saved from the gallows". Steps were taken for publishing an article entitled "Police and people", for "Feature or House searches" in the Province. It may be safely assumed that in the Province, discussion of the land revenue system, and of Police Administration in any manner, considered objectionable by the authorities, was practically impossible. A paper was required to give additional security for developing extremist views, which of course had good effect. Warnings were also given for criticisms on the conduct of the head of a Province, i.e. for an article headed "His Honour's tour and his sermon". I am taking only a few samples. It is possible that these articles, some if not all of them, are objectionable and such as would fall within the terms of the Penal Code of India, but in the absence of any possibility of a decision by the courts as to their objectionable features it is quite clear that the exercise of the powers of the Executive Government was bound to give rise to deep discontent. The Government of Sir Michael on the other hand came to the conclusion that the majority of the press-men and publicists were obsessed with the idea that opposition to government was their main function, and that it

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was necessary that even more effective steps should be taken to control the press.

231. At the meeting of the Legislative Council held on the 18th of April 1914 certain non-official members proposed that an Executive Council should be established in the Province partly to relieve the Lieutenant-Governor of a part of his onerous duty and responsibility, and partly to give the people themselves a small share in the government as one of the members in the Council would be an Indian according to the Morley-Minto Reforms. He replied that the proposals had "Come upon him rather as a surprise", that "the people of the Province has from the start been habituated to regard the Lieutenant-Governor as the sole head of and, in the last degree responsible for, the administration of the Province", that "the Province had progressed and prospered under that system in a manner which can stand comparison with any other province or Presidency", and that "the matter came within the range of practical politics" only "if it could be shown that the present administration of the Province suffers from certain defects and that the addition of an Executive Council would remove those defects". He added "for forms of government let fools contest". Five months later in August 1914, war broke out and immediately there was trouble.

232. There was immediately a Mahomedan outbreak against the Government and the Hindus in some of the South western Districts of the Punjab, which I shall describe in some detail. In the early part of the cold weather of 1914 it was represented to the Deputy Commissioner on tour by the Hindu Panchayats in those districts that they feared an outbreak on the part of the Mahomedans on account of Turkey's attitude towards England. He advised all to live on amicable terms. Early in 1915 there were daylight robberies: and the looted properties were openly carried away on camels and donkeys. Formal complaints were made by the Hindus to the Deputy Commissioner, to the Thasildar and to the Superintendent of Police. Nothing was done. Even after the first organised dacoity on the 21st of February, the local officials neglected to take any steps. Dacoities went on day and night. Telegraphic

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messages were sent to the Commissioner and the Deputy Commissioner. The outbreaks were unchecked. The Commissioner and the Deputy Commissioner referred the applicants to the Police. The serious robberies which began about the 20th of February lasted till the 16th of March.

The robbers were exclusively Mahomedans, mainly landlords and their tenants. The victims were exclusively Hindus. The houses of the Mahomedans were marked by red flags before the dacoities began. In certain places the Mahomedans assisted the Hindus with varying degrees of success. In other places no assistance was rendered. According to the official version there were 126 dacoities; according to the report submitted by the Committee of Hindus, who inquired into the matter, they amounted to much more. The shops which were burnt amounted to 181. The number of houses which were looted amounted to 823. The property stolen is estimated by the Committee at many lakhs. The stolen property and the buildings destroyed do not exhaust the loss. Debt bonds, account books etc., were destroyed to get rid of the evidence of debts due.

According to the official report the village officials, zailadars and headmen in the localities principally affected, not only as a rule failed in their duty but had in many cases openly or secretly assisted the dacoits. The local police Tahsildars etc., as a rule failed to act up to their responsibilities; some of them more than others. The higher officials in two out of the three districts affected were certainly slow in realising the situation.

Men were killed; women were disfigured and raped. As the people were disarmed there was practically no resistance, and where any resistance with weapons other than swords or firearms was attempted, there was a wholesale rape of women. To protect their women the Hindus, gave up all attempts at resistance. This, however, did not prove sufficient protection to their women who were outraged in many places. In the rare instances in which the defenders had firearms there was no robbery.

The dacoits proclaimed that they were subjects of the German Emperor, and had received his orders to plunder as

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they pleased. They told all the Mahomedan residents wherever they went that the Germans were coming. Many of the robber gangs called themselves Black Germans, Red Germans, and Yellow Germans. Some leaders impersonated the Kaiser, others the Crown Prince. The villages to be attacked were named Liege, Antwerp and so on. They shouted the Mahomedan war-cry. Temples were burnt, idols broken or thrown away, the sacred books like the Granth, Bhagvat Gita, destroyed. The robbers, in fact, identified themselves with the Germans, and the fixed idea was that the Germans were victorious and that the British Government was about to collapse.

Of course, there must have been organisation and previous conspiracy. There was evidence in favour of it. There was also a confession by one who was, according to the officials, "undoubtedly one of the ring-leaders", giving the details of the conspiracy. But the higher officials entertained such high opinion of their subordinate officials and other persons implicated—who were considered to be loyal and peaceful subjects—that it was inconceivable to them that the latter could be responsible for any thing of this sort. It was only natural when such officials were questioned by the Hindus, they could get nothing from them except "smiles of superior knowledge". The Hindus were so disgusted with the conduct of the officials that for a long time, according to the latter, they refused to implicate anybody, while according to the Hindus themselves, they made their complaints at the earliest possible dates but the officials would not generally record them. It is no doubt extraordinary that records like dying declarations and confessions should disappear from the Deputy Commissioner's Office.

Of the many thousands of robbers, between 5 and 6 thousand were sent up for trial, 676 in all were convicted. By far the majority of the alleged criminals were tried by a special tribunal under the Defence of India Act 1913, and in order to try the culprits who were Mahomedans, a Mahomedan was appointed as President of the tribunal. The Mahomedan leaders, no doubt, did all in their power to make amends. They offered to replace the idols, granthas etc., and to make pecuniary compensation on Sir Michael's account (?) It was in the official

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records dealing with this outbreak that I came across what was to me the startling fact that the officials relied upon the landlords and noblemen to take the steps necessary to keep the peace. In fact, the Police administration Report gave the absence of such men as the chief cause of the long duration of the disturbances. In Madras we had passed this stage before 1850. The Government, generally, even decline the offers of such men to put down disturbances. It places the peasantry under their control.

233. There was also trouble as regards the emigrant Sikhs. One Gurdit Singh chartered a Japanese S. S. "Komagata Maru", to convey some hundreds of Sikhs and Mahomedans to Vancouver in Canada. They were not allowed to land and they all had to come back again. They believed that the refusal was due to the British Government. Chief Justice Hunter of the Supreme Court of British Columbia had, in what is known as the Narain Singh's case, decided that the Order in Council and the Emigration Regulations which stood in the way of their admission to Canada were ultra vires. Subsequently, a second Judge of the Supreme Court had given a similar decision. Gurdit Singh relied on this and hence the belief that the refusal was due to the action of the British Government. On their return, most of them were arrested and interned. This caused great dissatisfaction. Sir Michael evidently regarded them as rebels. He was evidently not aware of the decisions. But there is the opinion of Mr. Ramsay MacDonald that the Indian wish to claim full Imperial citizenship was shown by the case of the Komagatu Maru. This ship was despatched with 400 Indians on board from Shanghai in 1914 to deposit its passengers at Vancouver and thus challenge the validity of the Canadian immigration laws, and test the right of Indians as British subjects to land in Canada. The promoters of the expedition were characterised by the Viceroy in the Legislative Council as "culpably responsible", but, whether that is so or not, this is surely a case where motives count for everything, and here the motive was reasonable and praiseworthy. It was precisely the same motive as was making India at the time, rally to the Empire's standard in the European war. The Canadian Courts upheld the law; the Indians

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were deported, and after suffering and trouble got home aggressively discontented.

234. Besides this, some thousands of emigrants, it is said about 8000, were returning from America. These were under the impression, as they explained in their defence when they were tried, that Punjab was soon going to get Home Rule, and therefore, it was unnecessary for them to continue any longer in America. But there were, it is said, revolutionaries also amongst them. And on landing in India the antecedents of all of them were apparently inquired into, and most of them were subjected to severe treatment. There were special tribunals constituted under the DORA ACT which was passed for the speedy trial of prisoners during the war, and many of them were convicted. How many of them were really guilty, it is difficult to say. Sir Michael O'Dwyer stated in a speech before the Imperial Legislative Council that such convictions were based mainly upon approvers and police evidence. I was in charge of the petitions for mercy when I was a Member of Council; and I found that the administration of criminal justice in the Punjab, compared to that of other provinces was peculiarly inadequate. In cases where there was no real evidence some confessions would always be forthcoming. The Police were more unsatisfactory than in any other Province. The unsatisfactory character of such convictions soon became clear to me. It will be seen later that the basis of a general conspiracy on which these cases proceeded has been declared to be without any foundation.

235. Almost the first question that came to my notice was the death sentence which had been passed on 23 persons (politicals) for the murder of 3 persons at Lahore. They were convicted by a special tribunal constituted ad hoc. No appeal was allowed from their decision. The Government of India were of opinion that only three of them were guilty and acquitted the rest. Amongst those ordered to be hanged I found there was a young fellow who did not defend himself. I told a relative of his who visited me that if he would submit a memorial to Lord Hardinge setting out the true facts of the case—because his relative assured me that he was innocent—Lord Hardinge would in all probability, commute the sentence of death into one of transportation for

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life or for a long term of imprisonment. The message was conveyed to him but he sent word to me thanking me, but at the same time, assured me that he preferred death now as he would be reborn in a few years to fight this satanic race whereas, after a long term of imprisonment, he would be unfit to take any part in the war of Independence that would soon break out. This was in 1915. In February 1931 the murderer of Mrs. Curtis when asked, whether he wished to appeal against the sentence of death which was passed on him, put forward the same reason for not appealing as he wished for death and re-birth to fight the English.

236. Sir Michael O'Dwyer committed various other acts which were very much resented. A public meeting was held in the Bradlaugh Hall, Lahore, to protest against the internment of Mrs. Besant: the Lahore press was, in the first instance, forbidden to publish a report of the function, and it was only after the report had been published outside the province that the order forbidding its publication in the Lahore Press was withdrawn. The organisers of political meetings were sent for and sought to be won over and in one case, as we shall see, they were originally asked not to invite leaders from outside the province, and later on an exception was made in the case of only two of these leaders. And to Crown all, Mr. Tilak and Babu Bepin Chandra Pal, two of India's leading publicmen, were absolutely prohibited from entering the Punjab, and some of the foremost organs of nationalist opinion, New India, Bombay Chronicle and A. B. Patrika etc. were, one after another, proscribed in the Province.

All these measures were no doubt taken directly or indirectly for the purpose of preventing the Home Rule propaganda from spreading in this Province. It is worthy of note that as this propaganda became stronger and stronger and began to show signs of making its way into this province either through the Press or otherwise, Sir Michael O'Dwyer became less and less able to conceal his opposition to it. What had been during the first years of his administration, only a dislike of political progress, which could sometimes be disguised, began now to assume the character of a settled and active hostility.

237. In September 1916, nineteen members of the Imperial Legislative Council, as I have already said, submitted a memo-

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randum to the Viceroy urging, what in their opinion was, the minimum of constitutional reform needed at the time to satisfy Indian sentiment and to meet the requirements of the country. A public meeting was held in support of this memorandum at Lahore, and among those who sent letters to the President of the meeting expressing their approval of the scheme were some members of the Local Legislative Council. Every one of these gentlemen was taken to task by or on behalf of the Lieutenant-Governor and their action strongly disapproved. In December 1916, the Congress and the Moslem League had met at Lucknow and adopted what had since become famous under the name of the Congress-League Scheme. It was within a few months after this momentous action at Lucknow that Sir Michael O'Dwyer passed the orders excluding Mr. Tilak and Babu Bepin Chandra Pal from this province. The official explanation for this action as given by Sir Michael himself in the local Council was, that "an agitation for Home Rule in this province on the lines advocated by the leaders of this movement, and as they would be interpreted by those to whom it would be addressed, would stir up the dying embers of the revolutionary fires which we have almost succeeded in extinguishing and set parts of the province ablaze once more". As it was, everybody, both in the province and out of it, interpreted the action as a direct blow aimed against the Home Rule movement itself, and the educated community in the Punjab interpreted it as a deliberate attack upon their self-respect, their patriotism and their loyalty.

It was in the same speech that Sir Michael O'Dwyer defined his attitude towards the Home Rule movement itself, which by this time, had become an all-India movement of considerable vigour. The attitude, as already stated, was one of unqualified hostility. "The increasing measure of Self-Government, by steady and orderly change, by which this country will fit itself as education spreads, as causes of disunion diminish, and as large numbers of the vast population gain political experience", said Sir Michael—"is something very far from the sudden upheaval and the startling transfer of political authority into ignorant and inexperienced hands which the protagonists of Home Rule contemplated in their extravagant demands". "Such changes" said the speaker, "would

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be as revolutionary in their character and, I believe as subversive of the existing constitution as those which the Ghadr emissaries endeavoured to bring about. Indeed, it is not without significance to find that the watchword of the thousands who participated in the decoities of the South-West Punjab two years ago and of many of the men who fomented the Ghadr conspiracy on the Pacific coast was Swaraj or Home rule, and that hundreds of emigrants who returned to the Punjab rebellion in the Province with fire and sword claimed that their object was to establish Home Rule."

Speaking of the Home Rule movement in his own 'unhappy country', Sir Michael O'Dwyer said:—"If the Home Rule movement after a hundred years of agitation has so far produced no better results among a people fairly enlightened and homogeneous, in a country no larger or more populous than a single one of the five divisions of the Punjab, what result can we expect from it in this vast continent, of 315 millions with its infinite variety of races, creeds and traditions, and its appalling inequalities in social and political development? Or in other words - India would not be fit for Self-Government much before Doomsday (would she be fit for it even then?). "Anyhow I may venture to say"... "that practical politicians and practical commonsense rightly classed as a Punjab virtue - will for many years to come, find ample occupation with such problems as the extension of local Self-Government, the reform of the public Services, the improvement to agriculture and industries, the adaptation of one system of education to the needs of the people, the reform of the criminal and the uplifting of the depressed classes of the co-operative society".

Within a few months after this, in August 1917, Mr. Montagu made his memorable declaration in Parliament. Soon afterwards, Sir Michael made a violent speech in the Imperial Legislative Council. He said that the conditions necessary for "Self-Government" did not, at that time, exist in the Punjab and would not come into existence for many a long day, and he made many other observations intended to discredit political claims. He referred to the vagueness of the term Self-Government and said that it may be compared with that equally

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vague term "Home Rule", which many of our politicians propound as a legitimate and constitutional ideal, while many of our revolutionaries have put it forward as the goal which they have in view when attempting to subvert the King's government (by sword, pistol and the bomb). In these days when we are in danger of being deafened by political harangues and of being blinded by the shower of political manifestos, it is well, occasionally, to return to mother earth to clear up our minds of shams and illusions and to ask ourselves what will all this noise and talk do for the man on the sod, the man behind the plough whose whole life is a long drawn question between a crop and a crop". He was made by the Viceroy to express his regret for having made this speech and the Viceroy had to dissociate himself from the observations of Sir Michael O'Dwyer and to rebuke him for having introduced unnecessary questions. In a subsequent speech he said "I also re-affirm my contention that the services of the martial classes, on whom the burden of sacrifice had fallen, are receiving and should continue to receive prior recognition from the Government, and that as the so-called political concession will be of less benefit to them than to the other classes, we have to look round for forms of recognition and reward which they regard as suitable and desirable."

238. Next month in October 1917, a Provincial Conference, the first of its kind in the Punjab province met at Lahore under the Presidency of Mr. (now Sir) Fazl Hussain, with Lala Har Kishan Lal as Chairman of the Reception Committee. The Conference not only endorsed the demand of the rest of the country for a substantial measure of self-government but also subjected the policy and measures of Sir Michael O'Dwyer's Government to strong criticism. Among those who were specially outspoken in their utterance was Mr. Har Kishan Lal himself, who soon after gave fresh offence by his evidence before the Industrial Commission, in which he denounced the attitude of the European - managed banks and of certain classes of officials. He was understood to have given great offence to the head of the local government by his spirited action on both these occasions; he had always been one of the most prominent leaders of the Congress movement in this province.

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Sir Michael admits, that from that period, the so-called extremist section and the Indian newspapers began to dominate politics in the Punjab and the so-called moderates became greatly reduced.

In November 1917 the Secretary of State arrived in India and in January 1918 he recorded his opinions on the reform in a minute to which I have already referred and which has been so sharply criticised. In April 1918, Sir Michael spoke of the "Machiavellian policy of endeavouring to extort advantages from the supposed embarrassment of the Empire". In May 1918, he said "it was said of a Roman Emperor, that while he fiddled, Rome was burning. Shall it be said of us that, while we argued about reforms, our very liberties were ascending to heaven in the fires of Louvaine".

239. On the 8th of July 1918 the Reforms Report was published. A special Conference was held at Amritsar in October 1918 to consider the proposals put forward in the Montagu-Chelmsford Report.

The President Mr. Duni Chand, with reference to one of them, said:—

"Stripped of all conventionalities this (i.e. the proposal that members of the Civil Service should be eligible for Governorships) means that instead of a Lieutenant Governor, you might have Sir Michael O'Dwyer as your Governor. This is too horrid to think of, particularly as a substantial part of the reform, coming in redemption of the pledge of August 20".

"Today when India wants to consider calmly and coolly a Reform Scheme that is going to affect her destiny vitally, the tables are turned upon her, and the unbridled bureaucracy resumes its un-English methods of gagging the mouths and muzzling the tongues of constitutional workers. The quackery of hurried violence, dissembling as Law and Order, again comes to the front and a brazenfaced attempt is made to dragoon into servile silence educated men armed with modern ideas".

He begged the Viceroy "to take immediate order with those of his subordinate pro-consuls, who are abusing the Defence of India Act under the guise of law and order". He

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also said that "our cup of disappointment, discontent and misery, in the Punjab at any rate, is full to overflowing".

This is the first instance, perhaps in the history of India, where the head of a province had been spoken of in such terms while holding office at a meeting in his own province. Duni Chand paid for it afterwards.

240. It was in such a hostile atmosphere that Sir Michael began that recruitment for War which led to such frightful consequences. When war was declared, India was anxious that all her resources in man-power and materials should be placed at the disposal of England. The scene in the House of Commons, when the offers of the Ruling Princes were read out, will never be forgotten. There were no conditions then put forward and it was India's one great desire, that not only her troops then ready should be despatched to Europe to fight the mightiest war-engine that the world had ever known, but they also wanted the mobilisation of all their man-power. Various chiefs had lists drawn up of the number of men they would be able to place at the disposal of the government. But their offers were, as in Ireland, not warmly received. In fact, generally speaking, the bureaucracy were not anxious that India should participate largely in the War. Such co-operation was bound to lead to the inconvenient demand for Home Rule, a demand which would scarcely be withstood. But, the Government were really in need of men. They accordingly confined recruitment to that province, from which they thought there would be no danger of this claim for Home Rule. All officials were generally under the impression that Punjab would not claim Home Rule like the other provinces in India, as it was less advanced in political education and far more under the control of the officials. The ordinary voluntary recruitment was tried first and after that, it was resolved to tap the lower classes. Further, Punjab made large contributions at the request of her officials towards the War, with the result that, when the Government of India desired to tax the agricultural income throughout India it was objected to, and it was rightly pointed out that this would be a great hardship on the Punjab landlords who had already contributed towards the War. After the classes with military traditions who were voluntarily recruited

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had exhausted their Man-Power, steps were taken to enlist from the classes below them. It was only natural that those classes would not be as willing as the others to enlist. Many of them were agriculturists, their fathers having no military traditions and themselves having no desire to enlist. Many of them were muslims attached to the Khalif and who were unwilling to enlist against him. Many, no doubt, were on the other hand quite-willing to go. In order to stimulate recruiting various steps were taken by the officials (Sir Michael. Ch. XV).

There was a recruiting Board with Sir Michael, the Lieutenant Governor as President, the head of the Land Revenue Department, the five Commissioners of divisions, three principal recruiting military officers and seven Indians (3 Hindus, 2 Muslims and 2 Sikhs), so that everybody in the province knew that the highest officials were bent on recruitment. This knowledge would be sufficient to prevent an ordinary ryot of the village from making any complaint. Under them in each district there was a recruiting Board with the Deputy Commissioner as President, some officials and non-officials to assist and raise the quota fixed for the district. Under them every sub-division and every circle or village official was made part of the recruiting machinery. In every part of India, the cultivator is absolutely dependent upon officials. In fact the reason why the Revenue officers struggle so despartely against a permanent settlement of Land revenue and against the agitation that land revenue should be increased only by legislation is that otherwise they would lose touch, as they put it, — or control, as the cultivators put it, — over the ryots. The cultivators of the Punjab are less bold than elsewhere. Almost every cultivator's annual revenue depends upon village officials, or officials above them. Against this machinery he must be a bold cultivator who would raise his voice. Apart from the fact that all the officials from the highest to the lowest would naturally support one another, the methods used by them place their zeal beyond all possible doubt.

241. One of them held a Durbar and it was proclaimed at that Durbar held to promote recruitment, that for rewarding those whose services were of value to the Government in recruiting and to punish those who did not render service in recruiting, two books

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would be kept—one a white book and the other a black book. In the Black the following would be entered :—

- (i) The name of the person who did not render any assistance in recruiting although he had the means to do so.
- (ii) The village which failed to supply its quota of recruits or the tribe which failed to supply its quota.
- (iii) The person who had a son, grandson or near relative, fit for recruitment but who evaded their recruitment, and thus by setting a bad example raised a sort of hindrance in recruitment work.
- (iv) The Lambarder, Inamdar, or Zaildar, who was dismissed from his office for the reason that he did not render any assistance since the outbreak of the War.
- (v) The name of the person who had been circulating false baseless rumours and wrong news among the people and had also raised hindrances in recruitment or to works in connection with the War will be borne in the “Black” in bold letters, so that a reader may forthwith pick up the name of such a disloyal person.
- (vi) The person who by his actions, words, pledges, movements, conduct and character has been representing that it is not necessary to help the Government at this juncture.

The Proclamation continued :

“The entries in the White Book would be permanent and no change would be effected therein (unless the person commits any act against the State). But, at the outset, the entries in the Black Book would be temporary. The person, tribe or village appearing in the said book would be duly informed of the entry and directed that if it rendered the quota service (for non-rendering whereof its name has been shown in the Black Book) within three months, its name would be struck off the Black and incorporated in the White Book. If it still neglected the duty its name would be put down in the Black Book and the entry would become permanent.

The person whose name is noted in the white book would be entitled to be made Kursi Hashin, Honorary Magistrate, Sub Registrar, Jagirdar, Inam Khar, Lambardar, Zaildar and so forth. But the unfortunate person whose name is down in the Black

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Book, shall have his titles forthwith forfeited, and the entry of his name therein will in future also deprive his descendants from getting titles. Moreover, some of these persons will be deemed as Members of criminal tribes, especially those who prevent people from enlisting in the army. The entries in these books will be forthwith commenced. The Tehsildars while on tour should record the names of such lucky persons (of every village who contributed assistance to the Government) in the White Book and the names of unlucky persons who have not yet mended their ways in the Black Book. They should also inform them that the entries in the Black Book could be removed within a period of three months. The names of villages which have supplied less than one per cent recruits will be, without fail, recorded in the Black Book and notices to the above effect will be issued to them. These books will be kept for ever, and in future, titles will be chiefly or rather entirely granted with reference to these entries. No Government officer will show any favour to any person whose name is down in the Black Book; on the other hand, they shall be fully dealt with."

A form of torture more exquisite can scarcely be conceived. All the titles hereditary or otherwise which are held by him are to be forfeited. Not only will he not get any further titles during his lifetime but his descendants also will not get any. Those whose names are in the Black Book may be regarded as members of criminal tribes, or in other words, their lives are to be passed under police supervision. Convicted persons have prayed that they may be sentenced to rigorous imprisonment rather than be declared members of criminal tribes. The Penal law of India is harsh. No favour would be shown by any Government Officer to any person whose name is entered in the Black Book. This was in a country like the Punjab where Government favour is a man's breath of life.

This proclamation was read in open Durbar by the Commissioner, the officer who was next to the Lieut. Governor in that division. Durbars were also held.

242. The witnesses say that men were captured forcibly and taken from one village to another, and marched off for enlistment.

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in the Army. They say that raids took place at night and that men were forcibly seized and removed. These incidents are only one branch of the matter; because there was the question of torture, the bramble torture, the thorn torture and bush torture, and there were insults inflicted. They say for the purpose of recruiting, hands were tied together and shoes were tied to the head. Men were stated to have been stripped, in the presence of their women folk, and many unmentionable things committed; several witnesses speak to this: some of them Barristers and Vakils; that Colonel O'Brien made a speech in one of the Districts, a speech that certainly would not indicate that recruiting was voluntary, because, says one of the witnesses, he made speeches which show that he was both tyrannical and malevolent, and he could turn a high caste man into a law-caste man, and he terrified the people and said that he would seize recruits. Moreover, quite apart from these acts and others which it is unnecessary to refer to in detail, there was a grave abuse, amongst other things, of what is called section 107 Cr. P. C., the security section. In other words, men were brought up charged with threatening to commit some breach of the peace, brought up not bonafide, but for the mere purpose of getting them before the Magistrate so as to have a weapon by which they could compel the recruiting either of himself or of other people.

“Then there was the order of Mr. Leigh, in regard to releasing men upon bail so that they might obtain recruits”. In *O'Dwyer v. Nair*, Mr. Justice McCardie said “the evidence is so striking, the episodes are appalling the indecent episodes, the cruelty, the bush torture, they are appalling”. The Judge continues “Out of 28 districts there are only two districts that is Shapur and Gujranwala - in which in substance there is direct evidence. But in regard to a couple of other districts, Rawalpindi and Lyallpur, there is some general evidence, and general evidence given by gentlemen of apparent weight-responsible weight”.

He forgot, however, that there was no time allowed to the Commissioner to take more evidence: and further that no complaints would have been made in those days without the risk of being sent to jail. But as I said that is immaterial,

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and I shall conclude this by referring to the following letter which was not before Mr. Justice McCardie.

243. Recruiting in the Punjab ("Truth" April 30th 1919)

"A brief reference was made in last week's "Truth" to the connection between the rioting in the Punjab and the methods of recruiting which have been adopted in that province during the War - much to the glory of the Lieut. Governor, Sir Michael O'Dwyer. The appearance of anything like widespread disaffection in the Punjab has caused surprise and misgiving among people well acquainted with India, and as everything which throws light upon the origin of the recent disturbances is of importance, it seems worthwhile to go somewhat more fully into the information to which I referred last week. This information comes from a source which precludes any doubt as to its trustworthiness. It dates back to the early part of last year, when the magnificent result of Sir Michael O'Dwyer's recruiting activities were being loudly trumpeted and when he himself was talking publicly of the vast numbers of troops that he still expected to get from the province. At that period, my informant, who has spent the best part of his life in India, came into contact with thousands of recruits already raised, and he was horrified at the unanimity with which they declared that they had not joined voluntarily. The statements of the recruits themselves were confirmed by the conversation of other natives encountered while travelling. It was a common thing to hear them speaking of sons or brothers who had disappeared or expected to disappear without trace, and also to hear discussions as to the best means of thwarting the activities of the native heads of villages or Districts. The headmen were all out to mop up, by hook or crook, every able-bodied man or boy on their lists in order to earn a public acknowledgement from the Lieutenant Governor at one of the Durbars, which he held wherever he went in furtherance of the recruiting campaign. On these occasions swords of honour, sporting guns, bags of rupees, and "sanads" (certificates) were distributed among those natives who had distinguished themselves by their prowess in obtaining recruits. How the populace in general regarded these efforts is shown

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not only by the sort of conversation referred to above, but the significant action of some of the bolder spirits in one District who waylaid their headman and put a stop to his activities as a recruiter by murdering him. My informant says that it has always been his custom to talk in a friendly way with the natives when opportunity offered and after thus conversing with them in large numbers in all parts of the Punjab he came last year to two conclusions: first, that "the term 'recruiting' was only another name for press gang work so far as the Punjab was concerned", secondly, "that there was an ever present terror among all classes of villagers lest they should be rounded up and sent off to the War". He does not doubt that among recruits collected by Sir Michael O'Dwyer in the early days of the war, there was a fairly a large percentage of men who enlisted quite voluntarily; but his observations showed a totally different state of things in 1918, when "unwilling recruits were to be found in hundreds at every training centre".

It is not suggested by anybody that the recent disturbances were simply a rebellion against veiled conscription, but that the virtual pressing of the people into the army laid a trail which any spark would fire into an explosion. It created a condition of the native mind favourable to any kind of political agitation. My informant says categorically that he does not attribute the unrest in Northern India to "press-gang" methods exclusively; but he had no doubt that the trouble has grown out of it though it has spread till it has embraced every other grievance and matter of political contention; and in the end one and all are inextricably mixed up. Neither is it suggested that Sir Michael O'Dwyer knew anything of the methods by which his recruits were "roped in", but that certainly does not absolve him from responsibility or blame. He ought to have foreseen the danger that he was courting and have taken care to avoid it."

CHAPTER XXIII

MARTIAL LAW ADMINISTRATION – PUNJAB DISTURBANCES AND MY RESIGNATION FROM THE VICEROY'S EXECUTIVE COUNCIL.

244. I have gone into the Bengal and Punjab affairs in detail as it is on account of those two provinces that the Rowlatt Bill was introduced. In Bombay I have already referred to what the Government did towards Tilak and I have already noted the fact that he and Mrs. Besant were responsible for the tremendous campaign for Home Rule in the years 1916 and 1917. Home Rule was held to be a revolutionary movement both by the Governments of the Punjab and of Madras. Both Punjab and Bengal were in ferment, the one due to the attitude of the Lt. Governor, the other due to a variety of circumstances beginning with the Government of Lord Curzon. Within a few months after the war the Defence of India Act would cease to be in force. The Government of India appointed the Rowlatt Committee to recommend whether any other measure was necessary in the interests of law and order and they recommended the provisions which afterwards were incorporated in the Rowlatt Act.

245. It was in a country then seething with excitement and in a Province so harassed that the India Government threw its bombshell (the Rowlatt Act) and that also at a time when the province was looking forward to the Montagu – Chelmsford Reforms. What is the Rowlatt Act?

The Government of India reforms report was signed on the 5th March and the Rowlatt Act was passed on the 18th March. Under the Act, a Provincial Government may ask a man to notify, his residence or change of residence, to any specified authority or to remain in any specified area in British India with the result that he may be called away from his business which may be utterly

ruined and may not be able to earn his living. He cannot resort to any judicial court for exemption or claim compensation. He may be required to abstain from any act which in the opinion of the Executive Government is calculated to obstruct the peace or is prejudicial to public safety. This order of course is not passed after any judicial enquiry, but only according to the opinion of the Executive formed without hearing him. A public man may be asked to report himself to the police. The Government may also arrest without any warrant any person who, in their opinion is concerned in any offence; they may fine him and they may search any place. In other words; the Executive is substituted for the judicial courts so far as security of property and safety of persons are concerned; when the Executive Government is so inclined they may say that offences shall be tried by the specially constituted tribunal without any jury, without any commitment by a Magistrate, and in such locality as the Government may decide, far away from any public opinion or any influential bar where competent lawyers may not even be available. The accused is not entitled to be defended by counsel. The trial may be in camera. He is not entitled to know before the commencement of the proceedings what the case against him is to prepare his defence; he is not entitled to get his evidence before the court. There is no right of appeal. Of course, under these provisions of law it is an abuse to say that a man's life or property is secure. The Executive Government from the Viceroy downwards is guided by the police, and it was rightly said that there would be an end to political life and freedom in the country, when as a rule, we find that the Provincial Government almost invariably and the Government of India often is against and not in sympathy with political aspirations of the people. There is, what is called an investigating authority provided in some cases, but the accused is not entitled to be present. The enquiry is held in camera and the Government is not bound to accept their findings. A specific written accusation, an open trial before the ordinary courts, not one created *ad hoc*, with the safeguards of the ordinary laws of procedure and of evidence, defence by a lawyer of his selection, a trial by jury or right of appeal, a judgment in open court—all these are got rid of by this Act.

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246. I have referred in detailing the condition in Bengal to the false evidence brought by the police to secure convictions, and to the fact that many of the so-called conspiracies were very negligible matters which should not be treated at all as offences against the state. In such a province, an Act like this would place liberty of persons and property entirely in the hands of the subordinate officials, police and the Executive. In Punjab, it is even worse. It had no chartered High Court. I was the member in charge of all petitions for mercy. I found that generally speaking, whenever there was no reliable evidence, there was a confession forthcoming. The judiciary was not strong, and it would take some time before they acquired that great tradition which characterised the courts in the Provinces of Bengal, Madras, and Bombay. In such circumstances there could be no freedom of discussion in the Legislative Councils, and the new reforms would make no change. I therefore made up my mind to oppose the new Bill and do all I could to defeat it.

When this Bill was introduced it scarcely attracted any attention. The sanction of the Secretary of State was sought by telegram in which it was mentioned that Sankaran Nair was opposed to it. His sanction was sought for the publication of the Bill; unaware that the publication of the Bill may be taken as tantamount to its introduction in the Council, the Secretary of State gave sanction for the publication.

247. Madan Mohan Malavya came to me to know whether I was opposing the Bill. I said I was and I gave him my reasons. This roused him. He put himself in communication with the leading newspapers. When their attention was drawn to it they all took it up, opposed the Bill and the country was stirred. Many of the members of the Legislative Council (the nominees of the Government) came to me for my opinion, as by this time, they had full confidence in me. I told them my views. They made up their minds to oppose the Bill accordingly. Such was the force of the opinion in the country, that scarcely any one ventured to support it. Non-official, elected and nominated, non-official members from the Punjab itself, for whom this Bill was said to be necessary, combined to oppose it. Lord Chelmsford at a dinner, on the night this Bill was discussed, told me that he had never

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seen Mr. Jinnah so bitter. There is a story behind it. He came to me for my opinion. I gave him my opinion and reasons. He went through the evidence (expurgated edition), that had been supplied to me and to all the other members of the Executive Council. All the evidence which should not be published had been already taken out. When afterwards Mr. Jinnah read the edition, which had been supplied to him, he found that the portions which we had specially marked in my copy and which I had understood to be public had also been omitted. This was without my knowledge and consent, and leave of the Executive Council had not been obtained for its omission. This made him particularly bitter and he said that if this Bill was passed there would be agitation without parallel throughout the country.

And this law was passed at a time when great reforms were to be introduced and there was no necessity for it, as the Defence of India Act was still in force and would be in force for many months more till after the reform Councils were brought into force or till certain contingencies occurred. It was evidently precipitated to avoid those Councils. The Government was warned by the Council that the result would be discontent and an agitation, the like of which they had not witnessed, and the result would be disastrous. The Bill is said to have been drafted in accordance with the recommendations of the Committee which were never published. Their enquiry was in camera. Motions in Councils of the local Governments, the High Courts and the public Associations were refused. The opinions of the local Governments on certain provisions were taken and these too were not published. The Bill was rushed through the Council. It was introduced on the 6th February 1919, referred to the Select Committee on the same date; the report of the Select Committee was presented to the Council on the 1st of March, the Act was passed on the 18th by the official majority, all the Indian members with the exception of myself, the official member, voting against it.

The Bill was passed and as predicted, an agitation of a kind unprecedented in India, broke out in the Punjab. The best narrative that I have seen is the written statement of the Punjab

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Government before the Hunter Committee. The oral evidence of Mr. Thompson, the Chief Secretary of the Government of the Punjab at that time also is interesting. Sir Michael O'Dwyer has given his version in his statement. Those who read it must read also his oral evidence. This record, which I have referred to, is as good as anyone who cares for it will get and gives a very good idea of the growth of agitation and how it was dealt with.

248. It is now necessary to consider the nature of the agitation, to see whether it was one to turn out the British Government or as is generally stated in India, an attack on the Civil Service for the purpose of getting rid of the Rowlatt Act. Now throughout their speeches, the so-called "agitators" and the Indian Press which supported them, took the same line (some extracts are given in Vol. IV. appendix 22). What they wanted is stated in the lines below :-

"They will remain and will assuredly remain—loyal as is their nature, to the King Emperor's Government". "They will always pray to their Ruler or Rulers to lead the members of the bureaucracy into the right path". "The black snake of the Rowlatt Bill has, after all, bitten the Indian nation, i. e. it has been passed. What medicine did we not try and what prayer did we not offer for our heart to recover itself? But it did not do so". The only hope now is from the King Emperor. Just as His Majesty sowed the seed of love for him in the hearts of millions of Indians by reversing and unsettling the settled facts of the partition of Bengal, now also he will act in the same way. Before, however your voice reaches the Royal Palace, you will have to strive hard. "You will reach there only after passing in front of the heads of snakes". The bureaucracy has, regarding Indians as savages, trampled public opinion under foot. The bureaucracy which had the evil spirit of arrogance and haughtiness of the brain and thought of driving the people of India with the rod, turned a deaf ear to their voice and accorded a savage treatment to the King Emperor's loyal subjects by framing against them rules and whatever laws it liked. Indians were regarded as scavengers and sweepers and held to be deserving of being treated like robbers and dacoits, nay, even worse than that. Even dacoits and

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robbers can hear the statements made by a person giving evidence against them and can appeal from the judgment of the court; but the unfortunate Indians will be deprived even of this. The members of the bureaucracy will themselves be complainants, witnesses, and judges. It is possible that the sun may deviate from its course, the motion of the earth may be affected and the water may divest itself of its qualities, but the judgment given by the members of the bureaucracy will on no account be set aside. This tyrannical system of administration is so far untraceable in the history of the world. The most self conceited Government affords the accused an opportunity of making his defence. The servants of this Government, however, which lays a claim to freedom in the world and to protecting small nations against the tyranny of tyrannical Governments, are today framing such laws to crush the freedom of Indians as may reduce Indians to a state of living death; as may prevent them, like the dumb, from speaking and may make them pass the days of their lives like the lame and crippled. Does bureaucracy think that this is a wise act on its part?"

These are a few extracts from the appendix which contains only a few articles from the newspapers relating to this agitation. I have read most if not all the speeches made by Kitchlew and Satyapal, the two prominent leaders of the agitation. They are all in the same strain; loyalty to the King Emperor and the Parliament of Great Britain, their willingness to assist Indian political progress as was evidenced by the reforms associated with the names of Montagu and Chelmsford, the tremendous hostility of the Indian Civil Service to any Reforms, and their determined efforts to nullify those reforms by measures like the Rowlatt Act, are the topics of discussion. And it can easily be surmised that they well knew that any disloyalty to the British Government would not be a recommendation for the repeal of the Rowlatt Act. They did not ask the Government of India, i.e. the Civil Service itself to repeal the act. But they wanted the King Emperor to do it. That distinction must be kept clearly in mind to understand the nature of the agitation. In these circumstances it is not likely they would start any

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organisation to turn the British Government out of India, as such was not their purpose.

249. The leaders of the movement were Kitchlew and Dr. Satyapal. They held a meeting on the 23rd of March about the Rowlatt Act, the Act having been passed on the 18th of March. At the meeting, on the 23rd March, there were no disturbances and police officers were present. Dr. Satyapal exhorted the people to be non-violent. There was another meeting on the 29th of March, thousands of people being present. They protested against the Rowlatt Act and prayed the Secretary of State to veto the same. Gandhi's instructions to observe a Fast and to observe a Hartal was read out to the people. On the 30th of March there was a complete Hartal, closure of shops and of business. On the 6th of April there was a complete peaceable and successful Hartal at Amritsar. The Deputy Commissioner reported:—"The strike was a triumph of organisation and proved that the party of anarchy can, in less than 12 hours' notice, have the whole city at their command in the teeth of the so-called leaders. This strike, I consider, to be merely testing the organisation. It would be followed, I venture to prophesy, by further and severe tests until the day, when as the Swamy said at a meeting last Wednesday, the people will be ordered to go to jail by thousands". Sir Michael was advised that Hartal was illegal and a conspiracy. The Satyagraha or Civil Disobedience movement had also been pronounced illegal.

250. On the 7th of April he delivered the following menacing and imprudent speech in the Legislative Council. "In fact a section of agitators who kept very much in the background during the war when loyal citizens were helping to fight the common enemy, are now coming forward to show their valour by attacking Government and its agents and endeavouring to intimidate and coerce quiet, law-abiding people by their propaganda of so-called passive resistance. I have already said publicly that Punjab repudiated what is or was known as 'Passive loyalty'. It will repudiate even more emphatically that veiled display which, while hiding itself under the cloak of passive resistance,

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leads on its dupes (as we have seen at Delhi) into open defiance of authority and the penalties which such a defiance entails.

“The Government of this Province is, and will remain, determined that public order, which was maintained so successfully during the time of war, shall not be disturbed in time of peace. Action has therefore already been taken in the last few days under the Defence of India Act against certain individuals at Lahore and Amritsar who, whatever their motives, were endeavouring to arouse feeling against the Government. The British Government which has crushed foreign foes and quelled internal rebellion could afford to despise these agitators, but it has the duty of protecting the young and ignorant whom they may incite to mischief and crime while themselves standing aside”.

After the meeting he told Mr. Bhagat Ram, Barrister, to remember that “there is another force greater than the soul force of Gandhi”. The next day the Deputy Commissioner submitted a report in which he said, “we cannot go on indefinitely of keeping out of the way and congratulating ourselves that the mob has not forced us to interfere..... I think we shall have to stand up for our authority sooner or later by prohibiting some strike or processions which endangers the public peace”. On receiving this report Sir Michael issued the order to arrest Kitchlew and Satyapal on the 9th. All this time it is admitted by everybody that there was little sign of active hostility to Government and none of hostility to Europeans as such.

251. On the 9th of April there was a great procession of both Hindus and Mahomedans who fraternised with one another. Every car in the procession stopped in front of the Deputy Commissioner's house and the accompanying band played “God save the King”. The Europeans were walking about amongst the crowd quite unmolested. It was on that night that the Deputy Commissioner received the order of the Punjab Government that Dr. Kitchlew and Satyapal were to be arrested and deported. On the 10th they were arrested under those orders, issued under the Defence of India Act. Sir Michael says he was prepared to deport them even before the 10th. Now it is admitted by all that all these meetings

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and all these Hartals were peaceful and without any violence and that Ramanavami festival on the 9th passed off peacefully.

252. Riots: When the leaders were arrested on the 10th, many people at Amritsar proceeded to meet the Deputy Commissioner to request him to release Kitchlew and Satyapal. There was a collision. Who are the first assailants in the dispute? When the people proceeded to interview the Deputy Commissioner they had no criminal intention (See Hunter Committee p. 22 para 11 line 16 and page 88 para 60). The riots and subsequent occurrences were an act of passion and of revenge due to the killing of some of the mobs by the troops. In the Civil and Military Gazette dated Sunday April 13th, which must have been issued on Saturday April 12th an Englishman named Jarman, a Government official, stated that he met a crowd of people at 12-45 p.m. going towards the Hall gate or in other words to see the Deputy Commissioner and about 1 O'Clock (1.00 p.m.) he heard the crowd rushing back crying "they have killed two of us. Bring lathis" which meant, of course, that the crowd was originally unarmed, and infuriated by the death of two of their men they armed themselves with lathis and committed the subsequent murders of two Englishmen. The shooting by the English officers at the crowd converted, what was hitherto a non-violent movement, into one of physical violence and of open hostility to the British Government. Mr. Ian Colvin says that "young English officers" have got a knack of taking responsibility and shooting on such occasions. Well, it is such shooting that in this instance, at any rate, has rocked the empire. On the same day there was shooting at Lahore. Here also, the facts are disputed and different conclusions have been arrived at by members of the Hunter Committee. As in the case of Amritsar, therefore, I will refer to the statement of Mr. Obhard who is a Barrister-at-law and a retired Judicial Commissioner of the Central Provinces. According to him, a party of persons whom he and Mr. Dividson who was with him estimated at 400 were walking along the middle of the road. They were going into the Government House to see Sir Michael O'Dwyer to ask him for the release of Gandhi who,

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they learned, was arrested. The majority of the 400 that passed up the street were spectators and chiefly servants and the like from this part of Lahore. The police fired at them and some of the school boys were killed. These two outrages on the 10th inflamed the people of the Punjab against the British Government and the movement of Satyagraha or non-violence against the British Government was converted into a movement of violence, i. e. riots and murder of Englishmen. On the 12th, two Englishmen were murdered at Kasur; on the 13th there was a dreadful butchery in revenge, at Amritsar where, atleast 400 were killed and more than a thousand five hundred were wounded, by troops under General Dwyer, followed by another at Gujranwalla where bombs were used and women and children admittedly innocent were killed. There were many other occurrences.

253. On the 14th the Government of India issued a resolution which contain the following words :—

“When the Bill was under discussion, its opponents publicly stated that if it passed into law, a campaign, of agitation against it, on a scale hitherto unattempted, would be organised throughout India, and a section of them indicated that they would support that campaign by resort to what is known as “passive resistance”. No one cognisant of the conditions of India could have been ignorant at the time of the dangers of initiating a widespread movement of this nature. To the agitation which has succeeded the passing of the Act, must be directly attributed the open breaches of peace, the defiance of authority, and the criminal attacks on life and property which have lately been witnessed in certain parts of India.

The Governor General in Council considers it unnecessary to detail here the deplorable occurrences resulting from the agitation against this Act. The offences which have occurred at Delhi, Calcutta, Bombay and Lahore have one common feature, the unprovoked attempt of violent and unruly mobs to hamper or obstruct those charged with the duty of maintaining order in public places. At Amritsar and Ahmedabad they have taken a far graver form, a murderous attack on defenceless individuals, and a wholesale and wanton destruction of private and public property.

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It remains for the Governor General in Council to assert in the clearest manner the intention of Government to prevent by all means, however drastic, any recurrence of these excesses. He will not hesitate to employ the ample military resources at his disposal to suppress organised outrage, rioting or concerted opposition to the maintenance of law and order; and has already sanctioned the application of the State Offences Regulation, 1804, in a modified form to certain districts of the Punjab. He will further use all preventive measures provided by the Statutes to check disorder at its source, and in Regulation III of 1818; and the corresponding regulations applicable to Bombay and Madras, and in the rules under the Defence of India Act. He has powers which will enable him to deal effectively with those who promote disorder. He has sanctioned the extension of the provisions of the Seditious Meetings Act to the districts of Lahore and Amritsar in the Punjab, and will authorise a similar extension to other areas in which local Governments see reason to require it. The Police Act of 1861 enables a local Government to quarter additional police on any locality which is guilty of organised offences against the public peace, at the charge of the inhabitants, and to levy from the latter compensation for those who have suffered from injury to their property. The Governor General in Council will advise local Governments to make a free use of these provisions where necessary. *“To those servants of Government who are charged with the onerous responsibility of suppressing excesses against public peace and tranquility, the Governor General in Council extends the fullest assurance of countenance and support.”*

These words are taken by Sir Michael O'Dwyer, as a promise, to support him in all measures he might think it necessary to take to quell unrest in the Punjab. On the 14th, martial law was proclaimed.

The President of the European Association had an interview with the Viceroy and the Home Member, “not only to voice the indignation of the community at the atrocities committed, but also to demand that prompt measures should be taken to show to the people of India that the Government was determined to maintain law and order, at any cost”. They promised to punish in the most severe manner, all found guilty of rebelling against

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law and order, to see that full monetary reparation is exacted for loss of life and damage to property, and to give their support to measures taken by the local Government to prevent and to stop disorders.

254. Action was soon taken in the Punjab. Commissions were appointed to try prisoners summarily without right of appeal. The leading Congressmen were arrested, at any rate many of them. Men who had distinguished themselves in the English Universities, Barristers in good practice, were arrested and treated in a manner recalling the treatment by Bamba of his prisoners which provoked the fiery denunciation of Gladstone. The Lieutenant Governor issued orders at once that no news concerning these affairs should be published in any papers without the sanction of the censor. One can guess the result. The Indian newspapers were not allowed to publish anything worth knowing from their point of view. The English newspapers—the Civil and Military Gazette and the Pioneer—were free and their reports were, one could easily see, one sided; many of them were exaggerated, some false, and they greatly inflamed the Anglo-Indian mind against the Indians. The country was never in rebellion.

At first I agreed to it (Martial law) as the Viceroy who was responsible for the peace of the country wanted it and there was a lurid telegram from Michael O'Dwyer asking for it. Subsequent enquiry and in particular the opinion of Sir Mian Shafi, (India, P. 342, 343) as a member of the Indian Government who was then on the spot, satisfied me to the contrary. Throughout the country the feeling was deep and strong and I believe, justifiably so.

There was press censorship from the 11th day of April 1919. So far as the Indian papers were concerned, the effect of this was that they had to stop publication. In a letter dated the 23rd of April to Lord Chelmsford, Sir Michael says, "I entirely agree with what Your Excellency writes as to the press message. Owing to the pressure of work the facts were given to "The Civil and Military Gazette" to work up and I fancy the remarks about the educated classes being sullen, were a journalistic addition.

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Now that Hailey has joined, all the messages will be duly edited.” This seems conclusive of the manipulation of the press.

255. It will be clear from the above extract that the news about these disturbances that were published in the “Civil and Military Gazette” were furnished by Sir Michael’s Government. This is owned and edited by Englishmen and is the official organ. The Jullianwala massacre on the evening of the 13th April, is thus described by the “Civil and Military Gazette” of Wednesday April 16th, (usually the paper bearing that date is issued the day previous). It runs as follows:—

“An attempt to hold a proscribed meeting at Amritsar was frustrated, after the arrest of some ring leaders. The General with only Indian troops and *the police gave the order to disperse. As the crowd refused to go, the order was given to fire.* There were heavy casualties amongst the mob, several hundreds being killed and injured and there was further trouble”.

The statement that the order to disperse was given was disproved by all witnesses and it is now admitted to be false, and yet this was the published news and its object could only be to prejudice public opinion against Amritsar. The same news in the same words are published in the ‘Pioneer’ of the 18th of April.

In the ‘Pioneer’ of the 16th of April with the heading: SATYAGRAHA OUTBREAK, FRESH RIOTS AT AMRITSAR”, the following news is published:

“News has been received from the Punjab that the Amritsar mob has again broken out in a violent attack against the authorities. The rioters were repulsed by the military and they suffered two hundred casualties”.

Here also we have a repetition of the lie that the Amritsar mob attacked the authorities and that they were repulsed, the facts being admittedly the other way that the Military attacked the crowd at the meeting; they were certainly not rioters.

It will be noticed that the information first published was in the “Pioneer” of the 16th, giving the news of the 14th April. That was the day on which the Executive Council held a meeting at Simla about martial law and it was there distinctly stated

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that the Amritsar mob attacked the authorities, an absolute travesty of facts.

This was intended to prepare the public for the reception of the Martial Law proclamation. From the usual course of business there is little doubt that the following went from the Government Secretaries at Simla.

Reuter's message to London ran thus :-

“ Simla, April 14th. At Amritsar *the mob made another violent attack on the authorities but the rebels were repulsed by the authorities leaving 200 killed and wounded* ”

The official publication was more careful. The Punjab Government communique ran thus :-

“ At Amritsar all meetings were prohibited but in spite of this prohibition one was announced to take place in the afternoon. About 6,000 people attended. This meeting held in defiance of the law, was dispersed by a small force of Indian troops consisting of detachments of the 2-9th Gurkhas, the 54th Sikhs and the 59th Sind Rifles. The casualties were heavy but quiet has since prevailed in the city, and it is expected that the shops will open on the 16th ” (Punjab Disturbances page 28, last para)

It contains false suggestions throughout and does not give any information on material points. The official information in England is more specific as was natural.

LONDON 'TIMES' (India, April 25th 1919)

“ Punjab April 18th. At Amritsar on April 13th the mob defied the proclamation forbidding public meetings, firing ensued, and 200 casualties occurred ”. (Official despatches to the India office from the Government of India).

It was on the strength of such telegrams that the “ Times ” advocated the extension of the term of Sir Michael.

256. Satisfied as I was that the information in the English newspapers was false, I was hoping that when the accused were tried all the facts would come out. This hope was dispelled as counsel from outside were not allowed to enter the Province, for the plain reason that the Punjab administration or the military authorities felt confident that they could control the local lawyers but not lawyers from outside.

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Counsel from outside the Province were not allowed to come into the Province to defend the various accused persons. On the 9th of May Mr. J. N. Roy, Calcutta Barrister, was refused admission. One or two days later Mr. Eardley Norton, the leading Criminal Lawyer in India also was refused admission. Pandit Motilal Nehru also was refused admission. He wired on the 20th of May to the Viceroy complaining of the refusal with reference to the power of the Viceroy. "Martial Law commissions in Lahore derive their authority solely from your Excellency and can exist only as long and for such purposes as your Excellency may determine. Harkishen Lal, not being tried for any offence against military law but for offences alleged to have been committed before promulgation of martial law. This was possible only by promulgation of ordinances one and four, validity of which is respectfully impugned. Your Excellency alone can withdraw, modify or suspend application of said ordinances". He also complained to the Viceroy and the Government that the local counsel (lawyers) were forbidden to take notes of statements of prosecution witnesses while under examination. They were allowed only printed copies of brief notes taken by Commissioners which, of course, could not serve the same purpose. Similarly, Messrs. W. Gregory, C. R. Das, B. C. Chatterjee, J. W. Langford James were all refused permission. After that, on the 14th of May, an order was issued by the Martial Law military authorities prohibiting outside lawyers from entering martial law area. It has to be noticed that the Indian Army Act provides that an accused person, for whose trial a Court Martial has been ordered to assemble, shall be entitled to the assistance of Counsel and of any other legal adviser or any person. The Viceroy replied that it was a matter for the Military authorities only, ignoring the fact that they were of his creation.

Even after that, I felt disinclined to take any extreme step, but I found things were getting worse. Outside Indian Newspapers were not allowed into the Province.

On the 5th of May the Editors of the "Bengalee" "New India" "Amrita Bazar Patrika" "The Hindu", "The Leader" and "the Independent" requested the Punjab Government, the Viceroy and the Home member, to accord permission to Mr. C.

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F. Andrews as their representative to proceed to visit the Province to report to the Indian press on the condition of affairs in the Province with special reference to administration of Martial Law. Such permission was refused. There was only one other source possible of Indian non-official information. Somebody from the Punjab could make an open statement on the administration of Martial Law. This hope also was soon dispelled.

257. A man named Govardhandoss, a native of Lahore, wrote from Bombay an article on the Disturbances in the Punjab. It was published on the 24th of April in the Bombay Chronicle. He delivered a lecture at the Mahajana Sabha Hall, Madras with the Editor of Hindu, Mr. Kasturiranga Iyengar in the chair. He was arrested at Madras under a warrant issued by the Punjab authorities. He was tried and convicted in Lahore to undergo two sentences, 3 years rigorous imprisonment under section 124A I. P. C. and a fine of Rs. 1000/- and under rule 25 of the Defence of India Rules, 3 years rigorous imprisonment, both sentences to run consequently. I give the article in the appendix II as the contemporaneous statement of a resident in the locality and as showing that it was dangerous in those days to give any information to the public. Some officials have only to swear that such information is false as was done in the case and the man is immediately convicted. A notice was served on the printer and publisher of the 'Hindu' to show cause why a security of Rs. 2000" should not be deposited presumably for its Editor presiding at the meeting.

258. The following letter is from Sir Rabindra Nath Tagore resigning his title:—

Your Excellency,

“The enormity of the measures taken by the Government in the Punjab for quelling some local disturbances has with a rude shock, revealed to our minds the helplessness of our position as British subjects in India. The disproportionate severity of the punishments inflicted upon the the unfortunate people and the methods of carrying them out, we are convinced, are without parallel in the history of civilised governments, barring some conspicuous exceptions, recent and remote. Considering that

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such treatment has been meted out to a population, disarmed and resourceless, by a power which has the most terribly efficient organisation for destruction of human lives, we must strongly assert that it can claim no political expediency, far less moral justification. The accounts of insults and sufferings undergone by our brothers in the Punjab have trickled through the gagged silence, reaching every corner of India, and the universal agony of indignation roused in the hearts of our people has been ignored by our rulers, - possibly congratulating themselves for imparting what they imagine as salutary lessons. This callousness has been praised by most of the Anglo-Indian papers, which have in some cases gone to the brutal length of making fun of our sufferings, without receiving the least check from the same authority, relentlessly careful in smothering every cry of pain and expression of judgement from the organs representing the sufferers. Knowing that our appeals have been in vain and that the passion of vengeance is blinding the noble vision of statesmanship in our Government which could so easily afford to be magnanimous as befitting its physical strength and moral tradition; the very least that I can do for my country is to take all consequences upon myself in giving my voice to the protest of the millions of my countrymen surprised into dumb anguish of terror. The time has come when badges of honour make our shame glaring in their incongruous context of humiliation, and I for my part wish to stand shorn of all special distinctions, by the side of those of my countrymen who, for their so called insignificance, are liable to suffer a degradation not fit for human beings. And these are the reasons which have painfully compelled me to ask Your Excellency, with due deference and regret, to relieve me of my title of Knighthood, which I had the honour to accept from His Majesty the King at the hands of your predecessor, for whose nobleness of heart I still entertain a great admiration.”

The whole Punjab was thus segregated. No non-official Indian could obtain any information. The official information was false. Everyday, men and women were coming to me from the Punjab. I could not do anything at all with the Viceroy. I felt I must resign both as a protest and as a means of attaining my freedom to check the evil.

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259. **My resignation:** Almost every day I was receiving complaints personally and by letters, of the most harrowing description, of the massacre at Jullianwalla Bagh at Amritsar and the martial law administration. If to govern the country, it is necessary that innocent persons should be slaughtered at Jullianwala Bagh and that any Civilian Officer may, at any time, call in the military and the two together may butcher the people as at Jullianwala Bagh, the country is not worth living in. At the same time, I found that Lord Chelmsford approved of what was being done in the Punjab. That, to me, was shocking. I would have resigned at once, but that Mrs. Besant and others for whom I had respect, entreated me to stay. But things at last became intolerable. Mr. C. F. Andrews came to me and he also begged me to stay. I asked him to see Lord Chelmsford and pay a visit to Lahore. He came to me after visiting Chelmsford. He told me that Lord Chelmsford could scarcely restrain himself and asked him whether Indians now realised what it was to goad an Englishman. I felt that I could not be a colleague of such a Viceroy, but Andrews begged me not to resign until at least he returned from Lahore as he had obtained leave from Lord Chelmsford to go there.

He accordingly went to Lahore; but he was arrested at the frontier and turned out in the most ignominious fashion. He then wrote to me that he was now satisfied that I should resign. Accordingly, I tendered my resignation. The Press censorship was at once abolished. Sir Michael O'Dwyer announced within three or four days of my resignation that the martial law would soon be got rid of and it was actually cancelled within less than 15 days. My resignation also contributed to the appointment of the Committee, called the Hunter Committee, to investigate the disturbances in the Punjab. After a month or two, I left Simla and came to Madras. I had an ovation all through, the like of which I had never seen before; entertainments, feasts all along the way, crackers under the railway wheels, so that there was one continuous firing all the time.

CHAPTER XXIV

NON-CO-OPERATION MOVEMENT—FOUNDED ON KHILAFAT AND PUNJAB WRONGS

260. Montagu wanted me in London to give evidence before the Parliamentary Committee, but in a moment of forgetfulness I told Lord Chelmsford I was going to England. The Government apparently wrote to Mr. Montagu that it was unnecessary to invite me as I was going to London. I lost thereby the passage money and also all the other conveniences while travelling as a Government guest. I was, however, determined to see, if I could possibly manage it, that there would be no more Jullianwala Baghs in India and it was for that purpose that I left for England. On board the Steamer "Kaiser-i-hind" we had Sir Mullick, a High Court Judge, the Bishop of Lahore, and Mr. Justice Fletcher of the Calcutta High Court. I told Sir Mullick that the troops on board the steamer were responsible for one of the worst things in the Punjab which the Punjabis were not likely to forget for the next fifty years. I expressed my opinion that in six months, these soldiers would desire that the people of the Punjab should forget everything about the Martial Law and Jullianwala Bagh, but the Sikhs would never do so, but would perpetuate by some means or other the memory of Jullianwala Bagh. The Bishop of Lahore told Sir Mullick that Sankaran Nair should never have said that.

We reached England and I was considering what were the steps I should take to rouse the civilised world. A few days after we got to London, the evidence of General Dwyer before the Hunter Committee was reported in the "Pioneer". I drew the attention of the Rt. Hon. John M. Robertson, then the acting Editor of the Westminster Gazette to that evidence and requested him to take notice of it. He read it and promised

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to do so. The next day appeared a leading article in that paper which created a sensation all over England. The "Times" took the same line. The other papers followed suit. I knew I had won.

261. Mr. Montagu was very pleased with my minute of dissent. He asked me whether I would enter Parliament. I told him that I did not belong to the party then in power. After this, our relations were not cordial. However, he offered me a seat in his Council which I accepted. This was on the 2nd January 1920. Two of my colleagues were old Madras men, Sir Arnold White and Sir Murray Hammick.

The great questions which came before the India Office soon after I joined it were the Khilafat question and that relating to the Punjab disturbances.

262. The Khilafat claim was put forward in a manifesto formally adopted by the All India Khilafat Conference. Before drawing it up, in which Mr. Gandhi took a considerable share, he desired to have before him Mahomedan experts. He had them before him and he cross-examined them at great length and in great detail and satisfied himself that the claims were well founded. This manifesto was presented to the Secretary of State on 2nd March 1920. The manifesto says that the claim on behalf of the Mahomedans of India in connection with the Turkish peace terms may be divided into two sections:—

1. Regarding the Khilafat,
2. Regarding what is called "Jazirat-ul-Arab" and Holy places of Islam.

The claim regarding the Khilafat consisted in leaving the Turkish Empire as it was at the time of the war, with such guarantees being taken by the League of Nations as may be necessary for the due protection of the rights of non-Moslem or non-Turkish races living within the Turkish Empire consistent with its dignity as a Sovereign State.

The second claim consists in the sovereignty over the "Jazirat-ul-Arab", i. e., Arabia as defined by Moslem religious authorities, and the custody of the Holy places of Islam.

Arabia, as thus defined, was bounded by the Mediterranean, the Red Sea, the Indian Ocean, the Persian Gulf, the Euphrates,

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and the Tigris. The holy places include the three sacred Harms namely Mecca, Medina, and Jerusalem; and the Holy shrines—namely, Najaf, Karbala, Samarra, Kazimain and Baghdad.

263. The despatch of the Government of India on the Punjab disturbances came before us for consideration within a few days of my appointment. It was referred to the members of the India Council for their opinion by Mr. Montagu. The members submitted a Report generally accepting the views of the India Government. I was the only Indian member at that time present in London. I submitted a separate Report in which I expressed my opinion that we ought to go much further in condemning the officials in the Punjab. My report was submitted to the Cabinet by Mr. Montagu and was discussed by them at their meetings. Mr. Montagu told me afterwards that it had great effect and they were only restrained from accepting many of my suggestions because as they told Montagu, “how can we condemn in India, action of the same kind that we are taking in Ireland.” However, the despatch went further than that of the Government of India. Mr. Montagu accordingly issued his despatch containing the orders of the Cabinet on the 26th of May 1920. [For the condemnation of General Dwyer’s action at Jullianwala Bagh (see para 278 page). For extract from the despatch condemning the use of bombs in Gujranwalla (see para 295). For the abuse of powers in dealing with those who carried on agitation in a constitutional manner (see para 298).] Some portions of the despatch will be referred to later. The Treaty of Sevres also was signed on 10th August 1920. On the 20th July 1920 there was the Dwyer debate in the House of Lords.

264. Soon after this, Gandhi issued his manifesto on non-co-operation. He said in a letter to the Viceroy “events have happened during the past month which have confirmed me in the opinion that the Imperial Government have acted in the Khilafat matter in an unscrupulous, immoral and unjust manner, and have been moving from wrong to wrong to defend their immorality. I can retain neither respect nor affection to such Government. The attitude of the Imperial and Your Excellency’s Governments on the Punjab question has given me additional cause for great disaffection. Your Excellency’s light-hearted treatment of official

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crime, your exoneration of Sir Michael, Mr. Montagu's speech, and, above all, the shameful ignorance of the Punjab events and callous disregard of the feelings of Indians betrayed by the House of Lords, have filled me with the gravest misgiving regarding the future of the Empire, have estranged me completely from the present Government, and have disabled me from tendering as I have hitherto whole-heartedly tendered, my loyal co-operation."

265. Soon after, in September 1920, a special session of the Congress met at Calcutta and passed the non-co-operation resolution in which the Punjab wrongs and the Caliph's treatment were made the foundation of the non-co-operation movement for the attainment of "Swaraj" which means Home Rule or Independence.

THE NON-CO-OPERATION RESOLUTION

"In view of the fact that on the Khilafat question the Indian and Imperial Governments have signally failed in their duty towards the Musalmans of India, and the Prime Minister has deliberately broken his pledged word given to them, and that it is the duty of every non-Moslem Indian in every legitimate manner to assist his Musalman brother in his attempt to remove religious calamity that has overtaken him ;

"And in view of the fact that in the matter of the events of April 1919 both the said Governments have grossly neglected or failed to protect the innocent people of the Punjab and punish officers guilty of unsoldierly and barbarous behaviour towards them, and have exonerated Sir Michael O'Dwyer who proved himself directly or indirectly responsible for most of the official crimes and callous to the sufferings of the people placed under his administration, and that the debate in the House of Lords betrayed a woeful lack of sympathy with the people of India and showed virtual support of the systematic terrorism and frightfulness adopted in the Punjab, and that the latest Viceregal pronouncement is proof of entire absence of repentance in the matters of the Khilafat and the Punjab,

"This Congress is of opinion that there can be no contentment in India without redress of the two aforementioned wrongs, and that the only effectual means to vindicate national

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honour and to prevent a repetition of similar wrongs in future, is the establishment of Swarajya. The Congress is, further, of opinion that there is no course left open for the people of India but to approve of and adopt the policy of progressive non-violent, non-co-operation until the said wrongs are righted and Swaraj is established.

“And in as much as a beginning should be made by the classes who have hitherto moulded and represented opinion, and in as much as Government consolidated its power through titles and honours bestowed on the people though controlled by it, its law courts and its Legislative Councils, and in as much as it is desirable in the prosecution of the movement to take the minimum risk and to call for the least sacrifice compatible with the attainment of the desired object, this Congress earnestly advises:—

- (a) Surrender of titles and honorary offices and resignation from nominated seats in local bodies;
- (b) Refusal to attend Government Levees, Durbars and other official and semi-official functions held by Government officials or in their honour;
- (c) Gradual withdrawal of children from schools and colleges owned, aided or controlled by Government and in place of such schools and colleges the establishment of National Schools and Colleges in the various Provinces;
- (d) Gradual boycott of British Courts by lawyers and litigants and establishment of private arbitration courts by their aid for the settlement of private disputes;
- (e) Refusal on the part of the military, clerical and labouring classes to offer themselves as recruits for service in Mesopotamia;
- (f) Withdrawal by candidates of their candidature for election to the Reformed Councils and refusal on the part of voters to vote for any candidate who may, despite the Congress advice, offer himself for election; and
- (g) The boycott of foreign goods.”

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The Congress met in December at Nagpur and re-affirmed the resolution passed at Calcutta.

266. As to the Punjab wrongs, as a justification of the non-co-operation movement, it is true that the House of Lords unfortunately took a view, which if it had stood by itself as an expression of the will of the English people, may have justified Gandhi's non-co-operation. But the House of Commons and the Cabinet are the real representatives of the English people and not the House of Lords. They condemned the Punjab atrocities and ordered the punishment of the offending officers. As to Sir Michael, he cannot be identified with the British Government, and the Congress party has been guilty of not even attempting to prove the extent of the complicity of Sir Michael O'Dwyer. It seems absurd, therefore, to make the charge against the British Government so far as he is concerned.

Next, as to the Khilafat, the Khilafat claim supported by the Congress resolution of September 1920 and December 1920 ignored the realities of the situation. It was impossible for England to put Arabia or those places inhabited by Arabs in the north, again, under the Caliph or the Turks even if they wished to do so. It was not in their power. As to Thrace, Asia Minor and Constantinople the claim was stronger. That resolution stated that the Prime Minister had deliberately broken his pledged word to them. That pledged word is in the following terms :—

(1) "Nor are we fighting.....to deprive Turkey of its capital, or of the rich and renowned lands of Asia.Minor and Thrace which are predominantly Turkish in race." Later on in the speech his policy was further defined. "While we do not challenge the maintenance of the Turkish Empire in the homelands of the Turkish race with its capital at Constantinople, the passage between the Mediterranean and the Black Sea being internationalized and neutralized, Arabia, Armenia, Mesopotamia, Syria, and Palestine are in our judgment, entitled to a recognition of their several national conditions". (Central Hall, Westminster, January 5, 1918. Times Report).

The Treaty of Sevres was certainly not in conformity with the speech of Lloyd George. But to that treaty England was

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only one of the parties. There were many other European powers, and in January 1918 the question depended upon the result of the war going on. But how strenuously and against what difficulties the Government of India, Mr. Montagu and the Prime Minister fought to carry out this promise will appear in an attack on them for these efforts by the "London Times" of 27th February 1920.* However, we need not trouble ourselves with Constantinople, Thrace and Asia-Minor, as their fate depended on the result of the war between Greece and Turkey. It, finally, ended in favour of Turkey, and England along with France and Italy recognized Turkey's claim to Asia Minor and Thrace - the claim to Constantinople having been already recognised.

267. Next as to non-co-operation according to the methods put forward by him; the only justification for Gandhi's non-violent non-co-operation was its eventual success; otherwise there can be no excuse for the very great misery which was bound to follow. As this non-violent non-co-operation would not ordinarily be able to restrain the passions of man and retain its non-violent character, working in company with Khilafat fanaticism, it was reasonably certain that lamentable consequences would follow. The sequel showed my apprehensions were well founded; moreover, such non-co-operation would have a chance of success only amongst a homogeneous nation or if all classes and castes were united in their action. It was obvious that in India, there was no chance of any such co-operation. The consequences, therefore, were bound to be disastrous. Entertaining these views I spoke at various meetings condemning the movement.

*See Appendix 1 (b).

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AND THE CONTRIBUTION OF MY BOOK
‘GANDHI AND ANARCHY’ TO BRING ABOUT THAT END.

268. On my arrival at Madras, I heard that Gandhi and Ali brothers intended to visit Madras including Malabar. I put myself in communication with Lord Willingdon, then the Governor of Madras and the Ministers, and, I pointed out particularly to the Chief Minister, the danger of allowing propaganda in the South at this time. I was assured that if the Madras Government, had their way, they would not be allowed to come to the Madras Presidency and particularly they would not allow them to go to Malabar. Afterwards, I was surprised to find that they were permitted to carry on their propaganda in the Presidency and actually allowed to go and preach in Malabar about the Khilafat wrongs etc., with the horrible consequences of the Mopla rebellion with which we are now familiar. Their propaganda in the Presidency was equally mischievous. At the conferences held at Erode in April 1921 attended by about 5000 Moslem divines and other eminent men, it is reported that Mohammad Ali said that were the Afghans to invade India to wage a Jihad or a Holy War, the Mahomedans would side with the invaders. In May, a Khilafat Conference was held when the same spirit was displayed. Next month, in Broach in June, the Mahomedan leaders again said that they should exert their right to take up arms against their enemies of Islam, should non-co-operation be found to have failed and should Jihad be proclaimed in the terms of Islam. Finally, a largely attended Khilafat Conference was held at Karachi on the 18th of July 1921 where the two following resolutions were passed :-

“This meeting of the All India Khilafat Conference declared allegiance of the Moslem population to His Majesty the Sultan

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of Turkey, the Commander of the Faithful, and gives him an assurance that they would not rest content until they have secured complete fulfilment of the Khilafat demand ”.

“ In addition, this meeting clearly proclaims that it is in every way religiously unlawful for a Mahomedan at the present moment to continue in the British Army or to induce others to join the Army and it is the duty of all Mussalmans in general and the Ulaimas in particular to see that these religious commandments are brought home to every Muslim in the Army ”.

“ Furthermore, this meeting also announces that if the British Government were to take any military measure against the Angora Government, directly or indirectly, openly or secretly, then the Mussalmans of India will be compelled to commence the breaking of laws, – that is civil disobedience – with the concurrence of the Congress and to proclaim the complete independence of India and the Indians and the establishment of a Republic for the Government of India.”

269. The Hindus practically endorsed the Mahomedans resolve. Mr. Gandhi said that even in the case of an invasion, he and his non-co-operators, were not to assist the Government in any case. In the same month of July, the All India Congress Committee met and resolved that the people of India should refrain from participating in welcoming the Prince of Wales or any other functions organised officially or otherwise in connection with his visit, the reasons being that it was “ a political move and calculated to give strength and support to a system of Government that has committed a breach of faith with the Mussalmans of India and atrocious injustice to the people of India during the Martial Law days in 1919 in the Punjab, and a system that is designed to keep India as long as possible from her birthright of Swaraj ”.

270. I tried to ascertain the reasons to find out whether the failure to take action was due to the Government of India or to the Madras Government, and other local Governments. In the Viceroy’s speech in the Legislative Assembly on the 29th March 1921 and in the White Paper which gives the correspondence between the Viceroy and the Secretary of State for India about the non-co-operation and Gandhi’s arrest, a reference

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is made to the instructions issued to the Local Governments dated the 28th of January 1921 that they were directed to prosecute under the ordinary law of the land, all persons making seditious speeches and inciting people to violence. What in my opinion was, unfortunate is the fact that in those proceedings while the Local Governments were allowed to prosecute the agents and subordinates, the Government of India said they did not want to prosecute the leaders on the ground that direct attack on the leaders and Gandhi in particular, would end in outbreaks and an aftermath of bitterness. They reaffirmed their opinion in March. I also found that they did not allow any externment order even as to Malabar and refused also the request of the Government of Madras to prosecute Mohammad Ali for the speeches he had made at the Erode Conference on the 1st of April 1921, which was responsible to a great extent for the Mahomedan excitement in the Madras Presidency.

271. I felt that this showed great weakness on the part of the Government of India, and so far as I was personally concerned, I did what was in my power to induce the India office to put pressure on the Viceroy to change this attitude. There was an order by Lord Morley after the arrest of Lajpati Rai by Mr. Ibbeston, the Lieutenant Governor of Bengal, that in future no such arrest should be made and no proceedings should be taken against such alleged offenders without the sanction of the Viceroy. It was for this reason that Lord Willingdon in Madras, and Lord Lloyd in Bombay were not allowed to proceed against Gandhi. This order was cancelled and the Government of India was requested not to interfere with the Local Governments. Many of the non-co-operators throughout India were arrested; feeling ran high on both sides. The Allahabad streets were deserted on the date of the Prince's arrival; the Indian quarter at Calcutta too refused to welcome him.

272. During my tour I had visited Lord Reading and discussed all political events with the Indian members of Government of Delhi. I found there was no prospect of any recommendations for further reform from the Government of India. Mr. Montagu had told me that he had appointed Lord Reading and was expecting a despatch recommending further and far-

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reaching reforms, conferring extensive powers on popular representatives from the Government of India. I found no chance of any such proposals. Mr. Montagu told me further that he had been writing, but Lord Reading would not touch upon them in his replies though on all other matters, his replies were full. I found, therefore, that so far as any further reforms were concerned, it would be unnecessary for me to remain in England. On the other hand I felt that there was work for me to do in India. I would not have interfered with the Gandhi movement but would have interfered with the Khilafat movement, as it was a matter for settlement between the Government and the Musalmans. But the two movements working together was dangerous to India. I felt that I could mitigate, if not absolutely prevent the evil. Accordingly, at the end of the year I resigned my office as Member of the Secretary of State's Council and came back to India.

273. I received an invitation to preside at a Conference in Bombay to take steps to bring about a Round Table Conference with the Viceroy for the release of certain political prisoners, for the consideration of the situation in India and to take the necessary steps. I accepted the offer hoping to find out whether Mr. Gandhi was really anxious for a Conference, and also with the determination that if there was no genuine desire for a conference on his part, to bring things to a head so that the parties then might not be moving in a world of unreality and recrimination. I attended the meeting, found that Gandhi was not for a conference. The situation will be clear from what he said.

He said 'Penitence' on the part of Government must be shown. In order to create a favourable atmosphere, the Government must unconditionally retrace all steps they had recently taken; not only cancel the notifications extending certain provisions of law; release all Congress and Khilafat volunteers arrested and convicted, as well as all others convicted recently under what I shall call the ordinary provisions of the Penal Code and the Procedure Code. This latter demand was subsequently modified in one particular. This, Mr. Gandhi said, was not due to any sympathy with them but only to create a favourable

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atmosphere and to show penitence on the part of Government. He also said that he was himself prepared to go to a conference with the Viceroy if invited by him without any conditions. This would be in his personal capacity, not in his representative character. He did not, however, believe that the time had come for a conference, as there has not been suffering enough for the people to acquire control over themselves. On his own side, he would cease picketing, boycott, or hartal or civil disobedience till January 31st unconditionally and later, if the Government agree to hold the conference—though he must insist upon his freedom to make all active and intensive preparations during this period by enrolment of additional volunteers and active propaganda to carry on his campaign of civil disobedience, picketing, etc., in default of a satisfactory settlement. He also put forward the minimum demands of the Congress party so far as the Punjab, Khilafat and Swaraj are concerned.

He further expressed his opinion, referring no doubt to the Government:—“You dare not declare martial law, however far we go”. Mr. Gandhi’s followers, even those who expressed a mild dissent in some respects, supported him in his attitude, the most thorough-going of his supporters being Mr. S. Sreenivasa Iyengar, some time Advocate-General of Madras, and Mr. S. R. Bomanji, who went further than Mr. Gandhi in denouncing any Conference with the Government.

In regard to the Punjab, he emphasised the fact that the Congress party would be satisfied with nothing less than carrying out the proposals made in the Congress Sub-Committee Report. It included not only the punishment of the subordinate officials but also the conditions of the deprivations of pensions of Sir Michael O’Dwyer, Dyer, etc.

With reference to the Khilafat matter, Mr. Gandhi said that the French must leave Syria. He wanted England to leave Egypt. On this, it is not necessary to make any comment.

So far as Swarajya was concerned, he wanted at once in the central and provincial governments, full Dominion status, “as may be determined by the duly elected representatives of the people.”

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For the election of representatives, the Congress constitution as to franchise, etc., should be accepted.

He emphasised over and over again that these were the minimum demands which must be accepted by the Government and the Round Table Conference. I was of opinion that a Conference on these conditions would be useless. All these facts are stated in a letter to the "Times of India" next day, 17th of January 1922.

274. The resolutions of the Conference laying down these conditions were submitted to the Viceroy who replied as I foresaid that any discussion would be useless. On that Mr. Gandhi presented an ultimatum to the Viceroy. He declared in this document that the non-co-operation party had a campaign of civil disobedience forced upon them, in order that they might secure the elementary rights of free speech, free association and free press, which he maintained that Government had sought by its recent measures to repress, and he charged the Viceroy with having rejected summarily the proposal for a Conference although the terms which had been accepted by the working committee of the Congress accorded with the requirements of His Excellency as his Calcutta speech had indicated them. Soon after that, he proceeded to start the non-co-operation movement. Then took place on the 12th of February, the horrible outrage at Chauri Chaura in which 21 police and chaukidars and two of the rioters were killed. Rails on the lines were torn out and telegraph wires cut. There were also other riots.

275. In view of the riots and disorders which were taking place everywhere in the wake of the tour of the Prince of Wales I was pressed to write a short pamphlet on the whole situation. The Government of India, the Governments of Bihar and Orissa, of the United Provinces, of Bengal and Bombay, furnished me with materials which will be found in the Appendix to my book. I felt that it would be in the public interest to point out that the agitation as then carried on, was detrimental to India and bound to lead to disorders. I also attempted to show that Mr. Gandhi's philosophy was dangerous, and that any non-co-operation campaign carried on under such auspices could not lead to Home Rule, and this peculiar doctrine of invitation to non-violence

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for self purification was certain to lead to frightful disorders and riot.

It was essential in the public interest that Mr. Gandhi therefore, should not be allowed to carry on his activities. It was for this purpose that I wrote the Book "Gandhi and Anarchy". Its useful character was recognised by the authorities in India. It was translated into Urdu and Hindi and copies were distributed by Government in the Punjab and Frontier provinces. In the official report of the material and moral progress published by the Government of India, I find the following passage ;

" This conference on the 16th January in Bombay was presided over by Sir C. Sankaran Nair who had recently resigned his Membership of the Secretary of State's Council in order to assume high office in an Indian State. Mr. Gandhi attended, in the capacity of an adviser. By this time the Turkish claims had been settled. The non-co-operation movement soon collapsed. As to the Hindu Mahomedan alliance Gandhi himself said : " Interested persons who were disappointed during the palmy days of non-co-operation, now that it has lost the charm of novelty, have found their opportunity, and are trading upon the religious bigotry or the selfishness of both the communities. The result is written in the history of the feuds of the past two years. Religion has been travestied. Trifles have been dignified by the name of religious tenets which, the fanatics claim, must be observed at any cost. Economic and political causes have been brought into play for the sake of fomenting trouble ". As to non-violence, he admitted the most important boycott was the boycott of violence. Whilst it appeared at one time to be entirely successful, it was soon discovered that non-violence was only skin-deep. It was passive non-violence of helplessness, not the enlightened non-violence of resourcefulness. The result was an eruption of intolerance against those who did not non-co-operate. This was violence of a subtler type. After Chauri Chaura and the Bombay occurrence on the day of the Prince's arrival, the creed of non-violence was bound to disappear.

276. As to non-co-operation Gandhi admitted : " Whilst individuals hold firmly to their belief in non-co-operation, the majority of those who are immediately concerned, have practically

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lost faith in it, with the exception of the boycott of foreign cloth. Scores of lawyers have resumed practice. Some even regret having ever given it up. Many who had given up Council have returned to them, and the number of those who believe in Council-entry is on the increase. Hundreds of boys and girls who gave up Government schools and colleges have repented of their action and have returned to them. I hear that Government schools and colleges can hardly cope with the demand for admission." But what about the misery and the suffering of those who responded to this call. How did he compensate them? I have little doubt that my book "Gandhi and Anarchy" showed up the course non-co-operation was bound to take, but for myself the book had an unfortunate sequel, in the suit that was brought against me.

CHAPTER XXVI

THE LIBEL ACTION—O'DWYER vs. NAIR IN THE KING'S BENCH DIVISION IN ENGLAND IN MR. JUSTICE McCARDIE'S COURT.

277. This Khilafat agitation derived its strength mainly from the alleged perfidious conduct of the British Government in attracting Muslims to enlist in such large numbers on account of the promise made by Mr. Lloyd George in January 1918, already referred to. I attempted to dispel this notion and to protect the British Government from this charge. I felt it necessary for this purpose to show that the undoubted extraordinary recruitment of Mahomedans in the Punjab was not due to any promise made by Lloyd George, but to the coercive methods adopted by Sir Michael O'Dwyer. It is this part of the pamphlet which was alleged to be defamatory by O'Dwyer in the suit brought by him.

It was also necessary to disabuse the Indian mind of the idea that the repression in the Punjab offered any adequate reasons for the non-co-operation. Oppression in the Punjab was resented in all India, "the iron had entered their soul" and I wanted to show that such repression was not characteristic of the British Empire or race, but was only due to the Punjab Government or Sir Michael O'Dwyer, and there was no reason to fear any recurrence of such incidents after these reforms. It is this imputation of responsibility to Sir Michael for the repressive methods that was complained of by him.

The action brought by Sir Michael O'Dwyer against myself raised for decision practically the character of the Punjab administration during his time. It is this which formed the subject of enquiry by the Hunter Committee on which the Government of India expressed their opinion. Finally as I have said already, a despatch of the Secretary of State for India conveyed

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the final decision of the Cabinet. On that, a debate was raised in Parliament. All this concerned Sir Michael O'Dwyer's administration of the Punjab. They have, therefore, a great bearing on the question raised in the action and I accordingly proceed to give a more detailed account of them.

278. JULLIANWALA BAGH—AMRITSAR: In October 1919 a Committee was appointed of the following persons, (1) Lord Hunter, President, (2) Justice Rankin, Calcutta High Court Judge, (3) Hon. Mr. Rice, Secretary, Government of India, (4) Major General Sir George Barrow, (5) Hon. Pandit Jagat Narayan, (6) Hon. Mr. Thomas Smith, (7) Sir Chimanlal Harilal Setalvad and (8) Sadar Sahibzada Sultan Ahmed Khan, to investigate the disturbances in the Punjab and other places in India and their causes, and they proceeded to examine the witnesses in India, produced by the Government. The all India Congress Committee, however, in connection with the enquiry at Lahore, refused to call witnesses on the ground that the principal Punjab Leaders were imprisoned. The Hunter Committee submitted a majority and a minority (of the 3 Indian members) report to the Government of India, who submitted their own Report expressing their opinions on the questions raised, to the Secretary of State.

The Cabinet considered the matter of the shooting at Amritsar and expressed their view in the following terms :—

(1) Admitting the extreme gravity of the situation as it presented itself to the authorities in India generally, and to Brigadier General Dyer in particular, and appreciating the immensity of the responsibility which Brigadier General Dyer rightly felt, and recognising the danger to the lives of Europeans and to the safety of British and Indian troops, and taking into consideration the fact that in Amritsar itself violence, murder and arson of the most savage description had occurred three days previously and the city was still practically in possession of the mob, and also that from the surrounding countryside reports were hourly being received of similar violent outbreaks and attacks upon communications and defences in those parts, and supplemented by rumours, which there was little means of verifying and as little ground for disbelieving, fully bearing all this in mind, the Secretary of State, on behalf of the Cabinet,

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recorded the view that General Dyer was not entitled to inflict that punishment, as the mob had committed no act of violence, had made no attempt to oppose him by force, and many members of which most have been unaware that they were disobeying his commands for the purpose, in his Gen. Dyer's own words, "of producing a sufficient moral effect from a Military point of view, not only on those who were present, but more especially throughout Punjab".

(2) That the military are only entitled to use the minimum force required to disperse the crowd, and that the force actually employed was greatly in excess of that required to achieve the dispersal of the crowd, and that it resulted in lamentable and unnecessary loss of life and suffering.

(3) The omission to give warning before fire was opened, was inexcusable.

(4) Some steps should have been taken to see that some attempt was made to give medical assistance to the dying and the wounded.

On this, a debate was raised in the House of Commons. I extract below the speech of Mr. Winston Churchill which gives the facts as they appear in the statement of General Dyer, who was in command of the firing troops, before the Hunter Committee and also his memorial to the Army Council. The reasons for the decision of the Cabinet of which Churchill was a member are also given therein. Naturally, no one else could put it more fairly.

MR. CHURCHILL

279. "I now come to explain and to justify the decision of the Cabinet. This is the question I have been asking myself, and which I think the House should consider. Were we right in accepting, as we have done, the conclusion of the Army Council as terminating the matter so far as General Dyer was concerned, or ought we to have taken further action of a disciplinary or quasi-disciplinary character against him? Here for the first time, I shall permit myself to enter, to some extent, upon certain aspects of the merits of the case.

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However, we may dwell upon the difficulties of General Dyer during the Amritsar riots, upon the anxious and critical situation in the Punjab, upon the danger to Europeans throughout that Province, upon the long delays which have taken place in reaching a decision about this officer, upon the procedure that was at this point or at that point adopted, however, we may dwell upon all this, one tremendous fact stands out—I mean the slaughter of nearly 400 persons and the wounding or probably three or four times as many, at the Jullianwallah Bagh on 13th April. That is an episode which appears to me to be without precedent or parallel in the modern history of the British Empire. It is an event of an entirely different order from any of those tragical occurrences which take place when troops are brought into collision with the civil population. It is an extraordinary event, a monstrous event, an event which stands in singular and sinister isolation.

“Collisions between troops and native populations have been painfully frequent in the melancholy aftermath of the great War. My Right Hon. friend has reminded the House, that in this particular series of disturbances, there were 36 or 37 cases of firing upon the crowds in India at this particular time, and there have been numerous cases in Egypt. In all these cases, the officer in command is placed in a most painful and difficult position. I agree absolutely with what my Right Hon'ble friend has said, and the opinions he has quoted of the Adjutant General in India; of the distasteful, painful, embarrassing, torturing situation—mental and moral—, in which the British Officer in command of troops is placed when he is called upon to decide whether or not he opens fire, not upon the enemies of his country, but on those who are his countrymen, or who are citizens of our common Empire. No words can be employed which would exaggerate those difficulties. But, there are certain broad lines by which, I think, an officer in such cases should be guided. First of all I think he may ask himself. “Is the crowd attacking anything or anybody?” Surely that is the first question. Are they trying to force their way forward to the attack of some building, or some cordon of troops or police, or are they attempting to attack some band of persons or some individual, who has

excited their hostility? Is the crowd attacking? That is the first question which would naturally arise. The second question is this: Is the crowd armed? That is surely another great simple fundamental question. By armed I mean, armed with lethal weapons. SIR W. JOYNSON HICKS: How could they be in India? MR. CHURCHILL: Men who take up arms against the state must expect at any moment to be fired upon. Men who take up arms unlawfully cannot expect that the troops will wait until they are quite ready to begin the conflict.—

MR. DONALD: What about Ireland?

MR. CHURCHILL: I agree, and it is in regard to Ireland that I am specially making this remark — or until they have actually begun fighting. Armed men are in a category absolutely different from unarmed men. An unarmed crowd stands in a totally different position from an armed crowd. At Amritsar, the crowd was neither armed nor attacking (INTERRUPTION). I carefully said that when I used the word “armed” I meant armed with lethal weapons, or with firearms. There is no dispute between us on that point. “I was confronted,” says General Dyer, “by a revolutionary army”. What is the chief characteristic of an army? Surely it is that it is armed. This crowd was unarmed. These are simple tests which it is not too much to expect officers in these difficult situations to apply.

SIR W. DAVISON: How many men had General Dyer with him?

MR. CHURCHILL: My Hon. friend is as closely acquainted with the case as I am. I have read all the papers on the subject. When he rises to continue the Debate he can perfectly well bring that forward. But there is another test which is not quite so simple, but which nevertheless has often served as a good guide. I mean the doctrine that no more force should be used than is necessary to secure compliance with the law. There is also fourth, a consideration by which an officer should be guided. He should confine himself to a limited and definite objective, that is to say to preventing a crowd doing something which they ought not to do, or to compelling them to do something which they ought to do. All these are good guides for officers placed in the difficult and painful situation in which General Dyer stood.

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My Right Hon. friend (Sir E. Carson) will say it is easy enough to talk thus, and to lay down these principles here in safe and comfortable England, in the calm atmosphere of the Commons or in your armchairs in Downing Street or Whitehall, but it is quite a different business on the spot, in a great emergency, confronted with a howling mob, with a great city or a whole province quivering all around with excitement. I quite agree. Still, these are good guides and sound, simple tests, and I believe it is not too much to ask of our officers to observe and to consider them. After all, they are accustomed to accomplish more difficult tasks than that. Over and over again, we have seen British Officers and soldiers storm entrenchments under the heaviest fire, with half their number shot down before they entered the position of the enemy, the certainty of a long bloody day before them, a tremendous bombardment crashing all round—we have seen them in these circumstances taking out their maps and watches and adjusting their calculations with the most minute detail, and we have seen them show not merely mercy, but kindness to prisoners, observing restraint in the treatment of them, punishing those who deserved to be punished by the hard laws of war, and sparing those who might claim to be admitted to the clemency of the conqueror. We have seen them exerting themselves to show pity and to help even at their own peril, the wounded. They have done it thousands of times, and in requiring them in moments of crisis, dealing with civil riots, when the danger is incomparably less, to consider these broad simple guides, really I do not think we are taking them beyond their proved strength.

COMMANDER BELLAIRS: What about the women and children?

LIEUT. COLONEL CROFT: There are no women and children in the trenches.

Mr. CHURCHILL: I am bound to say, I do not think it is too much to ask a British soldier in this painful agonising position to pause and consider these broad, simple guides—I do not even call them rules—before he decides upon his course of conduct. Under circumstances in my opinion, infinitely more trying, they have shown themselves capable of arriving at right

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decisions. If we offer these broad guides to our officers in these anxious and dangerous times, if there are guides of a positive character, there is surely one guide which we can offer them of a negative character. There is surely one general prohibition which we can make. I mean a prohibition against what is called "frightfulness". What I mean by frightfulness is the inflicting of great slaughter or massacre upon a particular crowd of people, with the intention of terrorising not merely the rest of the crowd but the whole district or the whole country.

LIEUT. GENERAL CROFT: Was not the frightfulness started three days before? Was not the frightfulness on the other side?

THE DEPUTY CHAIRMAN (SIR E. CORNWALL) Hon. Members will have an opportunity of catching my eye, and I would ask them to wait, and not try to deliver their speeches in fragments.

Mr. CHURCHILL: We cannot admit this doctrine in any form. Frightfulness is not a remedy known to the British pharma-coepia. I yield to no one in my detestation of Bolshevism, and of the revolutionary violence which precedes it. I share with my Right Hon. and learned friend (Sir E. Carson), many of his sentiments as to the world-wide character of the seditions and revolutionary movements with which we are confronted. But my hatred of Bolshevism and Bolsheviks is not founded on their silly system of economics, or their absurd doctrine of an impossible equality. It arises from the bloody and devastating terrorism which they practice in every land into which they have broken, and by which alone their criminal regime can be maintained. I have heard the Hon. Member for Hull (Lieut. Commander Kenworthy) speak on this subject. Governments who have seized upon power by violence and by usurpation have often resorted to terrorism in their desperate efforts to keep what they have stolen, but the august and venerable structure of the British Empire, where lawful authority descends from hand to hand and generation after generation does not need such aid. Such ideas are absolutely foreign to the British way of doing things. These observations are mainly of a general character, but their relevance to the case

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under discussion can be well understood and they lead me to the specific circumstances of the fusillade at the Jullianwallah Bagh. Let me marshal the facts. The crowd was unarmed, except with bludgeons. It was not attacking anybody or anything. It was holding a seditious meeting. When fire had been opened upon it to disperse it, it tried to run away. Pinned up in a narrow place, considerably smaller than Trafalgar Square, with hardly any exits, and packed together so that one bullet would drive through three or four bodies, the people ran madly this way and the other. When the fire was directed upon the centre, they ran to the sides. The fire was directed upon the sides and they ran to the centre. Many threw themselves upon the ground, and the fire was then directed on the ground. This was continued for 8 or 10 minutes, and it stopped only when the ammunition had reached the point of exhaustion.

COMMANDER BELLAIRS: That is absolutely denied by General Dyer.

MR. CHURCHILL: It stopped only when it was on the point of exhaustion, enough ammunition being retained to provide for the safety of the force on its return journey. If more troops had been available, says this officer, the casualties would have been greater in proportion. If the road had not been so narrow, the machine guns and the armoured cars would have joined in. Finally, when the ammunition had reached the point that only enough remained to allow for the safe return of the troops, and after 379 persons, which is about the number gathered together in this Chamber today, had been wounded, the troops at whom not even a stone had been thrown, swung round and marched away. I deeply regret to find myself in a difference of opinion from many of those with whom on the general drift of the world's affairs at the present time, I feel myself in the strongest sympathy; but I do not think it is in the interests of the British Empire for us to take a load of that sort for all time, upon our backs. We have to make it absolutely clear, some way or other, that this is not the British way of doing business.

I shall be told that it "saved India". I do not believe it for a moment. The British power in India does not stand on such foundations; It stands on much stronger foundations. I am

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going to refer to the material foundations of our power very bluntly. Take the Mutiny as the datum line. In those days there were normally 40,000 troops in the country and the ratio of British troops to native troops was one to five. The native Indian Army had a powerful artillery of which they made tremendous use. There were no railways, no modern appliances, and yet the Mutiny was effectively suppressed by the use of a military power far inferior to that which we now possess in India. Since then the British troops have been raised to 70,000 and upwards, and the ratio of British to native troops is one to two. There is no native artillery of any kind. The power and importance of the artillery has increased in the meantime 10 and perhaps 20 fold. Since then, a whole series of wonderful and powerful war inventions have come into being, and the whole apparatus of scientific war is at the disposal of the British Government in India—machine guns, the magazine rifle, cordite ammunition, which cannot be manufactured as gunpowder was manufactured except by a scientific power, and which is all stored in the magazines under the control of the white troops. Then, there have been the great developments which have followed the conquest of the air and the evolution of the aeroplanes. Even if the railways and the telegraphs were out or rendered useless by a strike, motor lorries and wireless telegraphy would give increasingly the means of concentrating troops, and taking them about the country with an extraordinary and almost undreamed of facility. When one contemplates these solid, material facts, there is no need for foolish panic or talk of its being necessary to produce a situation like that at Jullianwallah Bagh in order to save India. On the contrary, as we contemplate the great physical forces and the power at the disposal of the British Government in their relations with the native population of India, we ought to remember the words of Macaulay—

“and then was seen what we believe to be the most frightful of all spectacles, the strength of civilization without its mercy”.

Our reign in India or anywhere else has never stood on the basis of physical force alone, and it would be fatal to the

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British Empire if we were to try and base ourselves only upon it. The British way of doing things, as my Right Hon. friend the Secretary of State for India, who feels intensively upon this subject, has pointed out, has always meant and implied close and effectual co-operation with the people of the country. In every part of the British Empire, that has been our aim; and in no part have we arrived at such success as in India, whose princes spent their treasure in our cause, whose brave soldiers fought side by side with our own men, whose intelligent and gifted people are co-operating at the present moment with us in every sphere of Government and of industry. It is quite true that in Egypt last year, there was a complete breakdown of the relations between the British and the Egyptian people. Every class and every profession seemed united against us. What are we doing? We are trying to rebuild that relationship. For months, Lord Milner has been in Egypt, and now we are endeavouring laboriously and patiently to rebuild from the bottom that relation between the British administration and the people of Egypt which we have always enjoyed in the past, and which it was so painful for us to feel, had been so suddenly ruptured. It is not a question of force. We had plenty of force, if force were all that were needed.

“What we want is co-operation and goodwill, and I beseech Hon'ble and Right Hon. Gentlemen to look at the whole of this vast question, and not merely at one part of it. If the disastrous breakdown which has occurred in a comparatively small country like Egypt, if this absolute rupture between the British administration and the people of the country had taken place throughout the mighty regions of our Indian Empire, it would have constituted one of the most melancholy events in the history of the world. That it has not taken place upto the present is, I think, largely due to the constructive policy of His Majesty's Government, to which my Right Hon. Friend, the Secretary of State for India has made so great a personal contribution. I was astonished by my Right Hon. Friend's sense of detachment when, in the supreme crisis of the war, he calmly journeyed to India, and remained for many months absorbed and buried in the Indian affairs. It was not until I saw what happened in

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Egypt, and if you like, what is going on in Ireland today, that I appreciated the enormous utility of such service, from the point of view of the national interests of the British Empire, in helping to keep alive that spirit of comradeship, that sense of unity and of progress in co-operation, which must ever ally and bind together the British and Indian peoples.

“I do not conceal from the House my sincere, personal opinion that General Dyer’s conduct deserved not only the loss of employment from which so many officers are now suffering at the present time, not only the measure of censure which the Government have pronounced, but also that it should have been marked by a distinct disciplinary act, namely, his being compulsorily put upon the retired list. But we have only to turn to page 20 of the statement of General Dyer, we have only to cast our mind back to the most powerful passage in the speech of my Right Hon. and learned Friend (Sir E. Carson) to see that such a course was barred.

“It is quite true that General Dyer’s conduct has been approved by a succession of superiors above him who perused his defence, and that at different stages, events have taken place which, it may well be argued, amount to virtual condonation so far as penal or disciplinary action is concerned. General Dyer may have done wrong, but at any rate, he has his rights, and I do not see how in face of such virtual condonation as is set out on page 20 of this able document, it would have been possible, or could have been considered right, to take disciplinary action against him. For these reasons, the Cabinet found themselves in agreement with the conclusions of the Army Council, and to those moderate and considered conclusions we confidently invite the assent of the House.”

280. In *O’Dwyer vs. Nair* the action against me by Sir Michael O’Dwyer, Mr. Justice McCardie strongly dissented from the despatch of the Secretary of State for India on behalf of the Cabinet and declared that General Dyer had been wrongly punished. It meant that he differed from the opinion of the Hunter Committee, presided over by an eminent Judge and which included three Indian Lawyers, who had more materials

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for a conclusion before them and also from the Government of India. On account of the opinion so strongly expressed in favour of General Dyer and other matters raised in the action, the questions were further considered by the British Cabinet and they adhered to the view expressed in Mr. Montagu's despatch so strongly criticised by Mr. Justice McCardie. But, for all this I would not venture to say anything against an eminent Judge of the High Court of England. Mr. Justice McCardie's charge to the Jury seems to be open to question on various grounds; (a) neither of the parties raised the question of General Dyer's conduct before him; he was not therefore right in raising that question for decision. (b) General Dyer's guilt was not in issue, not relevant for the disposal of the questions raised in the action. (c) he did not consider, if he referred to them, some of the grounds on which General Dyer was censured by the Secretary of State and they were sufficient to justify the censure. (d) in condemning the Secretary of State, he was wrong in discarding the evidence on which the Cabinet based their decision and resorting to other matters for his conclusion. (e) he was clearly wrong in his view of a question of law involved in his judgment (f) those other matters cannot be satisfactorily disposed of in the absence of the Secretary of State or at least without the evidence which could be produced by him alone. I am fully aware that these are grave statements to make about a learned Judge. But they are not lightly made but after full consideration.

281. In opening the case, on the 30th April, Mr. Charles, Counsel for the Plaintiff said, "*I am not here to deal with the matter as to what General Dyer did. Some people consider that what General Dyer did was right and some people think that he went too far.- That is not for you here or for me to judge upon. In the present case, knowing what had happened on the 10th, having proclaimed that there should be no meeting, knowing that they were full of murder and burnings and sedition, General Dyer did what he conceived to be his duty at any rate.*"

Sir Walter Schwabe, my counsel, was asked this question on the 2nd May by Mr. Justice McCardie.

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Mr. Justice McCardie: I do not understand the point of this. Are we deciding whether in the view of the Jury, General Dyer was right or wrong? Is that to be one of the issues?

Sir Walter Schwabe: No, My Lord.

Mr. Justice McCardie: "Because if that is the issue the Jury will allow me to point out to them that the mere administrative detail is not the whole point in this matter nor is the mere judgment of the matter. The safety of the Indian Empire was the proper issue there and the safety of the wider Empire to which we belong. It may be that a man is bound under the critical circumstances to take what appear to us in London to be repellent steps which are necessary in the wider stages of the world. It is a very difficult point, it raises questions which arise in every Empire which has Dominions and Colonies. I do not know whether you wish to go into it; *I suppose you must.*"

Sir Walter Schwabe: "I am not the plaintiff in this case, my Lord; I am the defendant".

Mr. Justice McCardie: "That is why I wanted to point out to you what issue you are going to raise".

Sir Walter Schwabe: "I am going to say and ask the Jury to say that what took place on that day at that place was an atrocity".

Mr. Justice McCardie: "If it was necessary for the preservation of the Punjab it should be done, do you suggest it was without necessity?"

Sir Walter Schwabe: "No, It has not been my case, and I think I may say with respect that until I put that case, I should not be asked to deal with that aspect of it. My aspect of it is that in the circumstances which happened, I do know my way about this case now".

Mr. Justice McCardie: "I know, but I am thinking of the issues.

Sir Walter Schwabe: "It is a very grave issue indeed; the grave issue is that we say that what was done on that day at that place was an atrocity, from any point of view; from the situation of the Punjab then".

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282. This is what really happened on that day. But Sir Michael in his "India as I knew it" (p 350-351) says as follows :-

"The action of General Dyer at Amritsar and of my responsibility in the matter was one of the main issues in the trial. In view of the serious nature of that action and of the controversy over the Judge's advice to the Jury—which the late Government held to be an obiter dictum and for their part repudiated. the matter is one of far-reaching importance. It should be made clear to start with that when counsel for the defence began to cross examine me on that branch of the case, the judge at once endeavoured to avoid it --saying (I quote the Times Report of May 2nd 1924)

"Have we to decide whether Gen. Dyer was right or wrong? If so, I shall have to tell the Jury that, where the safety of the Indian Empire was in question and through that the safety of the British Empire, perhaps it might be necessary to do things which would not be justified in other circumstances".

"To which Sir Walter Schwabe replied: "We say that what Gen. Dyer did (that is firing on a crowd of natives) was an atrocity from any point of view in the situation of the Punjab then. And we say that it was an atrocity which had the consent of Sir Michael O'Dwyer before it was committed, and his practical approval afterwards. *One of the questions which will have to be considered is whether the condemnation of General Dyer was right or wrong. Many facts are available now which were not available before.*"

"It was, therefore, the defence that pressed for a decision on the issue and the court had no option but to face it".

The italics are of Sir Michael. The words in Italics were not, could not have been said by Sir Walter Schwabe. The last sentence is one that would never be said by Sir Walter, as it is a travesty of facts so far as we are concerned. It may have been said by Mr. Justice McCardie afterwards, in his charge to reverse the condemnation of General Dyer. The shorthand reporter who made the report that in reply to the judge's question "Are we deciding whether in view of the jury,

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General Dyer is right or wrong? Is that to be one of the issues? Sir Walter Schwabe replied, "No, my Lord", was employed by his solicitor. He was not therefore warranted in disregarding that note. The whole thing is distorted.

Again, if as the judge says, Sir Michael had nothing to do with Amritsar butchery, it was absolutely unnecessary for him (the judge) to go further and enquire into the question whether General Dyer was right or wrong in taking the action he did at Amritsar. The suit was brought by Sir Michael against me and the main question was whether he had anything to do with Amritsar; if he had nothing to do with it, the judge should have, I venture to submit, dropped the matter there and his conduct, in the circumstances in dealing with the question in the absence of the Secretary of State and General Dyer, before him can be only explained by the fact that he really wanted to express an opinion on it and the trial showed that such was his purpose.

Again, the question whether General Dyer was rightly punished by the Secretary of State was not a part of my case nor does it arise out of it. My case was that Sir Michael O'Dwyer had authorised the atrocious act at Jullianwalla Bagh.

Nor did it arise out of the plaintiff, Sir Michael's case which was that Sir Michael did not instigate or authorise it and did not know that was going to happen.

Therefore, Mr. Justice McCardie was entirely wrong in discussing the merits of the cabinet decision. That was a question between the Government and General Dyer whom they condemned. In the suit against me, neither of them were parties or witnesses. The Government had not said a word against Sir Michael O'Dwyer. The records on which they acted were not and could not be evidence in my case. Neither the Government nor General Dyer had stated their case before the court. Many confidential documents could be produced by Government. Some of them were with me and when my Counsel referred to one of them in his cross examination of Sir Michael, the latter's lawyers strongly remonstrated to the Secretary of State, and my counsel did not tender any more of those confidential documents in which statements made by

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Sir Michael stood without being disproved. My case was only against Sir Michael. It was therefore unnecessary to deal with General Dyer.

I have given the speech of Mr. Winston Churchill in its entirety to show that General Dyer was guilty of causing unnecessary loss of lives by excessive severity. On this question, it was not reasonably open to the Judge to support General Dyer. He himself had said that there should not be any severity which is not required by the circumstances of the case, thereby accepting what the Secretary of State has laid down. But he did not refer to the fact that General Dyer continued firing when there was admittedly no necessity for it and after the crowd began to disperse. There was, therefore, only one verdict possible in the case on this point as from his own statement, it appears that it was unnecessary for General Dyer to continue to fire after they began to disperse.

These two reasons that General Dyer went beyond the necessity of the case and caused unnecessary loss of lives and that he made no arrangements for the dead and wounded would alone justify the censure. Mr. Justice McCardie passes over them.

283. It will appear from Mr. Montagu's despatch and Mr. Churchill's speech that the condemnation of General Dyer by the Secretary of State was mainly based on the statements made by General Dyer himself before the Hunter Committee. General Dyer did not afterwards withdraw any of his statements even in a memorandum which he subsequently presented to the Army Council in which different reasons were advanced. When Sir Michael O'Dwyer was examined as a witness he admitted that if General Dyer made those statements, which he is alleged to have made before the Hunter Committee, he was not prepared to justify his conduct. Mr. Justice McCardie refers to this admission but does not say anything more about it. If he was of opinion that General Dyer's statement was evidence before him, he could not differ from the Secretary of State in his condemnation of General Dyer. If, however, he did not treat it as evidence before him, he is still less justified in holding that the Secretary of State was in error in the absence of the evidence on which the Secretary of State acted. Disregarding this evidence, Mr. Justice

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McCardie decided the case on the evidence of organized conspiracy which he held justified Gen. Dyer in his punishment of the mob.

284. This is the kernel of the despatch of Mr. Montagu. It is the first ground (see above para 78). He says that the Military officer should confine himself to the attitude of the assembly before him and in dealing with them should not have regard to the disturbances or lawlessness elsewhere in the Province. Mr. Justice McCardie does not discuss this question but he decides in General Dyer's favour on the ground that there were disturbances and acts of lawlessness elsewhere in the Province and it was necessary to punish the mob at Jullianwala to produce a moral effect throughout the province so that there may be no further troubles, and he finds that this firing had the effect of stopping all further acts of lawlessness throughout the province. It, therefore, involved the ruling that the principle laid down in the Despatch that General Dyer was wrong in taking them into consideration is wrong. The Judge may, therefore be said to imply dissent from the principle laid down in Mr. Montagu's despatch supported by legal precedents.

CHAPTER XXVII

CABINET'S DECISION AND SIR MICHAEL O'DWYER'S RESPONSIBILITY IN LAW IN REGARD TO THE OCCURRENCES IN THE PUNJAB DISTURBANCES

285. This assumption or opinion of the Judge, as well as the question of the minimum force was again considered by the Cabinet, who expressed their view in their despatch to the Viceroy. Mr. Justice McCardie expressed his view that General Dyer at Amritsar had acted rightly, and that he was wrongly condemned by the Secretary of State.

On this, the Despatch states :—

“ This expression of opinion upon a point, for a judgment upon which all the materials were not 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 a comment further on it in its more personal aspect.

“ But it (the Judge's expression of opinion) 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, together with the remarks that fell from His Lordship at earlier stages of the trial, might lead to the inference that one of His Majesty's Judges holds 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 upon 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

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and military officers and the public at large, they desire to reaffirm in their own behalf of the principle laid down by their predecessors in Mr. Montagu's Despatch, No. 10 (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 govern 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—mere 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 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 disorders elsewhere. They also adhere to the views of their predecessors 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 disturbance.”

286. The doubt expressed above as to what it was that Mr. Justice McCardie meant is natural; that learned Judge, after saying that the use of force must not be capricious and there should be no undue severity—did not state whether in his opinion there was undue severity and was inconclusive. There were not only the statement of General Dyer but the sworn statements of many witnesses in the case. Yet, he leaves the jury under the impression that General Dyer acted rightly. Similarly, he does not, in express terms, differ from what is laid down in Mr. Montagu's despatch that lawlessness elsewhere is not a justification for firing on the mob. But he acts on that view

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and expresses his opinion that the acts of lawlessness proved an organised conspiracy against the Government which justified the action of General Dyer.

287. On the question of law, if I may without offence say so, both Mr. Montagu's despatch which conveyed the opinion of the then Cabinet, including the Attorney General – who was the Chief Justice when Mr. Justice McCardie delivered his charge, and the despatch of the Cabinet which reviewed Mr. Justice McCardie's charge, and which included the Lord Chancellor and the Attorney General, depict the correct version of the law.

That General Dyer's conduct was also opposed to the Military regulations in India and the pleas which he put forward cannot be supported, is shown by Sir George Barrow in his "Life of Sir Charles Munro". See also Sir Valentine Chirol's "Fifty years in a changing World".

288. Assuming however, that Mr. Justice McCardie was right in his opinion that General Dyer was justified in firing on the mob at Jullianwalla Bagh because there was an organised conspiracy throughout the Punjab or in some parts of the Punjab, as was put forward by Sir Michael O'Dwyer and found by Mr. Justice McCardie, the question arises whether he was right in holding that there was a conspiracy in the admitted circumstances of this case. Before Sir Michael left the Punjab he issued a circular letter on the 24th May 1919 to his subordinates and others to make an exhaustive enquiry and report the causes of these outbreaks, the classes of people who were concerned in it, the nature of the movement, whether it was in its manifestations revolutionary, disloyal, anti-Christian and the methods adopted by the rioters, such as organisation of strikes, attacks on communications and attacks on Government buildings. It will be seen, therefore, that the enquiries were very exhaustive and the conclusions reached after such investigations must be accepted in preference to the opinion of those who had no opportunities to make such enquiry. In reply to this circular letter all Deputy Commissioners or heads of Districts sent in their reports to their Commissioners of that Division. The Commissioners after reviewing these reports of the heads of Districts in their Divisions, submitted theirs to the Punjab Government. Besides these officials,

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the Director of Public Instruction, the Public Works Department, the Irrigation Works Department, the Postmaster General, the North Western Railway Agent, Superintendent of Telegraphs Railway; Political Agent Phankian States; Political Agent Bhawalpore Agency Director of Telegraphs, Engineering, Northern Circle; and the Inspector General of Police and a Special Officer, the Dy. Inspector General of Police, placed on special duty, submitted separate reports to Government. It is difficult to conceive of an enquiry more exhaustive. All this was considered by the Punjab Government, who submitted their own report. They were all unanimous that there was no general disloyalty, no concerted action, no conspiracy – differing from the view previously entertained. They say there was an agitation more or less general throughout the Punjab among the urban classes for the purpose of the repeal of the Rowlatt Act, and also to see that reforms recommended by the Montagu – Chelmsford Report were granted. Secondly, there was no conspiracy to overturn the Government by violence. Not in any of these reports of these officials that I have referred to, is there anything to support the view that an armed outbreak or a revolution or violence was ever contemplated or organised before the first outbreak of the 10th of April. In fact, there was no organised conspiracy involving violence in any form before General Dyer's action at Jullianwalla Bagh.

289. With reference to the responsibility of Sir Michael and of the Civil Officers for the Amritsar tragedy, the position is rightly stated, if I may say so, by Mr. Asquith in the House of Commons as follows :–

“I feel that it is to be deeply deplored and regretted that the Civil authority abdicated their function, and handed over something very much in the nature of a carte – blanche to the general in command. I do not know who they were. I have no knowledge of that. But it is the worst example. In India, particularly it is a very bad example. When a situation of that kind arises, the civil authority, according to our law, which is the law of India, should remain ultimately responsible for the maintenance of law and the preservation of order. They were guilty of a gross dereliction of duty in divesting themselves or

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trying to divest themselves, of their function and handing the whole thing to the discretion of the military authorities. I cannot help thinking, I am obliged to say it - that if the civil officers at Amritsar had, at the beginning of the transaction, taken a proper sense of the duty their office had imposed upon them, and had controlled and directed, at any rate supervised, subsequent military operations, it is quite possible that this terrible incident of the 13th might never have occurred. It is only fair and a matter of justice to General Dyer to say this, that, in what I conceive to be a terrible error of judgment and even worse, he had not in this very critical and responsible situation, the advantage which he was entitled to have, which the Executive ought to have given him, of the assistance and advice of the civil authority, familiar with all the local circumstances, and ultimately responsible for the maintenance of order."

Sir Michael, the Commissioner and the Deputy Commissioner under him were responsible according to law for what was done in that locality. They could not divest themselves of it by saying they had handed over the responsibility to the military officers. The law in India is possibly stronger. Sir Michael, therefore, had failed in his duty.

I have dwelt at some length on this question of Jullianwalla Bagh massacre partly on account of the appalling nature of the tragedy unprecedented in the annals of the British Empire, and partly on account of the important questions involved in it. I shall now refer to another matter which involves questions now exciting public attention.

CHAPTER XXVIII

SOME INCIDENTS IN THE PUNJAB DISTURBANCES — MARTIAL LAW ADMINISTRATION.

290. The political events that took place in the city of Gujranwala are described by two witnesses, leading practitioners of that District, one of them a Vakil, and the other a Barrister.

They say that on the morning of the 5th of April, the Deputy Commissioner called them both, Mr. Mela Ram, Vakil and Labh Singh, Barrister and certain other leading men to his court when the Superintendent of Police also was present. Mela Ram was the spokesman of the party. He was asked about a proposed meeting on the evening of that day and about the hartal next morning. The Deputy Commissioner said that he would hold them responsible for any disturbance. They told him that their only object was to protest against the Rowlatt Act. He also said that if he wished it the meeting could be stopped. The Deputy Commissioner gave no reply. Mela Ram invited him to attend the meeting. The meeting was held on the evening of the 5th protesting against the Rowlatt Act condemning the action of the Delhi authorities in firing on the crowds and expressing sympathy with the sufferers. The meeting was orderly. No demonstration or representation was made so far as the Government was concerned. The hartal on the 6th also passed off peacefully. Nothing took place between the 6th and the 13th of April, to excite any attention.

The riots took place on the 14th.

The crowds eventually dispersed voluntarily without any action on the part of the authorities. Some of the people were afraid of the consequences of the acts of arson committed by the mischief-makers, which consisted only of a small portion of the crowd. After everything was quiet, about 3. p.m., aeroplanes came and threw bombs and fired from machine guns at a low

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range, not in the Civil Line where the mischief was done, but in the city where no mischief was done and no crowds were assembled. Labh Singh locates his house and the houses of the European officers and the Missionaries living in Gujranwala on a map, from which it would appear that no disturbance took place in the residential quarters of the Europeans and no Europeans were molested. And that, the places where the bombs dropped were in the city and not in the European quarters.

The witnesses D.W. 2 to D.W. 7 were examined as in the action they were injured by the bombs. D.W. 2 aged 12 years, student, *Khalsa* school, says that he was standing near a fountain in the middle of Gujranwala city, when a bomb dropped from the aeroplane killed a washerman boy standing near him and he himself was injured. That boy also was 12 years old. He received a compensation of Rs. 200/- from the Government. D.W. 3 was a confectioner at the *Khalsa* High School, a mile away from the railway station. He was working in his shop when a bomb fell on the boarding house attached to the *Khalsa* High School. He was injured. The boys were playing; the walls were pierced and there was a great depression where the bombs fell. He received a compensation of Rs. 400/-.

D.W. 4 swears that he and three other boys were playing in a field, when they saw the aeroplanes so close to them that they could see men inside the aeroplanes. A bomb dropped just in front of him and he became unconscious. He received a compensation of Rs. 1600/-. He was a student of the third primary class.

D.W. 5 also says that after giving water to his buffaloes, he was returning when at about half a mile from the railway station, he was hit by a splinter from a bomb, became unconscious, was kept in hospital for about a month, was arrested and released without trial and obtained a compensation of Rs. 7800/-

D.W. 6 aged 25 says that on that day while he was in his village *Dhullia*, about $1\frac{1}{2}$ miles from Gujranwala, a bomb fell from an aeroplane and his nephew was killed, his sister-in-law was killed, and after going a few spaces he himself was hit. He got a compensation of Rs. 450/-. Her sons got compen-

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sation for her death. His nephew's father also got compensation for his death.

D.W. 7 states that on the 3rd of Bishakhi, it would apparently be on the 14th, he was hit by a splinter from a bomb and got a compensation of Rs. 3651/-. There was no disturbance, no crowds that day. He belongs to Gharjak Village.

D.W. 9 says that about 3-30 p.m., on the 14th, he, a student resident of Gujranwala was going with a few other boys to play hockey at about 3-30 p.m. when a bomb fell from an aeroplane and burst. One of the pieces hit him, he became unconscious and his left arm had to be amputated. He received a compensation of Rs. 6638/-. There was no cross-examination.

No more witnesses, were examined though the others whose names are given in the Langely's Committee report, were available.

The Secretary of State said "His Majesty's Government desire to state clearly that reconnaissance, communications, propaganda dropping and moral effect, summarise the normal and correct use of aircraft under conditions of unrest in normally peaceful countries. But emergencies may occur when owing to distances, or damage to communications, or both, and the progress of murderous mob violence and arson which there is no other means of checking, exceptions from this general position are not only justified but necessary. *It is impossible to guarantee by general or special instructions that machine guns or bombs will affect only crowds which would be justifiably fired upon if troops were available on the ground.* But, in the future, explicit orders must be required for the employment of armed aircraft in such emergencies; these orders should be issued in writing by a civil authority and should authorise only a limited amount of bombing and machinegun fire to be employed to overawe mobs, which are so far as the airman can judge, *actually engaged in crimes of violence.* The Government will see to it that instructions on these lines are issued as soon as possible. They regretfully agree with Lord Hunter's Committee that the instructions issued to the airman who visited Gujranwala on this occasion left much to be desired in precision."

I shall state the opinion of Sir Michael O'Dwyer and generally the Anglo-Indian officials. Sir Michael O'Dwyer was

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asked in cross-examination "Assuming that account - which has not been disputed - to be correct, of what was done, bombing and machine-gunning people two miles from Gujranwala who, he thought were going to or coming from the town, do you justify that as being a right thing to do ?

A. It depends on the circumstances and the time.

Q. Under the circumstances of this case? A. Taking the circumstances into account

Q. Taking the circumstances into account? A. Yes, I think he had reason to apprehend that the persons returning to Gujranwala had been associated with these crowds in the outrages there and the people going towards Gujranwala were people who were going to join in the outrages there.

Q. As to the people who had been to Gujranwala and were leaving, do you think he was entitled to drop bombs on them and machine gun fire?

A. I think, taking into consideration the position at Gujranwala when he arrived there, he was entitled to take that action ...

Q. These people who returned to Gujranwala had not committed outrages?

A. He had reason to believe that they had committed outrages ...

Q. Your view is that that is justifiable under the circumstances of this case?

A. I think, seeing the circumstances under which he was sent out and his action in dropping bombs on people who were going to commit an outrage or were going to join people who had committed the outrage, was justifiable."

Sir Michael's opinion was thus against the opinion of the Hunter Committee and of the Secretary of State, that bombs should be used only on those actually engaged in rioting.

This question has now assumed great importance on account of the attitude of the British delegate at the Disarmament Conference where he said that the right to use the bomb for police purposes must be retained by the British Government. He, no doubt, had India in view, I submit.

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Conclusion :

(1) In riots or disturbances bombs should not be used. The Indian members of the Hunter Committee say they should not. The Secretary of State said that they may be used in exceptional circumstances. But the restrictions which he imposed were such as to reduce the mischief to minimum. The proceedings show that the government were not inclined to allow it at all. It was no doubt on account of the Irish trouble which prevailed then that they allowed it even in this restricted form. Until the declaration of Martial Law, bombs cannot be used; as every innocent person is entitled to protection and therefore he should have an opportunity of leaving the place before any bomb is dropped. Notice therefore is necessary.

Mr. Justice McCardie says, "The extent to which they were used and the manner in which they were used may indeed be a matter on which opinions may differ greatly. I only say this, that, as I said earlier in the case, where it is necessary to repress crime, anarchy and such like, I myself can see no distinction in principle between the bludgeon stick of a policeman, the rifle of a soldier, and the use of a machine gun by an aeroplane. If the place is without troops, if it is cut off from communications and if the aeroplane is the only instrument that can be employed, then I see no reason why within limitations, the aeroplane should not be used". He is obviously wrong if he implies that innocent persons may be killed without warning or any opportunity for escape being given to them.

(2) Bombing persons who are not at the time engaged in any act of violence, but who may have been going to or going away from scene of violence is not justifiable.

(3) Bombing persons who were at the time engaged in innocent pursuits is not justifiable to produce moral effect; i. e. was the bombing and the firing at the Khalsa school and on the 15th justifiable? The Hunter Committee, the Government and Sir Michael say it was not justifiable. Mr. Justice McCardie says it was.

(4) Bombs and guns should not be used as a preventive measure.

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The opinion of Mr. Justice McCardie about the use of aeroplanes also was reviewed by Government in continuation of the extract given above.

“ 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 would govern the use of aeroplanes to avert civil disturbances. ”

291. So far as to the events on the 14th of April. Now as to that which followed :-

Col. O'Brien arrived in the city. He sent for certain persons, among whom was Labh Singh, Barrister. He was asked what casualties had taken place and on his stating the number said more ought to have been butchered in the morning.

On the 15th of April, a military and police force went to Labh Singh and levelling their guns at him, arrested and handcuffed him, one chain passing through all the handcuffs of the arrested and they were marched thus to the railway station. From the railway station they were made to march into the city in the hot sun with an aeroplane flying over their heads and machine guns following. 22 men were arrested in the course of the day. The whole procession went to each man's house to arrest him. Every man arrested was chained along with the others. Then, all of them were brought to the railway station and made to sit in an open coal truck with 4 police men and 25 European soldiers in charge of the 22 prisoners. They were refused permission to get out to make water. A man was made to pass water in the truck and made to sit in the urine pool. In Lahore at 9 p.m., when they reached the place, they were kept in solitary cells. They were treated very harshly. They were there for 18 days. They were then taken to Gujranwala. They were marched to the Railway station, had to carry their beddings, one hand of each prisoner being hand-cuffed, the bedding had to be carried with the other. There was no arrangement for feeding them. At Gujranwala they were subjected to harsh treatment. In Gujranwala they were kept for 18 days. They were again brought back to Lahore. They were tried by the Martial Law Tribunal. Out of them, 16 were tried and 5 were acquitted.

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The arrests were made, according to Col. O'Brien before the Hunter Committee, under the Defence of India Act. They were illegal.

Dr. Kitchlew and Satyapal.

Dr. Satyapal and Dr. Kitchlew were arrested on the 10th of April under orders issued by Sir Michael O'Dwyer under the Defence of India Act before the proclamation of martial law. They were tried, convicted and sentenced by the special courts for offences, other than those for which they were arrested, according to the regulations laid down as to the procedure in those courts and deprived of their rights which they would have had if they had been tried under the ordinary civil law under the Criminal Procedure Code in force in times of peace.

Some days after their arrest, on the 2nd of May, the Government of India passed a rule which apparently legalised the arrests. But what followed their arrests is extraordinary.

They were at once taken to Dharmasala—a Hill Station—by an escort. The Police Superintendent took them direct to the Dharmasala Dak Bungalow at about 8 p.m. They had no warm clothing, no bedding and they were penniless. A Pleader, a friend of theirs who provided them with all necessaries with the distinct and clear permission, it is alleged, of Mr. Rayhill, the Police Superintendent, had to pay heavily for his hospitality. Their treatment by the Deputy Commissioner in Dharmasala was very rough. Their letters were censored, police were quartered at their houses. Neither of them was allowed to see the other or correspond without their letters being censored. Sir Michael says that on the 3rd of May, the Government of India asked him whether martial law might not be discontinued. On the 6th of May, Kitchlew and Satyapal were formally arrested by him again under a warrant under section 124 (a) Indian Penal Code, and under escort of 25 sepoy's armed with guns and bayonets, they were placed before a Magistrate who ordered them to be taken to Lahore. They were put in bamboo carts surrounded by police constables. At Pathankot they were put in prison with iron barred doors and windows. At Lahore Cantonment they were manacled, and at the Central Jail each was put in a solitary cell. In that sultry weather they had to

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sleep in it, also to pass urine in it. They were provided with blankets and mats, the smell of which was sickening. They were not made aware of the charges on which they were to be tried. This was their treatment till the 3rd of June when they were placed before the martial law commission and charges read over to them.

They were tried by the court under ordinance 4 of 1919 under which the Commissioners appointed under ordinances 1 and 2 of 1919, (who were to try only persons caught in the act of actual rebellion or caught in the actual act which formed the subject of the complaint,) were empowered to try any person charged with any offence committed *on or after 30th of March*, i. e. ten days before the 10th of April, the date of the first outbreak, and authorised to inflict any sentence. It will have been noticed that these men were arrested before, in fact any outrage took place and disturbance commenced.

Whatever reasons there may be for placing any District under martial law or trying any persons by martial law tribunals, there was no reason whatever for sending the persons who were not guilty of any violence, and whose immediate punishment was not necessary, before these tribunals.

They were tried without the protection offered by the ordinary code of Criminal Procedure and Evidence; without also being allowed those facilities in conducting their cases to which they ordinarily would be entitled, if they had been arrested under the ordinary law; so, to try them under the conditions abovementioned was atrocious.

The English Cabinet says, "the use of the power which the ordinance gave in order to apply the special martial law method of trial to persons whose offences consisted in newspaper articles and speeches, which were not demonstrably and immediately the cause of the outbreak, of the open disorder, stand on an entirely different footing, and the terms "Unfortunate" and "Imprudent" which the majority of the Lord Hunter's Committee applied to this policy are, at all events, no exaggerated criticism".

"Taking into consideration the acts committed under the ordinance IV of 1919, which it is impossible not to disallow, His Majesty's Government can feel little doubt that the terms

of the ordinance of a similar kind should ensure due limits to its application.

Gurdaspur Terrorism

292. As to the general treatment of very respectable people simply to strike terror, I shall take one example; proved in the case of *O'Dwyer V. Nair* (D.W. means defence witness) D.W. 53 Ganda Singh Soni, A vakil of the court of Lahore, gives the following evidence :

Q. What happened in Gurdaspur after 14th April 1919 ?

A. About a week after 14th April 1919, the Deputy Commissioner wrote to all respectable people of the city to go and receive General Dyer at the Railway Station. Almost all the members of the legal profession were invited. We went to the station to receive General Dyer. After we had waited 2 hours, a special train arrived which brought a movable column and also General Dyer. He did not come down. We were told to go and await his arrival in the hall of the Government School. We were told that General Dyer would go there and deliver an address. We went to the Government School hall which was quite full. There was a great display of military force round about the school. There were good many soldiers with fixed bayonets in the hall. There was a soldier behind every lawyer. General Dyer then arrived in a furious and excited mood and rushed to the dais. The Deputy Commissioner came with him. The Deputy Commissioner was Mr. Harcourt, I. C. S. The General ordered the assembly to stand up in a very contemptuous manner. Every body in the hall then stood up. General Dyer then said, "You are Badmashes (Rascals, bad characters). The Government has given you honours and means of livelihood and you are going against the Government. The British Government is very strong and has defeated Germany. If there is any one who wants to fight the British Government, let him come out. If you realise the situation, well and good, otherwise, I will come again and crush you all (literally trample you under foot)." After

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General Dyer had departed, the meeting dispersed and we talked to each other and expressed surprise at the insulting treatment given to us especially when there was nothing unusual in Gurdaspur.

Q. Did any officer come after this?

A. A week later Mr. Kitchin, I. C. S., Commissioner, Lahore Division came. He was accompanied by the Deputy Inspector General of Police and some other European Officials. Before his arrival the Deputy Commissioner had sent for 10 or 12 members of the Bar and had told them that they should come and see the Commissioner. We went to see him next day when it was raining, but we were told that the Commissioner could not see us then, but would see us in the court room of the Senior Sub-Judge, the following day. We went to the Senior Sub-Judge's court room as ordered. There were some lawyers from Batala. They had been called by the Deputy Commissioner. There was a display of military there in the court compound and on the road. In the Senior Sub-Judge's room too, there were some soldiers. The Commissioner came accompanied by the Deputy Inspector General of Police, the Deputy Commissioner and some other European officials. The Commissioner placed his revolver on the table. We stood up. The officials were all sitting. At the request of the Deputy Superintendent of Police, the Commissioner allowed two of us, Diwan Sany Rand and Mr. Diwan Chand Saini, Vakils, to sit down. The others remained standing. The indulgence was shown to those two gentlemen because it was stated that they were on the side of the Government. The Commissioner then addressed us as follows: "I have come here to arrest you all. There is a widespread conspiracy against the Government in the Punjab and you are members of that conspiracy. The punishment for your offence is death or transportation for life. I defer your arrest for the present and give you an opportunity to come over to the side of the Government and make statements regarding the conspiracy. It is not necessary that all

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those who make statements regarding the conspiracy will be pardoned. It will be seen which of them are to be pardoned.”

Q. What happened then ?

A. “A few days later, strong rumours were heard that orders had been received for the arrest of some men in Gurudaspur. There was a little more military in evidence than usual. A few days later, four men namely, myself, Mr. Diwan Chand Bhandari, Bar-at-law, Mahant Baij Nath, Bar-at-law, and Lala Beshawari Mal and Pandit Chanan Ram, petition-writer, were ordered to appear before the Deputy Commissioner in his court room on 2nd May 1919. We appeared as ordered and found the Deputy Inspector General of Police and several officers present in the Deputy Commissioner’s court room. Some pleaders from Batala and two others had also been called at the same time. The Deputy Commissioner said that he was arresting all of us under the Defence Act and that we should be tried by the martial law tribunal at Lahore. We were all hand-cuffed and sent to the jail. A great crowd assembled on hearing the news of our arrest. We were marched from the court room to the jail on foot. In the jail, we were all searched, so much so, that a bandage on a sore on my foot was unfastened and my sore was left exposed. We were all kept in the solitary cells for the night. The cells are used for the prisoners sentenced to death. We were relieved of the strings of our pyjamas, neck-ties and turbans and even eye-glasses. We were told that this treatment was being accorded to us in obedience to special orders from higher authorities. We remained in Gurudaspur Jail till 4th May 1919. We were given prison diet and were not allowed food from outside, as under-trial prisoners are generally allowed. I partook of no food while I was in Gurudaspur Jail. On 4th May 1919, we were handcuffed and brought to the railway station and put into a prison van and brought to Lahore and taken to the Central Jail. We remained

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here (Central Jail) from 4th May 1919 to 7th July, 1919. We were kept in solitary cells for the greater part of this time. During this period we were not produced before a Magistrate nor did any Magistrate come to us. We were not produced before any tribunal either. On 7th July, 1919, we were produced before the Deputy Commissioner. He said that we had been guilty of a very serious offence, the punishment for which was either death or transportation for life, but that the Government had been very merciful and did not wish to punish us. We were, however, told that a report would be made to the High Court for cancellation of our licenses as legal practitioners. We were then released. The High Court took no action against us."

293. If such was the case under the civil administration, we can imagine what it must have been under the martial law administration. They were not gone into in my suit and I will therefore only state here that those atrocities are fully referred to and described in the report of the Hunter Committee, (pages 75 to 86 and 118 to 140). What they said about the martial law administration is extraordinary. I do not wish to deal with the various incidents. Admittedly, there were many things done by the military officers which could not be and is not now defended. The view that I put forward was that of the Government of India, that while in point of law, the military officers on the spot were supreme, they were to act on the advice of Sir Michael O'Dwyer and the civil officers. Lord Chelmsford, then Viceroy, gave evidence to that effect. With reference to this, Sir Michael O'Dwyer says, (India as I knew it p. 302) "It was a surprise to me to hear Lord Chelmsford state in court that he regarded me as de facto responsible for the administration of Martial Law. The evidence of General Sir C. Munro (who was then Commander-in-Chief) showed that the military authorities had no desire to shirk their responsibility; *The Judge in his summing up and the Jury by their verdict showed that they did not accept the Viceroy's view*". On the other hand, I regard it as the strongest evidence of the political bias of the Judge and the Jury that they discredited the sworn testimony of such a

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witness as the Viceroy. Chelmsford's evidence is supported by the records. As Chelmsford now cannot defend himself, it is my duty as his colleague, when the order was passed, to defend him against this imputation and I have therefore to divulge some information.

Sir Michael O'Dwyer was informed by the Government of India that the Commander-in-Chief would direct the General Officer Commanding to act in consultation with Sir Michael, and accordingly the Commander in Chief directed the General Officer Commanding, Lahore Division, to act in close communication with and on the advice of the Lieutenant Governor at Lahore. In Rawalpindi, he directed a staff officer to Lahore to consult the Local Government and the General Officer Commanding to act in consultation with civil authorities. The Government of India's view was that the military command must be supreme but that the military officers were to act only in consultation with Sir Michael in accordance with the orders issued by the Commander in Chief. After this, it is futile to say that whenever he was bound to render and the military officers to seek his advice if they disregarded, this advice he need not have reported such conduct to the Government of India for them to take action.

CHAPTER XXIX

GENERAL OBSERVATIONS AND SIDE ISSUES ON NON-CO-OPERATION AND THE LIBEL ACTION O'DWYER V. NAIR

294. Do these facts, justify the non-co-operation movement as stated in the resolution passed by the Congress in 1920? Let us first take the most important one - the deplorable incident at Jullianwalla Bagh. My case before Mr. Justice McCardie was that Sir Michael was responsible for General Dyer, and he assented to the massacre at Jullianwalla Bagh afterwards. I maintained this exonerated the English and the Indian Governments from any responsibility for what was done at Jullianwalla Bagh. That result, follows even by proof of the fact that General Dyer alone was responsible, and that he did not act under the orders of the civil Government. It strengthens my contention that the Government of India was entirely free from blame. They would have been to blame to a certain extent if General Dyer had acted under orders from Sir Michael O'Dwyer or other civilian officers. The House of Commons and the English Cabinet on two occasions condemned the action of General Dyer at Jullianwalla Bagh as an action contrary to their policy and directions. The Government of India acted in accordance with that view by paying compensation, a large sum of money to those who were injured at that place. It was not right, therefore, to say that the British Government should be punished for their action by non-co-operation or to say as it is stated in the non-co-operation resolution that "they betrayed a woeful lack of sympathy with the people of India and showed virtual support of the systematic terrorism and frightfulness adopted in the Punjab, so far as Jullianwalla Bagh is concerned". The same observation applies to other acts of terrorism.

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295. Let us now take next the case of Gujranwala. The Hunter Committee, the Government of India, and the English Cabinet condemned the use of bombs in Gujranwala at least in many cases, and the Cabinet laid down principles for their use in future, intended to prevent any hardship. The same observations, made in the case of Jullianwala, apply to this also almost word for word as far as the responsibility of Sir Michael and the British Government are concerned. The next is the case of Kitchlew and Satyapal. There was in my opinion, certainly an abuse of powers in that case. Mr. Montagu in his despatch has expressed a strong opinion to that effect concurring with the India Government and the Hunter Committee. This obviously furnishes no ground for non-co-operation. There is then the general terrorism as exemplified at Gurudaspur. The Government of India have expressed their regret for what General Dyer had done. They could do nothing more. It certainly affords no ground for non-co-operation. There remains the questions of martial law administration. Here, also the Governments have admitted the irregularities and abuse of powers and the India Government was directed by the Montagu Despatch to censure the officers concerned. In all these cases, as at Jullianwala Bagh, compensation was paid to the sufferers by the Government of India, in acknowledgement of the fact that needless suffering had been inflicted. I find it impossible to agree that these Punjab atrocities furnish any ground whatever, therefore for non-co-operation. I have already stated that in my view, even if they did, the evils that would follow non-co-operation, are so terrible that it should not in any way be advocated.

It has, however, been suggested that all this must now be taken to be of no weight on account of the opinion expressed by Mr. Justice McCardie and the majority of the Jury who are the real exponents of the mind of England. I would agree that if they really expressed the English view and the people of England really approved the horrible and humiliating atrocities committed in the Punjab, the non-co-operation movement and everything accompanying it stands fully justified and that the British Government in India is a menace to

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civilization. But is that really so? As to the weight to be attached to the opinion of Mr. Justice McCardie himself, the following may be of interest:

296. Mr. Lansbury asked the Prime Minister whether the Government would grant time for the discussion of the Motion standing in the name of Hon. Member for Bow and Bromley, dealing with the remarks of Mr. Justice McCardie during a recent trial?—(To call attention to the following statement reported as having been made by Mr. Justice McCardie in the King's Bench Division of the High Court of Justice during the trial of the libel action brought by Sir Michael O'Dwyer late Lieutenant Governor of the Punjab, against Sir C. Sankaran Nair, formerly a member of the Executive Council of the Viceroy and Governor General of India namely "Speaking with full deliberation and knowing the whole of the evidence given in this case, I express my view that General Dyer, in the grave and exceptional circumstances, acted rightly, and in my opinion, upon the evidence he was wrongly punished by the Secretary of State of India" and to move, "That an humble address be presented to His Majesty praying that he will cause the removal from the Bench of the High Court of Judicature in England of Mr. Justice McCardie on the ground that he is unfit to carry out the judicial duties attaching to high office)."

The Prime Minister (Mr. J. Ramsay MacDonald): "I have come to the conclusion that a discussion on this subject would only add to the harm that was being done in India by the words complained of. However, unfortunate the words have been, they clearly do not constitute the kind of fault amounting to a moral delinquency which constitutionally justifies an Address as proposed. It ought, in fairness, to be in mind that the objectionable passages occurred not in a considered written judgement, but in an oral charge to a Jury, delivered at the conclusion of a lengthened and somewhat heated trial, and the very form in which it was couched shows that the learned Judge was not informed as to what took place. As I have already stated, His Majesty's Government completely associates itself with the decision of the

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Government (not merely the Secretary of State) of the day. His Majesty's Government will always uphold the right of the Judiciary to pass Judgement, even on the executive, if it thinks fit; but that being the right of the Judiciary, it is all the more necessary that it should guard itself against the pronouncements upon issues involving grave political consequences which are not themselves being tried”.

Sir K. Wood: “Having regard to the statement that the right Hon. Gentleman has just made, and the undesirability of a Motion remaining on the paper attacking a Judge, who is daily trying cases in the High Court, will he use his influence to have this Motion withdrawn.”

Mr. Lansbury: “No one need use any influence; I am perfectly satisfied with the statement made by the Prime Minister.”

Mr. R. McNeill: “Were not the observations of the learned Judge made in consequence of evidence given before him on oath, and, therefore, were they not, in point of fact, of more value than statements made by other people who have not heard the evidence?”

The Prime Minister: “I had better not be drawn into a discussion. The importance of the point is this—and I think every Member of this House will recognise it—that evidence may have been led regarding certain matters in this trial, but the main point and purpose of the trial did not concern itself with the obiter dicta which the learned Judge let fall in the course of charging the Jury, and those words were calculated to have a very serious effect upon Indian Public Opinion, and for those reasons I have couched the answer in the way that I have done.”

297. But, I do not wish to rely for this purpose on the opinion of the Cabinet alone. Of the leading newspapers “The Times” and the “West Minister Gazette” as I said before, had already expressed their opinion and in their comments after the event, they, as well as several other newspapers like the “Morning Post”, “The Truth”, had confined themselves to the personal responsibility of Sir Michael O'Dwyer for the indefensible things that were done in the Punjab. I shall, therefore, venture to give a few extracts from the leading newspapers of England dealing with the merits of the case, apart from the

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personal responsibility of Sir Michael O'Dwyer—mild in the opinion of at least some eminent lawyers behind the scene. When men like the late Mr. Scott, the Editor of "The Manchester Guardian", Mr. A. G. Gardiner, the late Mr. Massingham; the well-known editor of the "The Nation", and several newspapers like "The Daily News", "The Daily Chronicle", "The Nation", and other newspapers have condemned him (the Judge), and even the extreme imperialist newspapers have not defended him, we may safely take it as the expression of English Opinion. As to the verdict of the Jury, the majority only followed the Judge. One Juror dissented and his name, if Report speaks true, is one that is known throughout the civilised world.

The following are extracts from the Newspapers:—

(1) **The Punjab Libel Case**: "Yesterday's verdict which was not unanimous in the Punjab Libel Action may be good law or it may not. It is uncommonly difficult to say. For, throughout the long trial of the case there seems to have been in nearly all quarters, a strong inclination to travel beyond the strictly legal issues involved and to convert the question before the Jury into one of political and racial opinions and sympathies. One can readily imagine that if the case had been tried at Calcutta or Delhi before a Native Indian Judge and an exclusively Indian Jury, a converse impression of complete absorption in the actual law of libel might well have been produced. We might have seen or seemed to see the English Plaintiff struggling against a manifestly unsympathetic atmosphere in court and an Indian Judge unable, from the outset of the case, to restrain or conceal an eager impulse to elicit points of evidence unfavourable to the plaintiff's case,—to discount items of evidence telling in his favour, and to sum up the case to the jury in a speech expressing strongly the Indian Nationalist view of the disastrous massacre at Amritsar and telling the Jury that this burning political question and no mere nicety of liberal law, was the question before them. In that event we should undoubtedly have seen our own ultra-nationalist press pouring contempt upon native Indian capacity for Judicial fairness—telling us, perhaps, that the Judge had spoken at times as if he were one of the Jury endeavouring to convince his fellow-jurymen on points not of law but of fact.

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Of course, nothing of this sort can be urged here against the Judge who has tried the case in London and yet so fallacious is the printed word—it is, we fear, impossible that any Indian who lost, perhaps, a husband or son by the panic fusillade at Amritsar should find no contrast between the English Judge's reference to English and to Indian sufferers. How easily, for example, might we mistake for cold-blooded cynicism the ingenious logic of Mr. Justice McCardie's excuse for bomb-dropping on women and children—that, if this were not done, “then some wicked crowd would only have to take a child with it in order to escape Justice”? How readily, again, the bereaved Indian reader of the report might imagine, that in the Judge's emotional championship of General Dyer on the ground that he was gravely ill, he could discern a kind of preferential tariff of sympathy as compared with what appeared to be his scientific coolness in the presence of the scene at Amritsar after the massacre - the dying and wounded, whom their friends were officially forbidden to aid or remove. How much danger there is, again, that the Indian reader, possibly a lawyer, whom we have taught that a British Judge leaves questions of facts to the Jury, confines himself to points of law, and above all, eschews giving any opinions on matters of political dispute, might not fully understand how closely Mr. Justice McCardie was following these principles of judicial conduct when he defined in the following terms the legal issue between Sir Michael O'Dwyer and Sir Sankaran Nair :—

“The question for the Jury was whether General Dyer acted rightly or wrongly, whether he was guilty of an atrocity or not. Expressing his own opinion, and speaking with full deliberation and knowing the whole of the evidence given in the case, he came to the conclusion that General Dyer, under the grave and exceptional circumstances acted rightly, and, in his Lordship's opinion upon the evidence, he was wrongly punished by the Secretary of State for India.”

We gravely fear that some misunderstanding is possible and that the reports of the trial may have the unhappy effect of weakening Indian confidence in British Justice:—one of the

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strongest, perhaps quite the strongest of our remaining holds upon Indian respect and liking.

In the Punjab, the effect of the reports of the case which no doubt will be broadcast verbatim, may prove to be the finishing blow to the long and glorious record of Sikh loyalty and attachment to England, the Sikh having a common chivalry which kept their mutual respect on a high plane. That generous traditional friendship must inevitably have contracted a chill from the somewhat ignoble methods of wartime, recruiting of which this libel trial has afforded glimpses, though no personal responsibility for them can fairly be attached to Sir Michael O'Dwyer. But the smashing blow was given to Sikh respect for English courage, coolness, and self mastery by that disastrous fit of nerves in which General Dyer ordered and continued the slaughter at Amritsar. His apologists—some of them distinguished lawyers with the sedentary man's unbalanced admiration for prompt "violence"—try to believe that he averted a revolution, a second Mutiny, the total loss of India. Such beliefs are often hugged by the friends of a soldier who loses his head and throws lives away. The tragic truth is that his sanguinary blunder has created a revolution in the Punjab, what the Black Hole of Calcutta was to most Englishmen during the Mutiny. They feel it to be crying out to them to avenge an abomination. That evil effect was, no doubt, abated by the Hunter Report, which bore the stamp of British justice and by General Dyer's removal from his command, which reassured Indians that even a highly placed Englishman who cannot understand the generous use of power nor see the good of it, may be removed. A majority in the House of Lords and a few hotheads outside it, fired by "the Morning Post" did their utmost to raise Indian suspicions of British justice again. And one cannot but feel that this bad work will indirectly be forwarded by the circulation in India of the reports of this case, with its endless political talk and expressions of race antipathy and vanity and prejudice."

(2) **The Punjab case:**—"It is hardly possible that the chronicles of Empire should contain a tragedy of policy and circumstances more deeply ironic than that provided by the

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great Punjab libel case, which came to an inconclusive end in King's Bench on June 5th. The facts of this tremendous affair are bewildering in number and variety, but the more significant of them can be said within a very small compass. During the fateful spring of 1919, when M. K. Gandhi put himself at the head of the agitation against the Government of India's repressive policy as embodied in the Rowlatt Bill, the Punjab was profoundly disturbed. That great Province had felt the war more seriously than any other. For reasons perfectly well-known and understandable, the Punjab was regarded as crucial. A tranquil Punjab after the war would have implied an India at peace. Hence the Civil Government under Sir Michael O'Dwyer and the military conduct of Brigadier General Dyer came to be indissolubly linked together in the public mind. For the past four years the Imperial reputation of Britain has been debated in the light of General Dyer's carrying out of what he conceived to be his "horrible duty" at Amritsar, the combined official reputation of his action, and the general public judgement together with the newspaper testimonials by means of which the believers in frightfulness of a necessary principle in the governance of subject peoples gave disturbing expression to their faith. Ever since the bitter conflicts of 1920, it has been an article of faith with the believers in Dyerism that the Punjab civil administration which abdicated in favour of General Dyer (this is a central point) before the proclamation of martial law in Amritsar, must somehow achieve a formal vindication. And this has now been achieved by means of O'Dwyer v. Nair, in circumstances which will seem, to many people in England and India, almost incredibly paradoxical.

Sir Sankaran Nair is an eminent Jurist and citizen of Southern India. He has been a Judge of the Madras High Court and a member of the Viceroy's Cabinet. In politics he is a conservative constitutionalist; a stern opponent of all nationalist extremes; in particular an anti-Gandhist convinced that non-co-operation is, for India, the road to ruin. After giving up his portfolio in the Government of India, Sir Sankaran Nair acted upon a suggestion that he should write a pamphlet attacking the Gandhi policy and exhibiting its

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perils. (The Government of India placed materials at his disposal). His little book "Gandhi and Anarchy" was published in India two years ago, but not circulated in England. It was a thorough-going attack on the Gandhi idea and method, but it contained certain passages strongly condemnatory of Sir Michael O'Dwyer, as Lieutenant Governor, accusing him of terrorism in recruiting and of being responsible for atrocities committed by the Civil Government before the imposition of Martial Law. These passages gave the opportunity for the libel suit, notwithstanding that the book was approved and circulated by the Indian Government, several of which asked the author for permission to have it translated into the vernacular tongues. The case occupied the court for 5 weeks; it went to the Jury after a remarkable charge by Mr. Justice McCardie, which summed up for the plaintiff without qualification; and it resulted in an acceptance by counsel of a majority verdict of eleven to one in favour of Sir Michael O'Dwyer with damages £ 500 and costs. The events that serve great Empires, and mar them, have often enough been trivial or perverse, but we may well wonder whether at any epoch a more reckless proceeding than this has been permitted to a public servant freed from the responsibilities of office. It must remain a mystery why a conservative Secretary of State was unable to restrain a retired Lieutenant Governor from instituting and going on with a suit which, whatever the results, could not fail to be an imperial calamity.

Nothing, when once the hearing had begun, could prevent the O'Dwyer case from becoming a first class political trial, If "Terrorism" and "Atrocities" become matters of evidence and argument in court, the effect cannot be arrested. The ruler may be personally vindicated; but what of the broadcasting of the authorities' accounts of the methods employed in the Punjab during two years of wartime rule, with and without the assistance of martial law. British Officers of standing, civil and military, described the system of "compulsory voluntarism" in recruiting, the enforced salaming by Indians, the public floggings, the crawling order, the wholesale jailing of Indian intelligentsia, the extraordinary expedient of keeping students on the march in the heat of a Punjab April for 16 miles a day.

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The Court heard, again, the frank admissions of the British officers as to the need of teaching the people a lesson that they could not forget, by means of wholesale shooting and of bombs from the air; it heard General Benyon's opinion that flogging is an appropriate penalty for Indians; and it heard from Colonel Frank Johnson, who was in military command at Lahore., a terrible affirmation upon the lengths to which he was prepared to go for the maintenance of the British Raj. The Punjab officers, in a word stated a theory of the British Imperial power from which, in the year of Amritsar, the British Government and Parliament emphatically disassociated themselves.

We refrain here from discussing the conduct of the case by Mr. Justice McCardie though that aspect, we may be sure, will be seriously canvassed in India. The central passage of a summing up which will almost certainly stand as a landmark in judicial procedure was, needless to say, the one in which Mr. Justice McCardie, speaking with full deliberation, gave it as his opinion that General Dyer was wrongly punished by the Secretary of State for India - an opinion which we may point out, runs counter to the considered judgment, not only of the India Office, but also of the Government of India, the Commander in Chief, and the Army Council.

In respect of the broader aspects of this unhappy affair there can, we think, be only one conclusion. The evil has now been trebly done: by the events themselves in 1919, by the Dyer testimonial in 1920, and by the libel action. The Anglo-Indian and English die-hard rejoicings over the result will extend and intensify the evil. The dead cannot bury their dead. They have not been allowed to do it. We must face the fact that nothing now can arrest the full effects upon the Indian people of the Punjab Administration during a year that should have been a year not of terror but of healing. We must face the fact that the obstinacy of Sir Michael O'Dwyer completes the disaster initiated by General Dyer at Amritsar. We must face the fact that the verdict of the special Jury will, in the minds of millions in India, tend to establish the truth of Gandhi's repeated assertion that justice for India cannot be obtained from an alien Government or law Court. Is the

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conclusion, then, that the day is lost in India; that the task of re-establishing the belief of the Indian people in the essential justice of British rule is a task beyond our power to fulfil? We refuse to believe it; but we cannot shut our eyes to the fact that the task is made infinitely harder by the hearing and the result of O'Dwyer V. Nair."

(3) **Indian Realities:** "There are in this country two views of our position in India. For those who live in the past, it is the central fact of our existence as an Empire, and to suppose that it can ever alter or end is to contemplate the extinction of our greatness as a people. For those who live in the present it is a regime on trial. For one race to govern another will be always difficult; that such an experiment should survive much longer in the modern world is nearly impossible. These two views were at issue in the remarkable libel case which has just concluded. For, there was more at stake than the technical legal issue, whether Sir Sankaran Niar had libelled Sir Michael O'Dwyer. It was plain throughout the trial that the Judge himself took the traditional view; he expressed it with a lack of reserve unusual in our courts and he had, as the verdict showed, the assent of eleven jurors out of twelve. His vindication not only of the conduct of the plaintiff in the Government of the Punjab but, still more, his unqualified approval of the Amritsar massacre will seem to Indians a revelation of a state of mind of the British people. That and not the nice legal points of a rather difficult libel case, will impress the imagination of India. To the regime on trial (as we hold it to be) this verdict which piqued the curiosity of London for a day, will deal a heavy and lasting blow. On one condition, only can the transition to Home Rule in India be easy and peaceful; that condition is that Indians should trust the sincerity of our intention to make it. Their doubt was already widespread and deep. The slow pace of Indianisation in the Civil Service and the army excused it. Mr. Lloyd George's comparison of the civil service to the steel frame which the Government of India would never be able to dispense with confirmed it. This verdict will hammer it home.

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It is hard, none the less, to believe the Jury so typical of English opinion; shielding the Punjab administration of those terrible years from the severest blame. Of course, there was unrest, and that in an angry and dangerous form. A station had been burnt and the rails torn up, there were casualties among the Europeans, and the bazaars were closed by way of popular protest. Behind this unrest lay many grievances, notably the scandals of the recruiting in the last phase of the war. There was no conscription, but as Sir M. O'Dwyer himself admitted, there was "compulsory voluntarism" under severe moral pressure. This pressure was exerted on the native headmen to compel them and finally dealt with according to law. The result was that in some districts they used every barbarous method of compulsion, including, torture and even the indecent torture of women, to get recruits. No wonder, unrest followed though even then, Sir Michael himself maintained that 95 percent of the population was actively loyal. To suppress it, under martial law, methods were employed which, had the Germans used them, we should have called "frightfulness". The aim was clearly to strike terror, the blow fell indiscriminately as a lash on the face of the whole Indian people. They were required to salute every Englishman in the street. The penalty was flogging ordered by an officer on the spot; in some cases the offender was let off with the milder punishment of drawing patterns in the dust with his nose. Students were required to report four times a day, and in one college, had to march sixteen miles a day to do so. The aeroplane came into action and bombs fell as they fell from German hands, in one case, on a boy's school, in others upon curious spectators or innocent peasants in the fields. It is true that compensation was afterwards paid, but that is an admission of recklessness. The shooting at Amritsar was the crowning horror of a long course of lawless violence, a horror inexcusable even on the plea of necessity. in a province where nine men in ten were loyal. To fire without warning or summons on an unarmed crowd which had as yet committed no overt violence, and to continue to fire as the crowd struggled to escape from the enclosed place - these were acts for which there is only one

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word in plain English, and that name is now held to be libellous.

A Jury had heard this evidence, and has inflicted a penalty on a critic whose whole purpose was, by dissociating the Government of India from these excesses, to combat the movement of despair, and from which Mr. Gandhi will draw the conclusion that Mr. Gandhi was right to despair of our English sense of justice. It is true that General Dyer has been punished by the Army Council. Yet, first the House of Lords, and now an English Court, reverses that condemnation. This makes it all the more urgent that the Labour Government should take up its duty to India among the first of its tasks. It has to convince the people of India that, in spite of appearances, we are sincere in our resolve to concede as promptly as we can do it without disorder, a full and honest measure of Home Rule.

It seems to us eminently desirable that some notice should be taken by Parliament of Mr. Justice McCardie's conduct of the Punjab libel case, which ended last week in a verdict for Sir Michael O'Dwyer against Sir Sankaran Nair; otherwise, the impression is bound to spread throughout India that Indians cannot hope for justice when they sue or are sued in an English Court. The verdict was inevitable for it seems clear that a technical libel had been committed, and the damages agreed upon, were not excessive, but the obiter dicta of the Judge were such as to cast a stain on the English Bench, which will not easily be wiped out. From the very beginning of the trial he made no secret of his prejudice, and in his summing up he went so far as to condemn the Government of India in the strongest terms for having punished General Dyer — and this in spite of the fact that the Government of India was not represented in the trial and had been offered no opportunity of producing the evidence upon which it acted. Whether General Dyer was right or wrong in firing upon an unarmed mob, whether he prevented a second Mutiny or was guilty of a stupid and gratuitous outrage, we do not know. But we do know that Mr. Justice McCardie was guilty of an outrage upon the principles of British justice in saying what he said

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without even pretending to have heard all the evidence. He cannot be removed from the Bench without a resolution of both Houses — a resolution to which the House of Lords probably would not assent — but a vote of censure in the House of Commons would be better than nothing and might do something in India to restore confidence in the sense of justice of the British Parliament, if not of the British Courts.”

(4) “If we in this country suffer, as other countries suffer from a vicissitude of Governments, we can still boast of an escape from them to the rule of the Judges. Unfortunately Judges, though they do not rule can still embarrass rulers. Take India. Nothing has been more responsible for the embitterment of Anglo-Indian relations than the Rowlatt Act. And of late years, at all events, no statesman has spoken words about India carrying so much political mischief as Mr. Justice McCardie’s summing up in the Punjab libel case. There is no remedy. You cannot argue politically with these gentlemen, for they have no political sense. Mr. Justice McCardie bears the character of an excellent lawyer. He is certainly a model of personal demeanour on the Bench. But when he tells us that he knows no politics, and then ignoring the military-political verdict of the Liberal Conservative Government of 1920 of the Secretary of State, and of the Army Council, and being also in ignorance of the documents on which their opinion of General Dyer’s conduct was based, declares that this gentleman “acted rightly” in firing into the crowd in the Jullianwallah Bagh, one realises that he has political opinions but that they were those of the Morning Post. A Diehard one understands: but here is a Judge, an excellent one—who is a Diehard without knowing it, and who launches fragments of the Diehard philosophy, as applied to the Government of India by army officers of the type of General Dyer, as if they were not bombs but confetti.

The trial itself was bad enough, without this aggravation of it. Sir Sankaran Nair is a famous and very able Indian moderate, of high character and wide experience in the Indian and the Judicial service. ‘Gandhi and Anarchy’ the book in which the alleged libel was contained, was a powerful attack

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on Gandhism, and the incidental passage criticising Sir Michael O'Dwyer's administration merely enforced the general moral of the book by declaring that the excesses in the Punjab were no excuse for Gandhi's extreme doctrine, or his follower's violence. Moreover, the book was really not published in England, at all. Three copies alone were sent to this country, one to the Secretary of State, another to the law officers, and a third to myself, as a friend of Sir Sankaran Nair. In India, no doubt, there was a real circulation. Yet, the trial was held not in India, but in this country, where the evidence for the defence could not be adequately given (it was mostly taken on commission) and where prejudice was inevitable. These were the circumstances in which Mr. Justice McCardie reviewed one of the most terrible incidents in Anglo-Indian history. It was clear that the opinions and feelings of Indians about Amritsar, and their view of the great political issues involved in the O'Dwyer trial, were no more comprehensible to him than if they had been the thoughts of so many ants. Yet, it is certain, that in India this Judge's word will overshadow the considered judgment of statesmen and soldiers in the anxious days of 1919 and 1920, and will go far to destroy its alleviating effect."

298. As to the feeling of the masses in England there was not any doubt. Those who attended the Hyde Park meetings, the labour clubs, the day after the verdict would have realised the feeling. It subsisted for a long time afterwards. These understand no distinctions, such as were drawn in the case between Sir Michael's responsibility and the nature of the acts themselves. The following may be of interest:—

Civil and Military Gazette (26th September 1928) Sir Michael O'Dwyer-Scenes at a meeting: London, September 24.

Uproarious scenes were witnessed at the Brotherhood Church in North London yesterday when Sir Michael O'Dwyer rose and attempted to give an address on India.

Members of the audience stood up, shouted and Sir Michael, realising the futility of the proceedings left the platform.

APPENDIX I (a)

The Police in 1901 (see para 174). The following appears in the report of the Indian Police Commission 1902-03 appointed by Lord Curzon, Paragraph 23. "In a letter (No. 5453-J dated 12th December 1901) from the Government of Bengal to the Home Department of the Government of India, it was stated that "in no branch of the administration in Bengal is improvement so imperatively required as in the police. There is no part of our system of Government of which such universal and bitter complaint is made, and none in which, for the relief of the people and the reputation of Government is reform in anything like the same degree so urgently called for. The evil is essentially in the investigating staff. It is dishonest and it is tyrannical. It is essential for a real reform that there should be a bold increase in the wages of a staff which wields so great a power and a more careful supervision of their work. This entails an expenditure which it was impossible to propose in the condition of the imperial and provincial finances of recent years. The Lieutenant-Governor has now welcomed the enquiries of the Government of India, because in his judgment without any hesitation whatever, the improvement of the police must, in the interests of the people and of good government, take precedence of every other project in Bengal. The Commission desire, as the result of their enquiries emphatically to record their full concurrence in the view of the late Sir John Woodburn as above expressed. There is no province in India to which these remarks may not be applied, though there is no other province in which the necessity for real reform is more urgent than in Bengal. In the Provinces in which superior officers of the Revenue and Police departments are most in touch with the people, the popular complaint is no doubt less strong; for the evil referred to have been more held in check by their supervision. But it is in these provinces, on the other hand that the official evidence is sometimes of the strongest - for these evils have there been more fully recognised."

APPENDIX I (b)

(See Para 266)

“ With regard to the more famous declaration contained in the Prime Minister’s statement of war aims made to a Labour Conference in January 1918, it is possible to join issue emphatically with the contentions he now submits. Mr. Lloyd George, it will be remembered said on that occasion that we were not fighting to deprive Turkey of its capital, or of the rich and the renowned lands of Asia Minor and Thrace, which are predominantly Turkish in race. Our own view of this pronouncement has always been that it was an offer conditional upon the Turks laying down their arms, and that it ceased to have validity when they went on fighting. He now says that it was a solemn pledge to the Mahomedans of India. If that is true, which we deny, how has he kept the pledge? How is he observing it to-day? We may ask, with Mr. Adamson, what is being done with “the rich and renowned lands of Thrace”? So far as can be gathered, they are to pass into the hands of Greece; and the only possible conclusion is that Mr. Lloyd George manipulates his “pledges” as he pleases. The “pledge” covered Asia Minor. What is being done with Smyrna? What of Adalia, to say nothing of Turkish centres like Konia and Brussa? We only instance these examples in order to examine the character of the “pledge”, and the manner in which it is being fulfilled. The truth is, of course, that the pledge lapsed immediately, and was dead and buried until expediency suggested that it might be convenient to resurrect it. That our contention is accurate is proved by the reply of the Allies to the Address of the Turkish Delegation in Paris last June. The Allies said it was an error to suppose that the diminution of the territories held by Turkey “must injure the Moslem cause in all lands”. To thinking Moslems “throughout the world” said the Allies “the modern history of the Government enthroned at Constantinople can be no source of pleasure or pride”. If this passage did not mean that the Allies meant what

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they stated then words have no meaning. One more proof of the Prime Minister's tergiversation may be derived from his own lips. He admits—and the fact is common knowledge—that he hoped the United States might have taken the guardianship of Constantinople under a mandate. Had such an arrangement been made, should we have ever heard another word about the Prime Minister's pledge"? Would he not have promptly decided that the presence of the United States at Constantinople would have been accepted by the Indian Mahomedans as a fulfilment of his solemn assurance? As a matter of fact, Mr. Lloyd George's "pledge" theory will not bear examination for a moment: his own contradictory actions destroy it.

The Prime Minister made the interesting avowal that the influences which led the Cabinet to adopt its present policy were in the main, influences which came direct from India. On previous occasions we have discussed at some length the Indian aspect of this problem. While we would give the fullest and most respectful consideration to the wishes and desires of the Moslem communities of India, we cannot admit that under the veil of spiritual convictions they can be permitted to dictate temporal policy. If the views of Mr. Montagu are to be upheld, Turkey will continue to attempt to blackmail every power which has Moslem subjects. Mr. Montagu has said in an interview that "if the taking away of Constantinople from the Turks is to be a necessary result of war, you ought not to have asked Indians to take part in the war against Turkey. If these are Mr. Montagu's views, why did he join with the rest of the Government of which he was a member in offering Constantinople to Russia after Indian troops were in the field against the Turks? Mr. Montagu overdoes his case. None knows better than he that when Indian troops were sent to Gallipoli, it was in the expectation that they would assist a Russian Army, to be landed on the coast of Thrace to make a triumphal entry into Constantinople.

APPENDIX II

Disturbances in the Punjab—Govardhandas's Statement

Light on the situation (See para 257)

Sir:—Riots of a very serious character took place at Ahmedabad, Viramgoan, Calcutta and Amritsar on the report of Mr. Gandhi's arrest. The Anglo-Indian Press and some of the authorities are trying to impose on Mr. Gandhi and Satyagraha Movement the responsibility of these unfortunate occurrences which resulted in murder, arson, pillage and incendiarism. The real issues, which can help the right thinking people to come to correct conclusions, are being ignored. The Indian papers in the Punjab have been forbidden to publish independent reports of the turmoil at Lahore, Amritsar and other places, while the "Civil and Military Gazette" and the Government are supplying one-sided versions of the actual happenings. From the associated telegrams, we find that there have been troubles at Amritsar, Lyallpore, Gujranwalla, Multan, Simla, Chuharkana, Wagha and other places. The question naturally arises why this trouble is so widespread in the Punjab. The troubles were only local and quiet has been restored by the tactful handling of the situation by the local authorities. To my mind it appears that the autocratic rules of Sir Michael O'Dwyer and the repressive measures, such as dropping of bombs from aeroplanes, killing of persons by machine-guns, whipping in the public streets, and other severe means of which any civilized government should be ashamed are mainly responsible for the outburst of disorder in many other places. The following facts will throw light on the situation in the Punjab.

1. The day of the 30th March was observed in Amritsar Multan and Jhang as a day of humiliation, fasting and prayer, all shops were closed, monster meetings were held against the Black Act; but there were no disturbances and the day passed off quietly.

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2. The 6th April was observed as a mourning day over the whole province including even the small towns. There could not be the slightest doubt as to the genuineness of the spontaneity of the movement; and the enthusiasm which it evoked amongst the masses was sufficient to show to all persons, who had eyes to see that the agitation was not being engineered by professional politicians but was due to the deep resentment people felt against the Rowlatt Bills. No trouble was reported from anywhere except a little collision of the police with the procession in Anarkali at Lahore which was soon averted by the leaders,

3. Internment orders were served upon Satyapal and Dr. Kitchlew on or about the 3rd and 5th April respectively. A day or two before, an order of internment had been served upon Syed Habibullah, Editor, "Siasat", Lahore. The use of these weapons from the old armoury against respectable people was the first blunder of the Government.

4. These orders on Law-abiding and peace-loving persons were keenly resented by the people. On the 6th April this feeling found expression in the form of resolutions in the demonstration held to protest against the Rowlatt Act.

5. With a full knowledge of the feelings of the public against the orders of internment, the Government arrested and deported Satyapal and Dr. Kitchlew on the 10th April. The Amritsar public became excited and a procession was formed which passed through the main streets of the city of Amritsar to give expression to their feelings of sorrow and resentment.

6. On their way the crowd came to know the order of the Punjab Government disallowing Mr. Gandhi to enter the territory of the Punjab. The news of Mr. Gandhi's arrest sent a thrill of horror and indignation throughout the whole city and the shops and markets closed and people joined the procession in large numbers.

7. There being a cattle and Horse show at Amritsar in connection with the Bisakhi Fair, many of the people such as Sikhs and Mahomedans, who generally belong to the agriculturist class, joined the demonstration and the deplorable events which will be condemned by all right thinking people happened in the city of Amritsar.

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8. The people who came from Amritsar said that the immediate cause of the outbreak was firing upon the mob by one of the bank managers.

9. Between the 30th March and 6th April the executive authorities used undue influence in asking the people to keep their shops open on the 6th April. In Lahore, the District Magistrate and the Hony. Magistrates, some of the Municipal Commissioners and members of the aristocratic classes regularly canvassed the people not to observe the Mourning day. The shopkeepers were threatened and intimidated in various ways. On the 5th of April an understanding was arrived at between the District Magistrate and the leaders. This undertaking was fulfilled by the leaders and the people to the very letter. There was no shouting crowds. No force was used by the people to induce others to give up their work. Everything was spontaneous and voluntary.

10. On Thursday the 10th April the news of Mr. Gandhi's arrest reached Lahore at about 3-30 p.m. All the shops and business places were immediately closed. The whole town spontaneously suspended business. The hackney carriage drivers also joined the people in this expression of grief and resentment. By 6-30 p.m. the humming town of Lahore looked like a deserted village.

11. About 200 or 300 students were coming to the Mall, when they were asked by the police near the High Court not to proceed any further. The crowd neither moved forward nor turned back. On this, Mr. Fyson, the District Magistrate ordered firing. Two or three people died and the dead bodies were removed by the police and a few wounded, as a result of the firing. Those who were present on the spot say that two distinct volleys were fired at one minute's interval. The police followed them to the city gates. In the meanwhile many people from the city, who had closed their shops joined this crowd. Pandit Rambhoj Dutt arrived on the scene when the crowd was nearing the Lohari Gate. He asked the District Magistrate to allow some time, so that the crowd may be asked by him to disperse. Ten minutes were allowed by the District Magistrate. Pandit Rambhoj Dutt requested him (District Magistrate) to

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give a little more time, as the people who were excited by the firing required some pacifying speech. The people were made to sit on the road and Mr. Dutt was asking them to return home. The crowd was about to disperse when the District Magistrate informed Mr. Dutt that the 10 minutes which he had allowed had passed. He (the Pandit) prevailed upon the District Magistrate to give a little more time because a huge crowd of 10 to 15 thousand people would take some time to disperse. Only two minutes were allowed. But notwithstanding the shortness of the time, the crowd stood up and was going to disperse when fire was opened upon the innocent people by the order of the District Magistrate. Some of the people received shots on the back and on the thigh. When firing upon the unarmed crowd, bullets besides buckshot were used. A few people died and many were injured.

12. On Friday the 11th April a meeting was held in the Badhshahi Mosque in which Hindus and Mahomedans assembled in thousands and all passed off quietly. The District Magistrate invited the leaders and the signatories of the Bradlaugh Hall meetings held on the 6th April, to co-operate with the authorities to restore order and tranquility in the city. The District Magistrate promised that if the leaders undertook that the people would not go to the Mall side, no military or police would be posted in the city and there would be no firing. The Hartal continued as a protest against the order of the Punjab Government and also firing upon the innocent and unarmed people but in all other ways there was quiet and no disturbances took place in any part of the city.

13. On Saturday, the 12th April, a meeting like that on the previous day was held in the Badshahi Hall. The number of people attending the meeting is estimated between 30 to 40 thousand. Before the proceedings commenced one C.I.D. inspector made a remark "Is this Mosque God's house or Satan's?" The people got excited and gave a little beating to the gentleman. On the arrival of the President calm was restored. This huge meeting which was composed of Hindus, Mahomedans and Sikhs was quite orderly and peaceful. There was a deep feeling of fraternisation between Hindus and Mahomedans. The

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meeting being over, people were returning home, and to their great surprise, they found that the mosque and its approaches were being surrounded by the military and the police in distinct breach of the promise given by the District Magistrate the day before. It is said that some one in the crowd threw a brickbat, which struck the O.C's horse. Immediately, the first shot was fired by Nawab Mohamed Ali Khan, the Hon-Magistrate. It struck Lala Khushiram, a student in the Shastri class. He fell down but again he stood up. Afterwards, eight shots were successfully fired at him and they all went through his chest and on the ninth shot he fell down and died after half an hour. This bloodthirsty vengeance of the authorities created a feeling of awe and indignation. The heroic spirit of this boy Martyr was the talk of the whole town. His body was cremated the same afternoon and the number of people who joined the mourning procession was estimated to be more than 50 thousand. The Hartal continued also this day.

14. The members of the aristocratic party, on behalf of the Government, expressed the desire to co-operate with the leaders to have shops opened and order restored in the city. Consequently, a conference was arranged to be held on Sunday morning in the Town Hall. The meeting of the Conference was held at the time announced but no settlement was arrived at as it was found that the attitude of the officials was unsympathetic and threatening. When this meeting was being held, Mr. Fyson, the District Magistrate came to the meeting. Pandit Rambhoj Dutt asked him why when on Friday, an understanding was arrived at, that Military and Police would not be posted in the City, in distinct breach of the promise the Military were posted round the mosque and in the city. Mr. Fyson totally denied to have given any undertaking. On this he (Pandit Rambhoj Dutt) said it was given to him in the presence of Syed Mohsan Shah, Bar-at-law and Dr. Khalifa Shujauddin and others. The District Magistrate in reply to this said "As you had beaten our men in the mosque, the police and military were brought at about 10 a.m. so that there may be no disturbance". The Military and Police were brought to the city even before that. He (Mr. Fyson) left the meeting in disgust and nothing

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was settled. The leaders of the people were compelled to try to induce the people to open their shops on the understanding (a) that the Military and the Police should be withdrawn, (b) the wounded lying in the Mayo and Jail Hospitals should be returned to the people, (c) the dead bodies, if any, should be given to the Committee. It may be pointed out here that the people in deference to the wishes of their leaders had forgone their main demand as regards the withdrawal of the order against Mr. Gandhi.

15. The meeting of the public Committee, which had been formed in the Friday meeting to handle the situation, was to be held on Sunday afternoon at Mr. Dunichand's place. After five hours' discussion the Committee decided to open the shops immediately. When this decision was announced to the public who were waiting outside, there was an uproar, hissing and dissatisfaction. Some wanted that shops should open only when the Lieutenant Governor leaves the shore of India, others suggested opening of shops on Wednesday, if the authorities agreed to comply with their minimum demands. Finding the people in this attitude Mr. Dunichand and Mr. Gukulchand went to see the District Magistrate and informed him of the views of the people. He (Mr. Fyson) replied that he could not say anything definitely unless he consulted His Honour the Lieut. Governor on the point. He requested the leaders to meet him on Monday morning.

16. Mr. Harkisan Lal, Mr. Dunichand, Pandit Rambhoj Dutt Dr. Gukulchand Narang, and Lala Dharmadas Suri went to see the District Magistrate at 10 a.m. in the Telegraph Office, where he was encamped for the present. The first three of them were deported and were taken to some unknown destination. The people were waiting at Mr. Dunichand's place, as a meeting was to be held to decide the opening of shops, but when they came to know of the deportation of their leaders, they were keenly disappointed but they were resolute and firm. They decided to keep the shops closed until and unless their demands were complied with and the authorities showed a sympathetic attitude towards the people.

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17. In connection with the suspension of business at Lahore one important point to be noticed was the absence of the clerks from the Government and the private offices. The workshop mechanics were also not attending their work. Public kitchens were started by the public committee to feed the poor and labouring classes who were out of employment. A gentleman had donated 10,000 rupees for the supply of fodder to horses. The food in these kitchens was distributed free. It was never sold as the Officer Commanding the Lahore Area says in his Martial Law order No. 5.

18. The day I left Lahore 85 wounded were under the treatment of the public committee, 7 were lying in the Mayo Hospital and 2 were in the Jail hospital. The exact number of the dead was not known up to that time as some of the men were missing. The Public committee were making enquiries in this connection. As far as I understand the work of the committee had been stopped, because many of the leaders and workers have been either deported or arrested. The wounded lying, in the Mayo Hospital, when visited by the representatives of the committee, complained that their bullets were not being taken out and they were not being treated well. All of them expressed a keen desire to be removed from the Hospital. The committee was also informed that one of the wounded in the Mayo Hospital died of gangrene as a result of the bullets not being taken out. These are the brief facts of the occurrence at Lahore up to 15th April, the day I left for Karachi.

19. On the 11th or 12th an order under the Defence of India Act was served upon all the papers not to publish any account unless approved off by the censor. The result was that two papers stopped publication on that very day as a protest against this order, and others had to stop after a few days for want of staff and difficulty of censorship.

20. In my opinion a thorough and sifting enquiry should be made into the origin of the disturbances. It is not the Satyagraha Movement which is responsible for these occurrences but there are other deeper causes for this unrest and disorder such as (a) the grinding and ever-increasing poverty of

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the people intensified by the rigorous control system; (b) The autocratic rule of Sir Michael O'Dwyer for the last six years; these are responsible, to a great extent for feelings against the Government in the Punjab. Shortly after His Honour took charge of the Province, unnecessarily severe sentences were passed on those who were suspected of having connections with the Dumdum riots; many were either executed, interned or transported. Most of them belonged to the class who in the words of our Lieut. Governor formed the sword-hand of India. (c) Then came the conspiracy cases. Many young men were either executed or sentenced to rigorous terms of imprisonment and some were transported for life. All this caused uneasiness in the public mind. (d) The way in which recruiting was done was very objectionable. There were riots at one or two places. (e) His known opposition to the Reform Scheme embittered public feelings against him. (f) The unsympathetic and indifferent attitude adopted by His Honour during the banking crisis in the Punjab was not desirable. (g) The Press Act has been used with unusual vigour. (h) The differential treatment between the people and the Anglo Indians is responsible for the present tension of feelings between the two races in the Punjab. (i) His Honour's inflammatory speeches and the general repressive policy adopted by him in the Punjab, all contributed to deepen discontent amongst the people. (j) The provocative interference of the Police and the Executive with the demonstrations of the people against the Rowlatt Act inflamed the popular feeling and led to the acts of violence which we cannot but deplore.

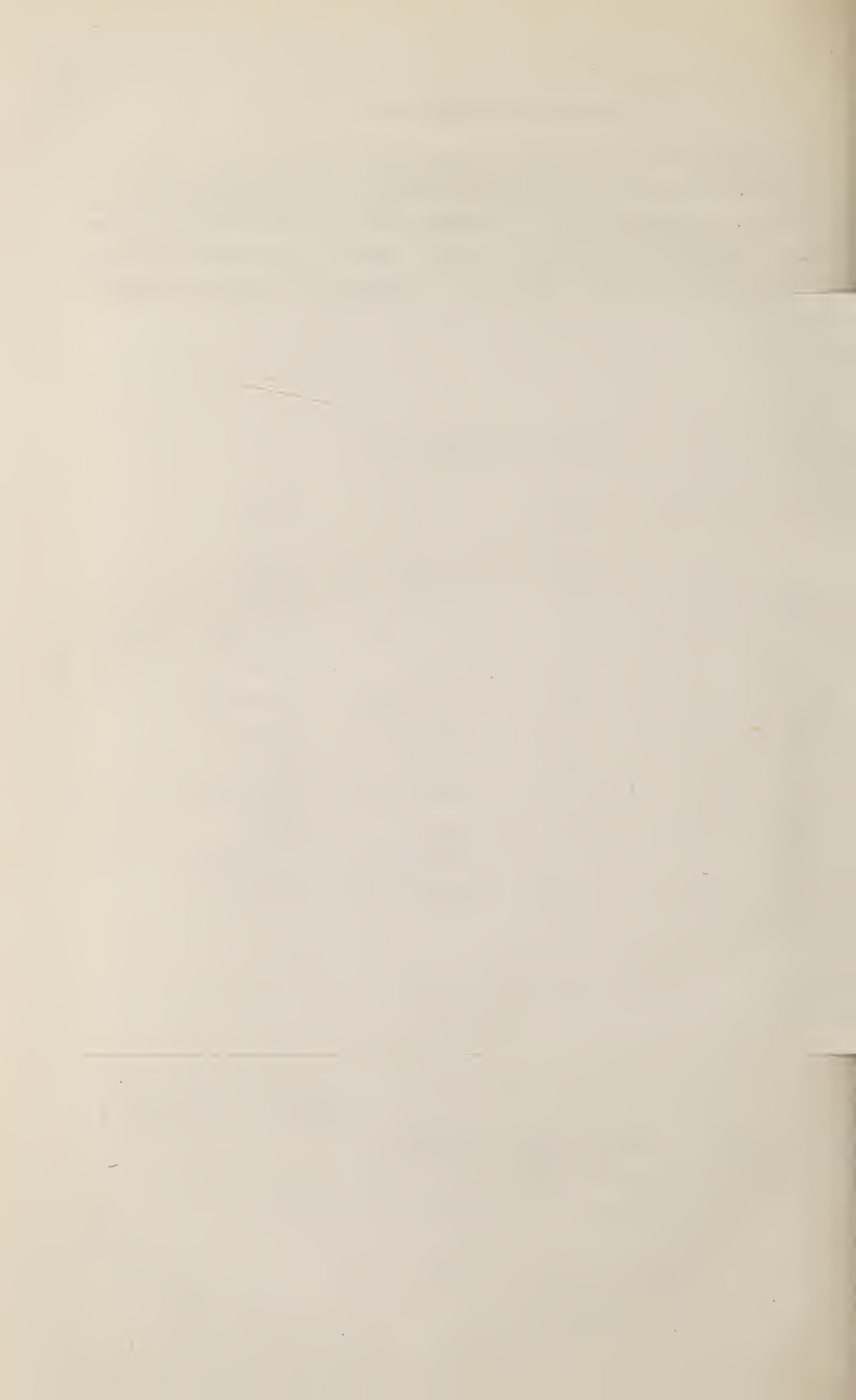
Yours etc.,

GOWARDHANANDA

Chamberlain Road, Lahore (Punjab)
Bombay, 23rd April 1919.

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