

or, failing such direction by the Government of India, it should be open to the councils at that time or subsequently to demand by resolution that such ministers' salaries should be so voted, and the Government of India should thereupon give effect to such request."

Periodic commissions: . . . Ten years after the first meeting of the new councils established under the Statute a commission should be appointed to review the position. Criticism has been expressed in the past of the composition of Royal Commissions, and it is our intention that the commission which we suggest should be regarded as authoritative and should derive its authority from Parliament itself. The names of the commissioners, therefore, should be submitted by the Secretary of State to both Houses of Parliament for approval by resolution. The commissioners' mandate should be to consider whether by the end of the term of the legislature then in existence it would be possible to establish complete responsible government in any province or provinces, or how far it would be possible to approximate it in others; to advise on the continued reservation of any departments for the transfer of which to popular control it has been proved to their satisfaction that the time had not yet come; to recommend the retransfer of other matters to the control of the Governor in Council if serious maladministration were established; and to make any recommendations for the working of responsible government or the improvement of the constitutional machinery which experience of the systems in operation may show to be desirable. . . .

"There are several other important matters, germane in greater or less degree to our main purpose, which the commission should review. They should investigate the progress made in admitting Indians into the higher ranks of the public service. They should examine the apportionment of the financial burden of India with a view to adjusting it more fairly between the provinces. The commission should also examine the

development of education among the people' and the progress and working of local self-governing bodies. Lastly the commission should consider the working of the franchise and the constitution of electorates, including the important matter of the retention of communal representation. Indeed, we regard the development of a broad franchise as the arch on which the edifice of self-government must be raised; for we have no intention that our reforms should result merely in the transfer of powers from a bureaucracy to an oligarchy. . . ."

"In proposing the appointment of a commission ten years after the new Act takes effect we wish to guard against possible misunderstanding. We would not be taken as implying that there can be established by that time complete responsible government in the provinces. In many of the provinces no such consummation can follow in the time named. The pace will be everywhere unequal, though progress in one province will always stimulate progress elsewhere; but undue expectations might be aroused, if we indicated any opinion as to the degree of approximation to complete self-government that might be reached even in one or two of the most advanced provinces. The reasons that make complete responsibility at present impossible are likely to continue operative in some degree even after a decade."

II

The proposals regarding the Government of India called the Central Government may be thus summed up:

(a) *General*: "We have already made our opinion clear that pending the development of responsible government in the provinces the Government of India must remain responsible only to Parliament. In other words, in all matters which it judges to be essen-

tial to the discharge of its responsibilities for peace, order, and good government it must, saving only for its accountability to Parliament, retain indisputable power."

(b) *The Governor General's Executive Council:* "We would therefore abolish such statutory restrictions as now exist in respect of the appointment of Members of the Governor General's Council, so as to give greater elasticity both in respect to the size of the Government and the distribution of work."

At present there is one Indian member in the Viceroy's Executive Council consisting of six ordinary members and one extraordinary besides the Viceroy. This scheme recommends the appointment of another Indian.

(c) *The Indian Legislative Council.*

I. Legislative Assembly: "We recommend therefore that the strength of the legislative council, to be known in future as the Legislative Assembly of India, should be raised to a total strength of about 100 members, so as to be far more truly representative of British India. We propose that two-thirds of this total should be returned by election, and that one-third should be nominated by the Governor General, of which third not less than a third again should be non-officials selected with the object of representing minority or special interests. . . . Some special representation, we think, there must be, as for European and Indian commerce, and also for the large landlords. There should be also communal representation for Muhammadans in most provinces and also for Sikhs in the Punjab."

II. The Council of State: "We do not propose to institute a complete bi-cameral system, but to create a second chamber, known as the Council of State, which shall take its part in ordinary legislative business and shall be the final legislative authority in matters

which the government regards as essential. The Council of State will be composed of 50 members, exclusive of the Governor General, who would be President, with power to appoint a Vice-President who would normally take his place: not more than 25 will be officials, including the members of the executive council, and 4 would be non-officials nominated by the Governor General. Official members would be eligible for nomination to both the Legislative Assembly and the Council of State. There would be 21 elected members of whom 15 will be returned by the non-official members of the provincial legislative councils, each council returning two members, other than those of Burma, the Central Provinces and Assam which will return one member each. . . .

"Inasmuch as the Council of State will be the supreme legislative authority for India on all crucial questions and also the revising authority upon all Indian legislation, we desire to attract to it the services of the best men available in the country. We desire that the Council of State should develop something of the experience and dignity of a body of Elder Statesmen; and we suggest therefore that the Governor General in Council should make regulations as to the qualification of candidates for election to that body which will ensure that their status and position and record of services will give to the Council a senatorial character, and the qualities usually regarded as appropriate to a revising chamber."

III. Legislative procedure: "Let us now explain how this legislative machinery will work. It will make for clearness to deal separately with Government Bills and Bills introduced by non-official members. A Government Bill will ordinarily be introduced and carried through all the usual stages in the Legislative Assembly. It will then go in the ordinary course to the Council of State, and if there amended in any way which the Assembly is not willing to accept, it will be submitted to a joint session of both Houses,

by whose decision its ultimate fate will be decided. This will be the ordinary course of legislation. But it might well happen that amendments made by the Council of State were such as to be essential in the view of the Government if the purpose with which the Bill was originally introduced was to be achieved, and in this case the Governor General in Council would certify that the amendments were essential to the interests of peace, order, or good government. The assembly would then not have power to reject or modify these amendments, nor would they be open to revision in a joint session.

"We have to provide for two other possibilities. Cases may occur in which the Legislative Assembly refuses leave to the introduction of a Bill or throws out a Bill which the Government regarded as necessary. For such a contingency we would provide that if leave to introduce a Government Bill is refused, or if the Bill is thrown out at any stage, the Government should have the power, on the certificate of the Governor General in Council that the Bill is essential to the interests of peace, order, or good government, to refer it *de novo* to the Council of State; and if the Bill, after being taken in all its stages through the Council of State, was passed by that body, it would become law without further reference to the Assembly. Further, there may be cases when the consideration of a measure by both chambers would take too long if the emergency which called for the measure is to be met. Such a contingency should rarely arise; but we advise that in cases of emergency, so certified by the Governor General in Council, it should be open to the Government to introduce a Bill in the Council of State, and upon its being passed there merely to report it to the Assembly."

IV. Powers of dissolution, etc.: "The Governor General should in our opinion have power at any time to dissolve either the Legislative Assembly or the Council of State or both these bodies. It is perhaps

unnecessary to add that the Governor General and the Secretary of State should retain their existing powers of assent, reservation, and disallowance to all Acts of the Indian legislature. The present powers of the Governor General in Council under section 71 of the Government of India Act, 1915, to make regulations proposed by local Governments for the peace and good government of backward tracts of territory should also be preserved; with the modification that it will in future rest with the Head of the province concerned to propose such regulations to the Government of India."

V. Fiscal legislation: "Fiscal legislation will, of course, be subject to the procedure which we have recommended in respect of Government Bills. The budget will be introduced in the Legislative Assembly but the Assembly will not vote it. Resolutions upon budget matters and upon all other questions, whether moved in the Assembly or in the Council of State, will continue to be advisory in character."

(d) Privy Council: "We have a further recommendation to make. We would ask that His Majesty may be graciously pleased to approve the institution of a Privy Council for India. . . . The Privy Council's office would be to advise the Governor General when he saw fit to consult it on questions of policy and administration."

(e) Periodic commissions: "At the end of the last chapter we recommended that ten years after the institution of our reforms, and again at intervals of twelve years thereafter, a commission approved by Parliament should investigate the working of the changes introduced into the provinces, and recommend as to their further progress. It should be equally the duty of the commission to examine and report upon the new constitution of the Government of India, with particular reference to the working of the machinery for representation, the procedure by certificate, and the results of joint sessions."

III

INDIA OFFICE IN LONDON

The principal proposals under this head may be thus summarized;

"We advise that the Secretary of State's salary, like that of all other Ministers of the Crown, should be defrayed from home revenues and voted annually by Parliament. This will enable any live questions of Indian administration to be discussed by the House of Commons in Committee of Supply. . . . It might be thought to follow that the whole charges of the India Office establishment should similarly be transferred to the home Exchequer; but this matter is complicated by a series of past transactions, and by the amount of agency work which the India Office does on behalf of the Government of India, and we advise that our proposed committee upon the India Office organization should examine it and taking these factors into consideration, determine which of the various India Office charges should be so transferred, and which can legitimately be retained as a burden on Indian revenues.

"But the transfer of charges which we propose, although it will give reality to the debates on Indian affairs, will not ensure in Parliament a better informed or a more sustained interest in India. We feel that this result can only be accomplished by appointing a Select Committee of Parliament on Indian affairs."

The above in substance is the proposed scheme. In India it has met with varied response. The European community does not approve of it. They think it is too radical. The European Services have struck a note of rebellion threatening to resign in case of its acceptance by Parliament. The Indian politicians

are divided into two camps. Their views are best represented by the following tabular statement which we reproduce from the Indian newspapers.

A COMPARISON BETWEEN THE RESOLUTIONS RELATING TO THE REFORM PROPOSALS PASSED

Ordinary Rights of Citizens

BY THE SPECIAL CONGRESS

Resolution IV. The Government of India shall have undivided administrative authority on matters directly concerning peace, tranquillity and defence of the country subject to the following:

That the Statute to be passed by Parliament should include the Declaration of the Rights of the people of India as British citizens:

(a) That all Indian subjects of his Majesty and all the subjects naturalized or resident in India are equal before the law, and there shall be no penal nor administrative law in force in the country whether substantive or procedural of a discriminative nature.

(b) That no Indian subject of his Majesty shall be liable to suffer in liberty, life, property or of association, free speech or in respect of writing, except under sentence by an ordinary Court of Justice, and as a result of a lawful and open trial.

(c) That every Indian subject shall be entitled to bear arms, subject to the purchase of a licence, as in Great Britain, and that the right shall not be taken away save by a sentence of an ordinary Court of Justice

BY THE MODERATE CONFERENCE

(V) This Conference urges that legislation of an exceptional character having the effect of curtailing ordinary rights such as the freedom of the press and public meetings and open judicial trial, should not be carried through the Council of State alone, or in spite of the declared opinion of the Legislative Assembly of India, except in a time of war or internal disturbance, without the approval of the Select Committee of the House of Commons proposed to be set up under the Scheme unless such legislation is of a temporary character and limited to a period of one year only, the said legislation being in any case made renewable without such approval in the last resort

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(c) All racial inequalities in respect of trial by jury, the rules made under the Arms Act, etc should be removed and the latter should be so amended as to provide for the possession and carrying of arms by Indians under liberal conditions

(d) A complete separation of judicial and executive functions of all district officers should be made, at least in all

(d) That the Press shall be free, and that no licence nor security shall be demanded on the registration of a press or a newspaper.

(e) That corporal punishment shall not be inflicted on any Indian serving in his Majesty's Army or Navy save under conditions applying equally to all other British subjects.

major provinces, at once, and the judiciary placed under the jurisdiction of the highest court of the province.

Fiscal Autonomy

Resolution V This Congress is strongly of opinion that it is essential for the welfare of the Indian people that the Indian Legislature should have the same measure of fiscal autonomy which the self-governing dominions of the Empire possess.

(VI) Saving such equal and equitable Imperial obligations as may be agreed upon as resting on all parts of the Empire, the Government of India, acting under the control of the Legislature, should enjoy the same power of regulating the fiscal policy of India as the Governments of the self-governing dominions enjoy of regulating their fiscal policy

Reform Proposals

Resolution VI That this Congress appreciates the earnest attempt on the part of the Right Hon the Secretary of State and his Excellency the Viceroy to inaugurate a system of responsible government in India, and, while it recognizes that some of the proposals constitute an advance on the present conditions in some directions, it is of opinion that the proposals are as a whole disappointing and unsatisfactory, and suggests the following modifications as absolutely necessary to constitute a substantial step towards responsible government:

(III) 'This Conference cordially welcomes the Reform Proposals of the Secretary of State and the Viceroy of India as constituting a distinct advance on present conditions as regards the Government of India and the Provincial Governments and also a real step towards the progressive realization of "responsible government" in the Provincial Government in due fulfilment of the terms of the announcement of August 20, 1917. As such this Conference accords its hearty support to those proposals, and, while suggesting necessary modifications and improvements therein, expresses its grateful appreciation

of the earnest effort of Mr. Montagu and Lord Chelmsford to start the country on a career of genuine and lasting progress towards the promised goal'

(V) 'This Conference regards all attempts at the condemnation or rejection of the Reform Scheme as a whole as ill advised, and in particular protests emphatically against the reactionary attitude assumed towards it by the Indo-British Association and some European public bodies in this country which is certain to produce, if successfully persisted in, an extremely undesirable state of feeling between England and India and imperil the cause of ordered progress in this country. This Conference, therefore, most earnestly urges his Majesty's Government and Parliament of the United Kingdom to give effect to the provisions of the Scheme and the suggestion of its supporters in regard thereto as early as possible by suitable legislation

Government of India

(1) That a system of reserved and transferred subjects similar to that proposed for the provinces, shall be adopted for the Central Government

(2) That the reserved subjects shall be foreign affairs (excepting relations with the colonies and dominions) army, navy, and relations with Indian Ruling Princes, and subject to the declaration of rights contained in resolution IV, the matters directly affecting public peace, tranquillity and defence of the country, and all other subjects shall be transferred subjects.

(V) (a) 'This Conference, while making due allowance for the necessities or drawbacks of transitional scheme, urges that, having regard to the terms of the announcement of August 20, 1917 and in order that the progress of India towards the goal of a self-governing unit of the British Empire may be facilitated and not unduly delayed or hampered, as also with a view to avoid the untoward consequences of a legislature containing a substantially elected popular element being allowed merely to indulge in criticism unchecked by responsibility, it

(3) The allotments required for reserved subjects should be the first charge on the revenues.

(4) The procedure for the adoption of the budget should be on the lines laid down for the provinces

(5) All legislation should be by Bills introduced into the Legislative Assembly, provided that, if, in the case of reserved subjects, the Legislative Council does not pass such measures as the Government may deem necessary, the Governor General-in-Council may provide for the same by regulations, such regulations to be in force for one year but not to be renewed unless 40 per cent of the members of the Assembly present and voting are in favour of them

(6) There shall be no Council of State, but if the Council of State is to be constituted, at least half of its total strength shall consist of elected members, and that procedure by certification shall be confined to the reserved subjects

(7). At least half the number of Executive Councillors (if there be more than one) in charge of reserved subjects should be Indians

(8) The number of members of the Legislative Assembly should be raised to 150 and the proportion of the elected members should be four-fifths

(9) The President and the Vice-President of the Legislative Assembly should be elected by the Assembly.

(10) The Legislative Assembly should have power to make or modify its own rules of business and they shall not require the sanction of the Governor General.

is essential that the principle of responsible government' should be introduced also in the Government of India, simultaneously with a similar reform in the provinces. There should, therefore, be a division of functions in the Central Government into 'reserved' and 'transferred' as a part of the present instalment of reforms and the Committee on division of functions should be instructed to investigate the subject and make recommendations

(b) While, as suggested above, some measures of transfer of power to the Indian Legislature should be introduced at the commencement, provision should be made for future progress towards complete responsible government of the Government of India by specifically authorizing the proposed periodic Commissions to inquire into the matter and to recommend to Parliament such further advance as may be deemed necessary or desirable in that behalf

(c) The power of certification given to the Governor-General should be limited to matters involving the defence of the country's foreign and political relations, and peace and order and should not be extended to 'good government' generally or 'sound financial administration'

(e) This Conference recommends that the composition of the Council of State should be so altered as to ensure that one half of its total strength shall consist of elected members.

(f) The Indian element in the Executive Government of India should be one-half of the total number of that Government.

(11) There shall be an obligation to convene meetings of the Council and Assembly at stated intervals, or on the requisition of a certain proportion of members

(12) A statutory guarantee should be given that full responsible government should be established in the whole of British India within a period not exceeding 15 years

(13) That there should be no Privy Council for the present.

Provincial Governments

1. There should be no additional members of the Executive Government without portfolios

2. From the commencement of the first Council the principle of responsibility of the ministers to the legislature shall come into force.

3. The status and salary of the ministers shall be the same as that of the members of Executive Council

4. At least half the number of Executive Councillors in charge of reserved subjects (if there be more than one) should be Indians.

5. The Budget shall be under the control of the Legislature subject to the contribution to the Government of India, and during the life-time of the reformed Councils, to the allocation of a fixed sum for the reserved subjects, and should fresh taxation be necessary, it should be imposed by the provincial Governments, as a whole for both transferred and reserved subjects.

LEGISLATURE

1. While holding that the people are ripe for the introduc-

(e) The proposal to appoint an additional Member or Members from among the senior officials, without portfolios and without vote for purposes of consultation and advice only, but as *Members of the Executive Government*, in the provinces should be dropped

(1)

(a) The status and emoluments of Ministers should be identical with those of Executive Councillors, and the Governor should not have greater power of control over them than over the latter

(b) Whatever power may be given to the Governor-in-Council to interfere with the decisions of the Governor and Ministers on the ground of their possible effects on the administration of the reserved subjects, corresponding power should be given to the Governor and Ministers in respect of decisions of the Governor-in-Council affecting directly or indirectly the administration of the transferred subjects

(d) Heads of provincial Governments in the major provinces should ordinarily be

tion of full provincial autonomy the Congress is yet prepared with a view to facilitating the passage of the Reforms, to leave the departments of Law, Police and Justice, (prisons excepted) in the hands of the Executive Government in all provinces for a period of six years. Executive and Judicial Departments must be separated at once

2. The President and the Vice-President should be elected by the Council

3. That the proposal to institute a Grand Committee shall be dropped. The Provincial Legislative Council shall legislate in respect of all matters within the jurisdiction of provincial Government, including Law, Justice and Police but where the Government is not satisfied with the decision of the Legislative Council in respect of matters relating to Law, Justice and Police, it shall be open to the Government to refer the matter to the Government of India. The Government of India may refer the matter to the Indian Legislature and the ordinary procedure shall follow. But if Grand Committees are instituted, this Congress is of opinion, that not less than one-half of the strength shall be elected by the Legislative Assembly.

4. The proportion of elected members in the Legislative Council shall be four fifths.

ELECTIONS

5. Whenever the Legislative Assembly, the Council of State, or the Legislative Council is dissolved, it shall be obligatory

selected from the ranks of public men in the United Kingdom.

(e) No administrative control over subjects vested in provincial Governments should be 'reserved' in the central Government particularly in respect of 'transferred' heads.

(f) The Government of India should have no power to make a supplementary levy upon the provinces, they may only take loans from the latter on occasions of emergency.

(2) This Conference recommends that the largest possible number of subjects should be included in the 'transferred' list in every province as the progress and conditions of each province may justify and that none mentioned in the Illustrative List No. 11 appended to the Report should, as far as possible, be 'reserved' in any province.

IX (c) The Legislative Councils should have the right to elect their own Presidents and Vice-Presidents.

VIII (b) The elected element in the Provincial Legislative Councils should be four-fifths of the total strength of the Councils at least in the more advanced provinces.

IX. 1 (a) It should be provided that when a Council is dissolved by the Governor, a fresh election should be held and the new Council summoned not later than four months after the dissolution.

VIII (a) The Franchise should be as wide and the composition of the Legislative Council should be as liberal as circumstances may admit in each province, the number of representatives of the general territorial electorates

on the Government as the case may be, to order the necessary elections, and to resummon the body dissolved within a period of three months from the date of dissolution

6 The Legislative Assembly should have power to make or modify its own rules of business and they shall not require the sanction of the Governor-General.

7 There should be an obligation to convene meetings of the Council and Assembly at stated intervals, or on the requisition of a certain proportion of members of the Assembly

8 No dissolution of the legislature shall take place except by way of an appeal to the electorate and the reason shall be stated in writing counter-signed by the Ministers.

being fixed in every case at not less than one-half of the whole council.

(c) The franchise should be so broad and the electorates so devised as to secure to all classes of tax-payers their due representation by election and the interests of those communities or groups of communities in Madras and the Bombay Deccan and elsewhere who at present demand special electoral protection should be adequately safeguarded by introducing a system of plural constituencies in which a reasonable number of seats should be reserved for those communities

(e) In the case of any community for which separate special electorates may be deemed at present necessary, participation in the general territorial electorates, whether as voters or candidates, should not be permitted

(f) It shall be left to the option of an individual belonging to a community which is given separate representation to enrol himself as a voter either in the general or the communal electorate

Parliament and India Office

(e) The control of Parliament and of the Secretary of State must only be modified as the responsibility of the Indian and provincial Governments to the electorates is increased. No power over provincial Governments now exercised by Parliament and by the Secretary of State must be transferred to the Government of India, save in matters of routine administra-

(XI) This Conference, while generally approving of the proposals embodied in the Report regarding the India Office and Parliamentary control, urges —

(a) That the administrative control of Parliament over the Government of India exercised through the Secretary of State should continue except in so far as the control of the legislature on the spot is substituted for

tion until the latter is responsible to the electorates

(d) No financial or administrative powers in regard to reserved subjects should be transferred to the provincial Governments until such time as they are made responsible regarding them to electorates, and until then the control of Parliament and the Secretary of State should continue

(b) The Council of India shall be abolished, and there shall be two permanent Under-secretaries to assist the Secretary of State for India, one of whom shall be an Indian

(c) All charges in respect to the India Office establishment shall be placed on the British estimates

(d) The committee to be appointed to examine and report on the present constitution of the Council of India shall contain an adequate Indian element.

the present Parliamentary control.

(d) That until the India Council can be abolished by substituting Indian control for the control of Parliament over the affairs of India, it should be a mere advisory body with its strength reduced to 8 members, four of whom should be Indians.

(c) That at least a major part of the cost of the India Office should be borne by the British Exchequer

(b) That Indian opinion should be represented on the Committee appointed to report upon the organisation of the India Office and the evidence of Indian witnesses invited.

Mahomedan Representation

Resolution VII The proportion of Mahomedans in the Legislative Council and the Legislative Assembly as laid down in the Congress-League Scheme must be maintained.

(VIII) (d) Mahomedan representation in every legislature should be in the proportions mentioned in the Scheme adopted by the Congress and the Muslim League at Lucknow in 1916

Army Commissions

Resolution XII. This Congress places on record its deep disappointment at the altogether inadequate response made by the Government to the demand for the grant of commissions to Indians in the army, and is of opinion that steps should be immediately taken so as to enable the grant to Indians at

(b) This Conference strongly urges that Indians should be nominated to 20 per cent., to start with, of King's commissions in the Indian Army and that adequate provision for training them should be made in this country itself.

an early date of at least 25 per cent of the commissions in the army, the proportions to be gradually increased to 50 per cent. within a period of ten years.

Public Services

Resolution XVII. That this Congress is of opinion that the proportion of annual recruitment to the Indian civil service to be made in England should be 50 per cent to start with, such recruitment to be by open competition in India from persons already appointed to the Provincial Civil Service

X (a) This Conference thanks the Secretary of State and the Viceroy for recommending that all racial bars should be abolished and for recognizing the principle of recruiting of all the Indian public services in India and in England instead of any service being recruited for exclusively in the latter country.

Franchise for Women

Resolution VIII Women possessing the same qualifications as are laid down for men in any part of the Scheme shall not be disqualified on account of sex

CONSTITUTION OF COUNCILS

Resolution XIII That, so far as the question of determining the franchise and the constitution and the composition of the Legislative Assemblies is concerned, this Congress is of opinion that, instead of being left to be dealt with by Committees, it should be decided by the House of Commons and be incorporated in the statute to be framed for the constitution of the Indian Government

Resolution XIV. That as regards the Committee to advise on the question of the separation of Indian from provincial functions and also with regard to the Committee if any for the con-

CONSTITUTION OF PERIODIC COMMISSION

9 (b) Some provision should be made for the appointment and cooperation of qualified Indians on the periodic commission proposed to be appointed every ten or twelve years and it should further be provided that the first periodic commission shall come to India and submit its recommendations to Parliament before the expiry of the third Legislative Council after the Reform Scheme comes into operation and that every subsequent periodic commission should be appointed at the end of every ten years.

sideration of reserved or an unreserved department, this Congress is of opinion that the principle set forth in the above resolution should apply *mutatis mutandis* to the formation of the said Committee

Or

In the alternative; if a Committee is appointed for the purpose, the two non-official members of the Committee should be elected — one by the All-India Congress Committee and the other by the Council of the Moslem League while the coopted non-official for each province should be elected by the Provincial Congress Committee of that province.

The All-India Muslim League is in substantial accord with the resolutions of the Special Congress. It will be easily seen that Indian opinion, of both Hindus and Mussulmans, is substantially in accord in their demands for the democratization of the Central government and in their criticism of the rest of the scheme. The Indians have thus exercised their right of self-determination through their popular bodies and are entitled to get what they demand. After all, what they ask for is only a modest instalment of autonomy under British control.

In the appendices the reader will find a comparative table showing (a) the present Constitution of Government in India (b) the proposals of the Secretary of State and the Viceroy (c) and the Congress League Scheme.

XI

INDIA'S CLAIM TO FISCAL AUTONOMY

"INDUSTRIES AND TARIFFS"

. . . . for equality of right amongst nations, small as well as great, is one of the fundamental issues this country and her allies are fighting to establish in this war.

DAVID LLOYD GEORGE

"The War Aims of the Allies" Speech delivered to delegates of the Trade Unions, at the Central Hall, Westminster, January 5, 1918.

I beg to record my strong opinion that in the matter of Indian industries we are bound to consider Indian interests firstly, secondly, and thirdly. I mean by "firstly" that the local raw products should be utilised, by secondly, that industries should be introduced and by "thirdly" that the profits of such industry should remain in the country.

SIR FREDERICK NICHOLSON

Quoted on page 300, Report, of the Indian Industrial Commission, 1916-1918

ECONOMIC bondage is the worst of all bondages. Economic dependence, or the lack of economic independence, is the source of all misery, individual or

national. A person economically dependent upon another is a virtual slave, despite appearances. He who supplies food and raiment and the necessities of life is the real master.

The desire for gain dominates the world and all its activities. Even religion, as ordinarily understood, interpreted and administered, is a game of pounds and shillings, say what one may to the contrary. There are exceptions to this statement, but they are few and far between. The world does not subsist by bread alone, but without bread it cannot exist even for a minute. The generality of the world cares more for bread than for anything else, though there are individuals and groups of individuals who would not stoop to obtain bread by dishonorable means and those also who would die rather than obtain bread by the violation of their soul.

There are numerous ways in which a subject nation feels the humiliation and helplessness of her position, but none is so telling and so effective as the subordination of her economic interests to those of the dominant power. This is especially true in these days of free and easy transportation, of quick journeys, and of scientific warfare. In any struggle between nations, the victory eventually must rest with the one in possession of the largest number of "silver bullets." It is true that silver bullets alone will not do unless there are brains and bodies to use them, but the latter without the former are helpless.

A nation may be the greatest producer of food; yet she may die of hunger from lack of ability to keep her own produce for herself. Food obeys the behest of the silver bullets. The law of self-preservation,

therefore, requires only that nations be free to regulate their own household, subject to the condition that thereby they do not violate the rules of humanity or trample upon the rights of any human being.

Mr. Montagu and Lord Chelmsford have, in parts of their Report, been extremely candid. The value of their joint production lies in this candidness. In no other part, perhaps, have they been so candid as in the one dealing with "Industries and Tariff." In Paragraph 331 they frankly admit the truth of the following observation of the late Mr. Ranade on the economic effects of British rule in India:

"The political domination of one country by another attracts far more attention than the more formidable, though more unfelt, domination which the capital, enterprise and skill of one country exercise over the trade and manufactures of another. This latter domination has an insidious influence which paralyses the springs of all the various activities which together make up the life of a nation."

In the course of a letter addressed to the *Westminster Gazette* in 1917, Lord Curzon said that "the fiscal policy of India during the last thirty or forty years has been shaped far more in Manchester than in Calcutta." This candid admission about "the subordination of Indian fiscal policy to the Secretary of State and a House of Commons powerfully affected by Lancashire influence," is the keynote of the Indian demand for Home Rule. The authors of the Montagu-Chelmsford Report say so quite frankly and fairly in Paragraphs 332 to 336 of their report, from which we make the following extracts:

"The people are poor; and their poverty raises the question whether the general level of well-being could not be materially raised by the development of industries. It is also clear that the lack of outlet for educated youth is a serious misfortune which has contributed not a little in the past to political unrest in Bengal. But perhaps an even greater mischief is the discontent aroused in the minds of those who are jealous for India by seeing that she is so largely dependent on foreign countries for manufactured goods. They noted that her foreign trade was always growing, but they also saw that its leading feature continued to be the barter of raw materials valued at relatively low prices for imported manufactures, which obviously afforded profits and prosperity to other countries industrially more advanced. Patriotic Indians might well ask themselves why these profits should not accrue to their country: and also why so large a portion of the industries which flourished in the country was financed by European capital and managed by European skill."

"The fact that India's foreign trade was largely with the United Kingdom gave rise to a suspicion that her industrial backwardness was positively encouraged in the interests of British manufactures, and the maintenance of the excise duty on locally manufactured cotton goods in the alleged interests of Lancashire is very widely accepted as a conclusive proof of such a purpose. On a smaller scale, the maintenance of a Stores Department at the India Office is looked upon as an encouragement to the Government to patronize British at the expense of local manufacturers."

There can thus be no autonomy without fiscal autonomy. In fact, the latter alone is the determining characteristic of an autonomous existence.

The one national trait which distinguishes the British from other nations of the world is their habit of truthfulness and frankness. When we say that

we do not thereby mean that all Britishers are equally truthful — to the same extent and degree. But we do mean that on the whole the British nation has a larger percentage of truthful and candid persons in her family than any other nation on the face of the earth. Where their interests clash with those of others, they can be as hard, exacting and cruel as any one else in the world. But repentance overtakes them sooner than it does the others. They have a queer but admirable faculty of introspection which few other people possess to the same extent and in the same numbers. This is what endears them even to those who are never tired of cursing their snobbishness and masterful imperialism. The faculty of occasionally seeing themselves with the eyes of others, makes them the most successful *rulers of men*. They are as a nation lacking in imagination, but there are individuals amongst them who can see, if they will, their own faults; who can and do speak out their minds honestly and truthfully, even though by so doing they may temporarily earn odium and unpopularity.

The remarks and observations of the eminent authors of the Report relating to the fiscal relations of India and England reflect the honesty of their purpose and the sincerity of their mind as no other part of the Report does. They have entered upon the subject with great diffidence and, though expressing themselves with marked candor and fairness, have refrained from making any definite recommendations.

In this respect it will be only fair to acknowledge the equally candid opinion of Mr. Austin Chamberlain, who, in 1917, made a most significant confession by

stating on an important occasion that "India will not remain, and ought not to remain content to be a hewer of wood and a drawer of water for the rest of the Empire."

To our simple minds, not accustomed to the anomalies of official life, it seems inexplicable how, after these candid admissions, the authors could have any hesitation in recommending the only remedy by which India's wrong could be righted and her economic rights secured in the future — viz., fiscal autonomy.

In Paragraph 335 the authors of the report give the genesis of the Swadeshi boycott movement of 1905, and very pertinently observe that "in Japanese progress and efficiency" the educated Indians see "an example of what could be effected by an Asiatic nation free of foreign control," or in other words, of what could be achieved by India, if she had a national government of her own interested in her industrial advance. Mr. Montagu and Lord Chelmsford thus rightly observe that "English theories to the appropriate limits of the State's activity are inapplicable in India" and that if the resources of the country are to be developed the Government must take action.

"After the war," add the authors, "the need for industrial development will be all the greater unless India is to become a mere dumping-ground for the manufactures of foreign nations which will then be competing all the more keenly for the markets on which their political strength so perceptibly depends. India will certainly consider herself entitled to claim all the help that her Government can give her to enable her to take her place as a manufacturing country, and unless the claim is admitted it will surely

turn into an insistent request for a tariff which will penalize imported articles without respect of origin."

Further on the Report states:

"We are agreed therefore that there must be a definite change of view; and that the Government must admit and shoulder its responsibility for furthering the industrial development of the country. The difficulties by this time are well-known. In the past, and partly as a result of recent *swadeshi* experiences, India's capital has not generally been readily available; among some communities at least there is apparent distaste for practical training, and a comparative weakness of mutual trust; *skilled labour is lacking*, and although *labour is plentiful*, *education is needed to inculcate a higher standard of living and so to secure a continuous supply*; *there is a dearth of technical institutions*; *there is also a want of practical information about the commercial potentialities of India's war products*. Though these are serious difficulties, they are not insuperable, but they will be overcome only if the State comes forward boldly as guide and helper. On the other hand, there are good grounds for hope. India has great natural resources, mineral and vegetable. She has furnished supplies of manganese, tungsten, mica, jute, copra, lac, etc., for use in the war. She has abundant coal, even if its geographical distribution is uneven, she has also in her large rivers ample means of creating water-power. There is good reason for believing that she will greatly increase her output of oil. Her forest wealth is immense, and much of it only awaits the introduction of modern means of transportation, a bolder investment of capital, and the employment of extra staff; while the patient and laborious work of conservation that has been steadily proceeding joined with modern scientific methods of improving supplies and increasing output, will yield a rich harvest in the future. We have been assured that Indian capital will be forthcoming once

it is realized that it can be invested with security and profit in India; a purpose that will be furthered by the provision of increased facilities for banking and credit. Labor, though abundant, is handicapped by still pursuing uneconomical methods, and its output would be greatly increased by the extended use of machinery. We have no doubt that there is an immense scope for the application of scientific methods. Conditions are ripe for the development of new and for the revival of old industries, and the real enthusiasm for industries which is not confined to the ambitions of a few individuals but rests on the general desire to see Indian capital and labour applied jointly to the good of the country, seem to us the happiest augury."

The views of educated India about fiscal policy have been very faithfully reproduced in Paragraphs 341 and 342, which also we reproduce almost bodily:

"Connected intimately with the matter of industries is the question of the Indian tariff. This subject was excluded from the deliberations of the Industrial Commission now sitting because it was not desirable at that juncture to raise any question of the modification of India's fiscal policy; but its exclusion was none the less the object of some legitimate criticism in India. The changes which we propose in the Government of India will still leave the settlement of India's tariff in the hands of a government amenable to Parliament and the Secretary of State, but inasmuch as the tariff reacts on many matters which will henceforth come more and more under Indian control, we think it well that we should put forward for the information of His Majesty's Government the views of educated Indians upon this subject. We have no immediate proposals to make; we are anxious merely that any decisions which may hereafter be taken should be taken with full appreciation of educated Indian opinion.

"The theoretical free trader, we believe, hardly

exists in India at present. As was shown by the debates in the Indian Legislative Council in March, 1913, educated Indian opinion ardently desires a tariff. It rightly wishes to find another substantial basis than that of the land for Indian revenues, and it turns to a tariff to provide one. Desiring industries which will give him Indian-made clothes to wear and Indian-made articles to use, the educated Indian looks to the example of other countries which have relied on tariffs, and seizes on the admission of even free traders that for the nourishment of nascent industries a tariff is permissible. We do not know whether he pauses to reflect that these industries will be largely financed by foreign capital attracted by the tariff, although we have evidence that he has not learned to appreciate the advantages of foreign capital. But whatever economic fallacy underlies his reasoning, these are his firm beliefs, and though he may be willing to concede the possibility that he is wrong, he will not readily concede that it is our business to decide the matter for him. He believes that as long as we continue to decide for him we shall decide in the interests of England and not according to his wishes; and he points to the debate in the House of Commons on the differentiation of the cotton excise in support of his contention. So long as the people who refuse India protection are interested in manufactures with which India might compete, Indian opinion cannot bring itself to believe that the refusal is disinterested or dictated by care for the best interests of India. This real and keen desire for fiscal autonomy does not mean that educated opinion in India is unmindful of Imperial obligations. . . ."

These admissions should put India's claims for fiscal autonomy beyond the range of doubt and dispute, but so strange are the ways of modern statesmanship that consistency and logic are not the necessary accompaniments thereof.

The authors have advanced another very strong argument for the economic development of India, viz., "military value," which makes the case conclusive. This argument has been supplied by the Great War and is so well known that we need not state it in their words.

If India is to prosper and take her legitimate place in the British Commonwealth, and in the great family of Nations of the World, it is absolutely necessary that she should be given complete fiscal freedom to manage her own affairs, develop her own industries and do her own trading. Considering her size and resources, it wounds her self-respect and makes her feel exceedingly mean and small to go begging for alms and charity every time there is a failure of rains and the cry of famine is raised.

For a nation of 315 millions of human beings living in a country which nature has endowed with all its choicest blessings, rich and fertile soil, plenty of water and sun, an abundant supply of metals and coal, willing labor, artistic skill and a power of manipulating for beauty and elegance unexcelled in the world — to exist in pitiful economic dependence is a condition most deplorable and most pathetic. We want no charity, no concessions, no favors, no preference. What we most earnestly beg and ask for is an *opportunity*.

For a synopsis of the findings and recommendations of the Industrial Commission mentioned in this chapter see appendix 1.

XII

THE REVOLUTIONARY MOVEMENT

IN December, 1917, the Government of India appointed a committee of three Englishmen and two Indians (1) "to investigate and report on the nature and extent of the criminal conspiracies connected with the revolutionary movements in India, (2) to examine and consider the difficulties that have arisen in dealing with such conspiracies and to advise as to the legislation, if any, necessary to enable the government to deal effectively with them." Of the three English members, Mr. Justice Rowlatt of the King's Bench Division, England, was appointed as president, and of the other two, one was a judge in the service of the Government and the other a member of a Board of Revenue in one of the Indian Provinces. Of the two Indians, one was a judge and the other a practicing lawyer.

This committee submitted its report in April, 1918, which was published by the Government of India in July of the same year. The president, Mr. Justice Rowlatt's letter covering the report gives the nature of the evidence upon which their report is based, which is as follows: "Statements have been placed before us with documentary evidence by the Governments of Bengal, Bombay, Bihar and Orissa, the Central Provinces, the United Provinces, the Punjab

and Burmah as well as by the Government of India. In every case, except that of Madras, we were further attended by officers of the government, presenting this statement, who gave evidence before us. In the two provinces in which we held sittings, namely, Bengal and Punjab, we further invited and secured the attendance of individuals, or as deputed by associations, of gentlemen who we thought might give us information from various non-official points of view."

It is clear from this statement that the investigation of the committee was neither judicial nor even semi-judicial; it was a purely administrative inquiry conducted behind the backs of the individuals concerned, without the latter having any opportunity of cross-examining the witnesses or giving their explanations of the evidence against them. While the different Governments in India were fully represented in each case by the ablest of their servants, the individuals investigated were not. We do not want to insinuate that either the Governments or the officers deputed by them were unfair in their evidence. All that we want to point out is that the other side had no opportunity of putting their case before the committee. Consequently, it is no wonder that one comes across many traces of political and racial bias both in the introduction and the Report.

The very first paragraph of the introduction betrays either ignorance on the part of the committee about the ancient history of India, or a deliberate misrepresentation of the nature of the Hindu State. The committee says: "Republican or Parliamentary forms of governments as at present understood were neither desired nor known in India until after the establish-

ment of British rule. In the Hindu State the form of government was an absolute monarchy, though the monarch was by the Hindu Shastras hedged round by elaborate rules for securing the welfare of his subjects and was assisted by a body of councillors, the chief of whom were Brahmin members of the priestly class which derived authority from a time when the priests were the sole repositories of knowledge and therefore the natural instruments of administration." The statements made in this paragraph do not represent the whole truth.

The committee ignores the fact that Republican or Parliamentary forms of Government "*as at present understood*" were neither desired nor known in any part of the world, except perhaps England itself until *after* the establishment of British rule in India.¹ Then the committee has altogether ignored that, in the Hindu State, the form of government was not an absolute monarchy *always and in all parts of India*. There is ample historical evidence to prove that India had many Republican States, along with oligarchies and monarchies at one and the same period of her history. The second part of the second sentence is also not correct, because the priestly class derived its authority from a time when the priests were not the sole repositories of knowledge. The several Hindu political treatises belong to a period when the whole populace was highly educated and could take substantial part in the determination of the affairs of their country.

Equally misleading is the last sentence of the introduction where the committee says that it is among the

¹ The beginnings of British rule in India were made in 1757 A.D.

Chitpavan Brahmins of the Poona district that they first find indications of a revolutionary movement. This statement is incorrect, if it means that after the establishment of British rule in India no attempt had been made to overthrow it prior to the Revolutionary movement inaugurated by the Poona Brahmins. The statement ignores three such attempts which are known to history; viz., (a) the great Mutiny of 1857, (b) the Wahábee Rebellion of Bengal, and (c) the Kúká Rebellion of the Punjab; not to mention other minor attempts made in other places by other people.

Yet we think that this report is a very valuable document, giving in one place the history and the progress of the Revolutionary Movement in India. The findings and the recommendations of the committee may not be all correct, but the material collected and published for the first time is too valuable to be neglected by anyone who wants to have an intelligent grasp of the political situation in India, such as has developed within the last twenty years.

The committee gives a summary of its conclusions as to the conspiracies in Chapter XV, which we copy verbatim:

"In Bombay they have been purely Brahmin and mostly Chitpavan. In Bengal the conspirators have been young men belonging to the educated middle classes. Their propaganda has been elaborate, persistent and ingenious. In their own province it has produced a long series of murders and robberies. In Bihar and Orissa, the United Provinces, the Central Provinces and Madras, it took no root, but occasionally led to crime and disorder. In the Punjab the return of emigrants from America, bent on revolution and bloodshed, produced numerous outrages and the

Ghadr conspiracy of 1915. In Burma, too, the *Ghadr* movement was active, but was arrested.

"Finally came a Mohammedan conspiracy confined to a small clique of fanatics and designed to overthrow British rule with foreign aid.

"All these plots have been directed towards one and the same objective, the overthrow by force of British rule in India. Sometimes they have been isolated; sometimes they have been interconnected; sometimes they have been encouraged and supported by German influence. All have been successfully encountered with the support of Indian loyalty."

In this general summary the committee has made no attempt to trace out the causes that led to the inauguration of the revolutionary movement and its subsequent progress. A chapter on that subject would have been most illuminating.

In chapters dealing with provinces they have selected some individuals and classes on whom to lay blame for "incitements" to murders and crimes, but have entirely failed to analyze the social, political and economic conditions which made such incitements and their success possible.

It is clear even from this summary that the only two provinces where the revolutionary propaganda took root and resulted in more than occasional outrages were Bengal and the Punjab.

In the Bombay Presidency, revolutionary outrages did not exceed three within a period of 20 years (from 1897 to 1917), two murders and one bomb-throwing. Besides, three trials for conspiracies are mentioned all within a year (1909-1910), two in Native States and one in British territory. Altogether 82 men were prosecuted for being involved in these conspiracies.

The total result comes to this, that in the course of 20 years about 100 persons were found to be involved in a revolutionary movement in a territory embracing an area of 186,923 square miles and a population of 27 million human beings. This is surely by no means a formidable record justifying extraordinary legislation such as is proposed.¹ The net loss of human life did not exceed three, though unfortunately all three victims were Europeans.

Bihar and Orissa formed part of the province of Bengal during most of the period covered by the revolutionary movement of Bengal, viz, from 1906 to 1917. It was in Bihar which was then a part of Bengal, that in 1908, the first bomb was thrown. The only other revolutionary outrage that took place in Bihar was one in 1913, resulting in the murder of two Indians.

In the United Provinces of Agra and Oude, the only tangible evidence of revolutionary activity recorded by the committee is the Benares Conspiracy that came to light in 1915-1916. The only outrage noted is that of the alleged murder of a fellow revolutionary by a member of the same gang.

To the Central provinces the committee has given a practically clean bill.

In Madras the revolutionary outrages consisted of one murder (of a European Magistrate) and one conspiracy involving nine persons.

The conspiracies and intrigues detected in Burma are ascribed to people of other provinces and not a single outrage from that province itself is reported.

So we find that in the period from 1906 to 1907,

¹ Since enacted.

both inclusive, outside the provinces of Bengal and the Punjab, the revolutionary crime was limited to three outrages and three conspiracies in the Bombay Presidency, one outrage in Bihar, one outrage and one conspiracy in the United Provinces, one outrage and one conspiracy in Madras and some intrigues and conspiracies during the war in Burma. Thus the only two provinces in which the revolutionary movement established itself to any appreciable extent was Bengal and the Punjab.

In the Punjab, again, the first revolutionary crime took place in December, 1912, and the second in 1913 and the rest all during the War. Cases of seditious utterances and writings are not included in the term "revolutionary crime" used in the above paragraphs. It was from Bengal, then, that before the War revolutionary propaganda was carried on to any large extent, revolutionary movements organized and revolutionary crimes committed. About half of the Report deals with Bengal and the general findings of the committee may be thus summarized:

(1) That the object of the movement was the overturning of "the British government in India by violent means" (p. 15 and also p. 19).

(2) That the class among whom the movement spread was comprised of the *Bhadralok* (the respectable middle class). The committee says:

"The people among whom he (i.e., Barendra, the first Bengali revolutionary propagandist) worked, the *bhadralok* of Bengal, have been for centuries peaceful and unwarlike, but, through the influence of the great central city of Calcutta, were early in appreciating the advantages of Western learning. They are mainly

Hindus and their leading castes are Brahmins, Kayasthas and Vaidyas; but with the spread of English education some other castes too have adopted *bhadralok* ideals and modes of life. *Bhadralok* abound in villages as well as in towns, and are thus more interwoven with the landed classes than are the literate Indians of other provinces. Wherever they live or settle, they earnestly desire and often provide English education for their sons. The consequence is that a number of Anglo-vernacular schools, largely maintained by private enterprise, have sprung up throughout the towns and villages of Bengal. No other province of India possesses a network of rural schools in which English is taught. These schools are due to the enterprise of the *bhadralok* and to the fact that, as British rule gradually spread from Bengal over Northern India, the scope of employment for English-educated Bengalis spread with it. Originally they predominated in all offices and higher grade schools throughout Upper India. They were also, with the Parsees, the first Indians to send their sons to England for education, to qualify for the Bar, or to compete for the higher grades of the Civil and Medical services. When, however, similar classes in other provinces also acquired a working knowledge of English, the field for Bengali enterprise gradually shrank. In their own province *bhadralok* still almost monopolize the clerical and subordinate administrative services of Government. They are prominent in medicine, in teaching and at the Bar. But, in spite of these advantages, they have felt the shrinkage of foreign employment; and as the education which they receive is generally literary and ill-adapted to incline the youthful mind to industrial, commercial or agricultural pursuits, they have not succeeded in finding fresh outlets for their energies. Their hold on land, too, has weakened, owing to increasing pressure of population and excessive sub-infeudation. *Altogether their economic prospects have narrowed, and the increasing numbers who draw fixed incomes have felt the pinch of rising prices. On the other hand, the*

memories and associations of their earlier prosperity, combined with growing contact with Western ideas and standards of comfort, have raised their expectations of the pecuniary remuneration which should reward a laborious and, to their minds, a costly education. Thus as bhadralok learned in English have become more and more numerous, a growing number have become less and less inclined to accept the conditions of life in which they found themselves on reaching manhood. Bhadralok have always been prominent among the supporters of Indian political movements; and their leaders have watched with careful attention events in the world outside India. The large majority of the people of Bengal are not bhadralok but cultivators, and in the eastern districts mainly Muhammadans; but the cultivators of the province are absorbed in their own pursuits, in litigation, and in religious and caste observances. It was not to them but to his own class that Barendra appealed. When he renewed his efforts in 1904, the thoughts of many members of this class had been stirred by various powerful influences." [The italics are ours.]

We have given this lengthy extract as it shows conclusively (a) that the movement originated and spread among people who had received Western education, most of the leaders having been educated in England and (b) that the root cause of the movement was *economic*.

(3) That various circumstances occasioned by certain Government measures "specially favored the development" of the movement (p. 16). Among the measures specially mentioned are (a) the University law of Lord Curzon "which was interpreted by politicians as designed to limit the numbers of Indians educated in English and thus to retard national advance"; (b) the partition of Bengal by Lord Curzon. "It was the

agitation that attended and followed on this measure that brought previous discontent to a climax."

(4) That the revolutionary movement received a substantial impetus by the failure of constitutional agitation for the reversal of the policy that decided on partitioning Bengal into two divisions. This failure led to two different kinds of agitation, open and secret: (a) open economic defiance by *Swadeshi* and boycott — *Swadeshi* was the affirmative and boycott the negative form of the same movement. *Swadeshi* enjoined the use of country made articles; boycott was directed against English imports, (b) open propaganda by a more outspoken and in some instances violent press, (c) open control of educational agencies by means of national institutions, (d) open stimulus to physical education and physical culture, (e) nationalistic interpretation of religious dogma and forms (open), (f) organization of secret societies for more violent propaganda, for learning and teaching the use of firearms, for the manufacture of bombs, for illicit purchase and stealing of firearms, for assassination and murder, (g) secret attempts to tamper with the army, (h) conspiracies for terroristic purposes and for obtaining sinews of war by theft, robbery and extortion.

The following two extracts which the committee has taken from one of the publications of the revolutionary party called *Mukti Kon Pathe* (what is the path of salvation) will explain clauses (f) and (g) and (h).

"The book further points out that not much muscle was required to shoot Europeans, that arms could be procured by grim determination, and that weapons

could be prepared silently in some secret place. Indians could be sent to foreign countries to learn the art of making weapons. The assistance of Indian soldiers must be obtained. They must be made to understand the misery and wretchedness of the country. The heroism of Sivaji must be remembered. As long as revolutionary work remained in its infancy, expenses could be met by subscriptions. But as work advanced, money must be extracted from society by the application of force. If the revolution is being brought about for the welfare of society, then it is perfectly just to collect money from society for that purpose. It is admitted that theft and dacoity are crimes because they violate the principle of good society. But the political dacoit is aiming at the good of society, "so no sin but rather virtue attaches to the destruction of this small good for the sake of some higher good. Therefore if revolutionaries extort money from the miserly or luxurious members of society by the application of force, their conduct is perfectly just."

Mukti Kon Pathe further exhorts its readers to obtain the "help of the native soldiers. . . . Although these soldiers for the sake of their stomach accept service in the Government of the ruling power, still they are nothing but men made of flesh and blood. They, too, know (how) to think; when therefore the revolutionaries explain to them the woes and miseries of the country, they, in proper time, swell the ranks of the revolutionaries with arms and weapons given them by the ruling power. . . . Because it is possible to persuade the soldiers in this way, the modern English Raj of India does not allow the cunning Bengalis to enter into the ranks of the army. . . . Aid in the shape of arms may be secretly obtained by securing the help of the foreign ruling powers."

(5) That except in five cases the idea of private gain never entered into the activities of the revolu-

tionaries and of the five persons referred to three were taxi-cab drivers either hired or coerced to coöperate in revolutionary enterprise (p. 20).

(6) That "the circumstances that robberies and murders are being committed by young men of respectable extraction, students at schools and colleges, is indeed an amazing phenomenon the occurrence of which in most countries would be hardly credible."

(7) That "since the year 1906 revolutionary outrages in Bengal have numbered 210 and attempts at committing such outrages have amounted to 101. Definite information is in the hands of the police of the complicity of no less than 1038 persons in these offences. But of these, only 84 persons have been convicted of specified crimes in 39 prosecutions, and of these persons, 30 were tried by tribunals constituted under the Defence of India Act. Ten attempts have been made to strike at revolutionary conspiracies by means of prosecutions directed against groups or branches. In these prosecutions 192 persons were involved, 63 of whom were convicted. Eighty-two revolutionaries have rendered themselves liable to be bound over to be of good behaviour under the preventive sections of the Criminal Procedure Code. In regard to 51 of these, there is direct evidence of complicity in outrages. There have, moreover, been 59 prosecutions under the Arms and Explosives Acts which have resulted in convictions of 58 persons."

We wish the committee had also supplemented this information by a complete record of the punishments that were imposed on persons convicted of revolutionary crime in the ten years from 1906 to 1917. We are sure such a statement would have been most

informing and illuminating. It would have conclusively established the soundness of the half-hearted finding that "the convictions . . . did not have as much effect as might have been expected in repressing crime." In fact they had no effect. They only added fuel to the fire.

(8) That persons involved in revolutionary crime belonged to all castes and occupations and the vast bulk of them were non-Brahmins. They were of all ages, from 10-15 to over 45, the majority being under 25. The committee has in an appendix (p. 93) given three tables of statistics as to age, caste, occupation or profession of persons convicted in Bengal of revolutionary crimes or killed in commission of such crimes during the years 1907-1917. This clause is based on these statistics.

We are afraid, however, that these statistics do not afford quite a correct index of the age, caste, occupation and position of all the people in Bengal that were and are sympathetically interested in the revolutionary movement of Bengal.

(In investigating reasons for failure of ordinary machinery for the prevention, detection and punishment of crime in Bengal, the committee has assigned six reasons: (a) want of evidence, (b) paucity of police, (c) facilities enjoyed by criminals, (d) difficulty in proof of possession of arms, etc., (e) distrust of evidence, (f) the uselessness, in general, of confession made to the Police. These reasons, however, do not represent the whole truth. Some of the most daring crimes were committed in broad daylight, in much frequented streets of the metropolis and in the presence of numerous people. Moreover, the Govern-

ment did not depend on ordinary law. Measure after measure was enacted to expedite and facilitate convictions. Extraordinary provisions were made to meet all the difficulties pointed out by the committee and extraordinary sentences were given in the case of conviction. Yet the Government failed either to extirpate the movement or to check it effectively or to bring the majority of offenders to book.

The members of the committee have frankly admitted: "That we do not expect very much from punitive measures. The conviction of offenders will never check such a movement as that which grew up in Bengal unless the leaders can be convicted at the outset." They pin their faith on "preventive" measures recommended by them. It was perhaps not within their scope to say that the most effective preventive measure was the removal of the political and economic causes that had generated the movement. The committee has studiously avoided discussing that important point, but now and then they have incidentally furnished the real clue to the situation. Discussing the "accessibility of Bengal schools and colleges to Revolutionary influences," they quote a passage from one of the reports of the Director of Public Instruction in Bengal. We copy below the whole of this paragraph, as, to us, it seems to be very pertinent to the issue.

"Accessibility of Bengal Schools and Colleges to Revolutionary Influences. — Abundant evidence has compelled us to the conclusion that the secondary English schools, and in a less degree the colleges, of Bengal have been regarded by the revolutionaries as their most fruitful recruiting centres. Dispersed

as these schools are far and wide throughout the Province, sometimes clustering in a town, sometimes isolated in the far-away villages of the eastern water-country, they form natural objects for attack; and as is apparent from the reports of the Department of Public Instruction, they have been attacked for years with no small degree of success. In these reports the Director has from time to time noticed such matters as the circulation of seditious leaflets, the number of students implicated in conspiracy cases and the apathy of parents and guardians. But perhaps his most instructive passages are the following, in which he sets out the whole situation in regard to secondary English schools. 'The number of these schools,' he wrote, 'is rapidly increasing, and the cry is for more and more. It is a demand for tickets in a lottery, the prizes of which are posts in Government service and employment in certain professions. *The bhadralok have nothing to look to but these posts*, while those who desire to rise from a lower social or economic station have their eyes on the same goal. *The middle classes in Bengal are generally poor, and the increased stress of competition and the tendency for the average earnings of certain careers to decrease* — a tendency which is bound to follow on the increased demand to enter them, *coupled with the rise in the cost of living and the inevitable raising in the standard of comfort* — all these features continue to make the struggle to exist in these classes keener. Hence the need to raise educational standards, to make school life a greater influence for good and the course of instruction more thorough and more comprehensive. A need which becomes more and more imperative as life in India becomes more complicated and more exacting is confronted by a determined though perfectly natural opposition to the raising of fees. . . . *Probably the worst feature of the situation is the low wages and the complete absence of prospects which are the fate of teachers in the secondary schools.* . . . It is easy to blame the parents for blindness to their sons' true good, but the matriculation examination is the thing that seems to

matter, so that if his boy passes the annual promotion examinations and is duly presented at that examination at the earliest possible date, the average parent has no criticism to offer. This is perfectly natural, but the future of Bengal depends to a not inconsiderable extent on the work done in its secondary schools, and more is required of these institutions than an ability to pass a certain proportion of boys through the Calcutta University Matriculation examination. . . . The present condition of secondary schools is undoubtedly prejudicing the development of the presidency and is by no means a negligible feature in the existing state of general disturbance. It is customary to trace the genesis of much sedition and crime to the back streets and lanes of Calcutta and Dacca, where the organizers of anarchic conspiracies seek their agents from among University students. This view is correct as far as it goes, but it is in the high schools, with their underpaid and discontented teachers, their crowded, dark and ill-ventilated classrooms, and their soul-destroying process of unceasing cram, that the seeds of discontent and fanaticism are sown." [The italics are ours.]

Yet for years nothing was done to improve education, to make it practical and creative and productive. In fact nothing has been done up till now.

Let the reader read with this the report of the Indian Industrial Commission recently issued under the authority of the Government of India and he will at once find the true causes which underlie the revolutionary movement in India. These causes are not in any way peculiar to Bengal or to the Punjab; they are common to the whole of India, but they have found a fruitful soil in these provinces on account of the rather intense natures of the people of these two provinces. The Bengali is an intensely patriotic and emotional being, very sensitive and very resentful; the Punjabee

is intensely virile, passionate and plucky, having developed a strong, forceful character by centuries of resistance to all kind of invasions and attacks. Of the Punjab, however, we will speak later on. For the present we are concerned with Bengal only. The amazing phenomenon mentioned by the committee on p. 20 and referred to by us before is easily explained by the facts hinted in the Directors' report quoted above. And this notwithstanding the fact that in the matter of Government patronage Bengal has been the most favored province in India, throughout the period of British rule. To the Bengalis have gone all the first appointments to offices that were thrown open to the natives of the soil. They have been the recipients of the highest honors from the Government. Bengal is virtually the only province permanently settled where the Government cannot add to the Land tax fixed in 1793. The Bengalis are the people who spread over India, with every territorial extension of the British Raj. They have been the pampered and favored children of the Government and for very good reasons, too. They are the best educated and the most intelligent of all the Indian peoples. They know how to adapt themselves to all conditions and circumstances, they know how to enjoy and also how to suffer. They have subtle brains and supple bodies. The British Government could not do without them. It cannot do without them even now. Yet it was this most loyal and most dutiful, this most westernized and the best educated class which laid the foundations of the revolutionary movement and has been carrying it on *successfully* in face of all the forces of such a mighty Government as that of the British in India.

What is the reason? It is the utter economic helplessness of the younger generation, aided by a sense of extreme humiliation and degradation. The Government never earnestly applied itself to the solution of the problem. They did nothing to reduce poverty and make education practical. Every time the budget was discussed the Indian members pressed for increased expenditure on education. All their proposals and motions were rejected by the standing official majorities backed by the whole force of non-official Europeans including the missionaries. The Government thus deliberately sowed the wind. Is there any wonder that it is now reaping the whirlwind?

The cause is economic; the remedy must be economic. Make education practical, foster industries, open all Government careers to the sons of the soil, reduce the cost on the military and civil services, let the people determine the fiscal policy of the country and the revolutionary movement will subside. Die it will not, so long as there is foreign domination and foreign exploitation. Even after India has attained Home Rule it will not die. It has come to stay. India is a part of the world and revolution is in the air all the world over. The effort to kill it by repression and suppression is futile, unwise and stupid.

XIII

THE PUNJAB

WE may now consider the case of the Punjab. Lord Morley's verdict notwithstanding, it is abundantly clear that the troubles of 1907, with which the history of unrest in the Punjab begins, were principally agrarian in their origin. Lord Morley's speech in the House of Commons (in 1907) as to the root of the trouble was based on reports supplied to him by the Government of the Punjab and we know from personal knowledge how unreliable many of these reports are. We may here illustrate this point by a few extracts from these documents.

(1) Lord Morley stated that: "There were twenty-eight meetings known to have been held by the leading agitators in the Punjab between 1st March and 1st May. Of these five only related, even ostensibly, to agricultural grievances, the remaining twenty-three were all purely political."

The number of meetings held from March 1 to May 1, 1907 was, at the lowest calculation, at least double of 28, or perhaps treble, and *most of them* related "even ostensibly to agricultural grievances"; the number of purely political meetings could not have exceeded ten or twelve.

(2) On p. 61 the committee writes that "Chatarji's

father too had ordered him home on discovering that he was staying with Hardayal in the house of Lajpat Rai." The whole of this statement is absolutely false. I am prepared to swear and to prove that Chatarji did not stay in my house even for a single night. He came there a few times with Hardayal. Hardayal was at that time living in a house he had rented for himself in the native city about one mile from my place which is in the Civil Station on the Lower Mall.

On the same page the committee has approvingly quoted a sentence from the judgment of the Sessions Judge in the Delhi Conspiracy Case. Speaking of Amir Chand, one of the accused in that case who was sentenced to death, the Sessions Judge describes him as "one who spent his life in furthering murderous schemes which he was too timid to carry out himself." Now I happen to have known this man for about 20 years before his conviction. I have no doubt that he was rightly convicted in this case but I have no doubt also that this description of him by the Sessions Judge was absolutely wrong. Up till 1910 the man had led an absolutely harmless life, helping students in their studies and otherwise rendering assistance, according to his means, to other needy people. No one ever credited him with violent views. His revolutionary career began in 1908. Before that he could not and would not have tolerated even the killing of an ant, much less that of human beings.

In governments by bureaucracies one of the standing formulas of official etiquette is never to question the findings of facts arrived at by your superiors or predecessors. This naturally leads to the perpetuation of

mistakes. A wrong conclusion once accepted continues to be good for all times to come. The Rowlatt Committee has studiously acted on that formula throughout its present inquiry. They have invariably accepted the findings of executive and judicial authorities preceding them about the incidents that happened since 1907, without making any independent inquiry of their own. Hence their opinion about the original or the principal cause of the unrest of 1907 in the Punjab is not entitled to greater weight than that of the Punjab officials whose mishandling of the affairs of the province produced the unrest. One ounce of fact, however, is of greater weight in the determination of issues than even a hundred theories. The fact that the Government of India *had* to veto the Punjab Government's Land Colonies Act in order to allay the unrest proves conclusively that the unrest was due to agrarian trouble

The unrest of 1907 subsided after the repeal of the land legislation of 1907, but the legacy it left is still operative.

The Sikhs and the Mussulmans of the Punjab, as well as the military classes among the Hindus, the Rajputs and the Jats, are the most virile portions of the population. They have fought the battles of the Empire. In the interests of the Empire they have travelled far and wide. Yet we find that educationally, as well as economically, they have suffered most. They have the largest numbers of illiterates among them. They are the least developed and the least progressive of all the classes in the Punjab. They are heavily in debt. The Government has occasionally recognised it and has tried to satisfy them by pref-

erential treatment in the filling of Government posts, or in the bestowal of titles or in nominating their supposed leaders to Legislative Councils. These ridiculous palliative measures, however, have failed in their objective. The classes disaffected do not get any satisfaction by these palliative measures. They need opportunities of education and economic betterment. These could not be provided without making education general and without a more equitable distribution of land among the agricultural classes and the inauguration of industries other than agriculture. This the Government never cared to do. The Sikhs and the Mussulmans naturally directed their attention to emigration.

The opportunities they found in other parts of the Empire whetted their appetites. They compared the conditions abroad with conditions at home and drew their own conclusions. Having helped in the expansion and development of the Empire they thought they were entitled to benefit therefrom. They demanded fair treatment. Instead they found the doors shut upon them. Even those that had been admitted were made to feel the humiliation of their position. Deliberate, active, concerted measures were taken to drive them away or to make life for them intolerable. Their wives and children were refused admittance and various pretexts were invented to keep them out or to drive them away. The revolutionary movement in the Punjab amounted to nothing until it was reinforced by the return of the Sikh members of the Ghadr party during the war. The Committee has failed to answer the question: Why did the Sikhs of Vancouver and California readily fall in with the schemes of

Hardayal and Barkat Ullah, the alleged founders of the revolutionary party of California? These latter had nothing in common with the Sikhs. In language and religion, by habits and associations, they were poles apart from each other. Why did then Hardayal's propaganda find such a ready soil among the Sikhs of Vancouver B. C. We quote from the report:

"The doctrines which he preached and circulated had reached the Sikhs and other Indians resident in British Columbia. At a meeting in Vancouver in December, 1913, a poem from the Ghadr newspaper was read, in which the Hindus were urged to expel the British from India. The main grievance of the Vancouver Indians was the Canadian immigration law under which every intending Asiatic immigrant, with a few particular exceptions, has to satisfy the Canadian authorities that he is in possession of 200 dollars and has travelled by a *continuous*¹ journey on a through ticket from his native country to Canada. In 1913 three Sikh delegates visited the Punjab. They had come from America and were members of the Ghadr party who had come to reconnoitre the position. Their real purpose was recognised after their departure. They addressed meetings at various towns on the subject of the grievances of Indians in Canada and caused resolutions of protest to be passed in which all communities joined."

Again, tracing the origin of the Budge-Budge riot, the Committee remarks:

"The central figure in the narrative is a certain Gurdit Singh, a Sikh of the Amritsar district in the Punjab, who had emigrated from India 15 years before, and had for some time carried on business as a con-

¹There never was a continuous steamer service between India and Canada.

tractor in Singapore and the Malay States. There is reason to believe that he returned to this country about 1909. He was certainly absent from Singapore for a space; and when he returned there, going on to Hong Kong, he interested himself in chartering a ship for the conveyance of Punjabis to Canada. Punjabis, and especially Sikhs, frequently seek employment in the Far East, and have for some time been tempted by the higher wages procurable in Canada. But their admission to that country is to some extent impeded by the immigration laws which we have described already.

There were already in Canada about 4,000 Indians, chiefly Punjabis. Some of these were revolutionists of the Hardayal school, some were loyal, and some had migrated from the United States on account of labour differences there. The Committee of Enquiry, which subsequently investigated the whole affair, considered that Gurdit Singh's action had been much influenced by advice and encouragement received from Indian residents in Canada. At any rate, after failing to secure a ship at Calcutta, he chartered a Japanese vessel named the *Komagata Maru* through a German agent at Hong Kong. He issued tickets and took in passengers at that post, at Shanghai, at Moji and at Yokohama. He certainly knew what the Canadian law was, but perhaps hoped to evade it by means of some appeal to the courts or by exercising political pressure. It is equally certain that many of his passengers had no clear comprehension of their prospects. The Tribunal that subsequently tried the first batch of Lahore conspirators held that probably Gurdit Singh's main object was to cause an inflammatory episode, as one of the witnesses stated that Gurdit Singh told his followers that should they be refused admission, they would return to India to expel the British. On April the 4th, 1914, the *Komagata Maru* sailed from Hong Kong. On the 23rd of May the *Komagata Maru* arrived at Vancouver with 351 Sikhs and 21 Punjabi Muhammadans on board. The

local authorities refused to allow landing except in a very few cases, as the immigrants had not complied with the requirements of the law. Protests were made, and, while negotiations were proceeding, a balance of 22,000 dollars still due for the hire of the ship was paid by Vancouver Indians, and the charter was transferred to two prominent malcontents. . . . A body of police was sent to enforce the orders of the Canadian Government that the vessel should leave; but with the assistance of firearms, the police were beaten off, and it was only when a Government vessel was requisitioned with armed force that the *Komagata Maru* passengers, who had prevented their Captain from weighing anchor or getting up steam, were brought to terms. On the 23rd of July they started on their return journey with an ample stock of provisions allowed them by the Canadian Government. *They were by this time in a very bad temper as many had staked all their possessions on this venture, and had started in the full belief that the British Government would assure and guarantee their admission to a land of plenty.* This temper had been greatly aggravated by direct revolutionary influences. . . .

"During the return voyage the War broke out. On hearing at Yokohama that his ship's company would not be allowed to land at Hong Kong, Gurdit Singh replied that they were perfectly willing to go to any port in India if provisions were supplied. The British Consul at Yokohama declined to meet his demands, which were exorbitant; but the consul at Kobe was more compliant, and after telegraphic communication between Japan and India, the *Komagata Maru* started for Calcutta. At neither Hong Kong nor Singapore were the passengers allowed to land. This added to their annoyance, as, according to the findings of the Committee, many had not wished to return to India at all."

The Committee found that most of the passengers were disposed to blame the Government of India for all their misfortunes. "It is well known," states the

Report, "that the average Indian makes no distinction between the Government of the United Kingdom, that of Canada, and that of British India, or that of any colony. To him these authorities are all one and the same. And this view of the whole *Komagata Maru* business was by no means confined to the passengers on the ship. It inspired some Sikhs of the Punjab with the idea that the Government was biased against them; and it strengthened the hands of the Ghadr revolutionaries who were urging Sikhs abroad to return to India and join the mutiny which, they asserted, was about to begin. Numbers of emigrants listened to such calls and hastened back to India from Canada, the United States, the Philippines, Hong Kong and China." [The italics are ours.]

We have given this extract to show the real cause of the growth of the revolutionary movement among the Sikhs. Let the reader omit, if he can, for a moment, all references to active revolutionary propaganda and he will find that the underlying cause of this trouble was *economic*. Why did the Sikhs want to emigrate to Canada? Why did they stake all their possessions on the venture? Why were they unwilling to return to India at all? Because the economic conditions at home were so bad and the prospects abroad so good. At home their lands were not sufficient to absorb all their energies, the income was not sufficient to keep body and soul together and, in a majority of cases, what they made from land was hardly more than sufficient to pay Land Revenue to the Government and interest to the money-lender. There was nothing to bind them to their homes except the love of home land and the domestic ties. These melted away in the presence of dire necessity. In extreme need they

left their homes to make more money to be able to pay their debts, to redeem their lands, if possible to purchase more land and to make life bearable and tolerable. When they came in the open world they found insurmountable barriers between them and plenty. They had helped in making the empire; the empire had enough land for all her sons and daughters; men were urgently needed to bring land into cultivation and otherwise to develop the empire; men of other races and colours were not only welcome but were being induced to come and settle by offers of all kinds. They, and they alone, were unwelcome and barred.

Add to this the attitude and the record of the Punjab Government towards political agitation and political agitators, to use their own favorite expressions. The Punjab Government was the first to resuscitate the old Regulation III of 1818 for the purpose of scotching a legitimate agitation against an obnoxious legislative measure. A wise and sagacious Government would have dropped the legislation which it was eventually found necessary to veto to maintain peace. The deportations drove the seeds of unrest deeper. The other contributory causes may be thus summed up:

(1) The Punjab Government has been the most relentless of all local governments in India in suppressing freedom of speech and press

(2) The Punjab Government at one time was very foolishly zealous in persecuting the Arya Samajists and in making a mountain out of a molehill about the letters found in the possession of Parmanand

(3) The sentences which the Punjab Courts have passed in cases of seditious libel are marked by such

brutality as to make them notably unique in the history of criminal administration in India.

(4) The strangulation of all open political life by direct and indirect repression led to the adoption of secret methods.

(5) The sentences passed in the Delhi Conspiracy case were much more severe than those given in Bengal in similar cases. In this case four men were hanged, two of them only because of membership in the secret conspiracy and not for actual participation in the outrage that was the subject of the charge, and two others were sentenced to seven years rigorous imprisonment each.

(6) The Budge-Budge riot and the considerable loss of life that resulted therefrom was another case of stupid management and utter incapacity to handle a delicate situation.

(7) For the Lahore Conspiracy 28 persons were hanged, and about 90 sentenced to long terms of imprisonment and transportation for life. But for the interference of Lord Hardinge the hangings would have exceeded 50. In addition some mutinous soldiers of two regiments were tried by Court Martial and a few murderous robbers and train-wreckers were dealt with by the ordinary courts. The reader may well compare this with the record of convictions relating to Bengal.

Now, we have not the slightest intention of justifying the conduct of those who conspired to overthrow the Government by force, or who committed murders, robberies or other offences in the furtherance of that design. In our judgment only madmen, ignorant of the conditions of their country, could have been guilty

of such crimes. Nor are we inclined to blame the Government much for the sharp steps they took to preserve order and maintain their authority during the war. But, after all has been said, we must reiterate that the underlying causes were economic and were the direct result of Government policy.

XIV

RECOMMENDATIONS FOR REPRESSIVE LEGISLATION

THE Committee has said all that it could against individual publicists, Indian public movements and the native press. They have found no fault with the Anglo-Indian press and the Government. The whole force of their judicial acumen has been applied in recommending fresh measures of repression and suppression which they have divided into two kinds:

Punitive Measures, Permanent. (a) Points of General Application. The measures which we shall submit are of two kinds, viz., Punitive, by which term we mean measures better to secure the conviction and punishment of offenders, and Preventive, i.e., measures to check the spread of conspiracy and the commission of crime.

We may say at once that we do not expect very much from punitive measures.¹ The conviction of offenders will never check such a movement as that which grew up in Bengal unless all the leaders can be

¹ The Government of India have been on the inclined plane of repression as a remedy of discontent, which sometimes leads to crime, for now more than twenty years. They have in the interval placed on the Statute Book the Penal and Criminal Procedure Codes, the Post Office Amendment Acts, the Official Secrets Act, the Seditious Meetings Act, the Incitement to Offences Act, the Criminal Law Amendment Act, the Press Act, the Conspiracy Act, and the Defence of India Act. Have they attained their object? The very introduction of the two new Bills . . . is the eloquent answer. What is it but a confession of failure? *Leader, Allahabad*

convicted at the outset. Further, the real difficulties have been the scarcity of evidence due to various causes and the want of reliance whether justified or not, on such evidence as there has been. The last difficulty is fundamental and cannot be remedied. No law can direct a court to be convinced when it is not.

Punitive Measures (Permanent).

Legislation directed better to secure the punishment of seditious crime may take the shape either —

- (a) of changes in the general law of evidence or procedure which if sound would be advisable in regard to all crime, or
- (b) changes in the substantive law of sedition or modifications in the rules of evidence and procedure in such cases designed to deal with the special features of that class of offence.

The recommendation under (a) does not amount to much and we will not mention it.

Under (b) they recommend:

In the first place we think that a permanent enactment on the lines of Rule 25A under the Defence of India Act is required. That rule provides for the punishment of persons having prohibited documents (which may have to be defined anew) in their possession or control with (as we read the effect of the words used) intent to publish or circulate them. . . .

We also recommend that the principle of section 565 of the Code of Criminal Procedure (which provides for an order requiring notification of residence after release in the case of persons convicted a second time for certain offences) should be extended to all persons convicted of offences under Chapter VI of the Penal Code (offences against the State) whether previously convicted or not. Such persons might be ordered to give security for a period not exceeding two years for good behaviour so far as offences under Chapter VI

REPRESSIVE LEGISLATION

are concerned, and in default be directed to notify their residence to Government, who should have power to restrict their movements for the period of two years after their release and prohibit them from addressing public meetings, — the term "public meetings" including in its scope political subjects as in section 4 of the Prevention of Seditious Meetings Act of 1907.

Lastly, we think that in all cases where there is a question of seditious intent, evidence of previous conviction for seditious crime or association (of an incriminating kind, of course) with persons so convicted should be admissible upon written notice to the accused with such particulars and at such a time before the evidence is given as might be fair. What we have called seditious crime would of course have to be accurately defined.

Now it is evident that after such legislation all liberty of speech and action becomes extinct. These recommendations will we fear directly lead to secret propaganda and secret action.

Under the head of emergency punitive measures the committee recommends:

Emergency Provisions for Trials. Coming now to the measures themselves, we are of opinion that provision should be made for the trial of seditious crime by Benches of three Judges without juries or assessors and without preliminary commitment proceedings or appeal. In short, the procedure we recommend should follow the lines laid down in sections 5-9 inclusive of the Defence of India Act. It should be made clear that section 512 of the Code of Criminal Procedure (relating to the giving in evidence under certain circumstances of depositions taken in the absence of an absconding accused) applies to these trials, it having, we understand, been questioned whether section 7 of the Defence of India Act has that effect.

We think it necessary to exclude juries and assessors mainly because of the terrorism to which they are liable. But terrorism apart, we do not think that they can be relied upon in this class of cases. They are too much inclined to be affected by public discussion.

We omit the detailed discussion of these provisions in which the committee has attempted to soften the sting of these recommendations by giving their reasons and by suggesting certain safeguards against their abuse. The most startling of their recommendations are however made under the head of emergency preventive measures.

Emergency Preventive Measures. We have been forced to the conclusion that it is necessary, in order to keep the conspiracies already described under control in the future, to provide for the continuance after the expiry of the Defence of India Act (though in the contingent form explained and under important limitations) of some of the powers which that measure introduced in a temporary form. By those means alone has the conspiracy been paralysed for the present and we are unable to devise any expedient operating according to strict judicial forms which can be relied upon to prevent its reviving to check it if it does revive, or, in the last resort, to suppress it anew. This will involve some infringement of the rules normally safeguarding the liberty of the subject. We have endeavored to make that infringement as small as we think possible consistently with the production of an effective scheme.

Existing Temporary Powers. The powers at present temporarily possessed by the Government are so far as material for the present purpose to be found in rules 3-7 inclusive and 12A under the Defence of India Act, 1915. We do not refer for the present to