

which only one Indian was present, passed a resolution that the proposals of the Uganda Government, if carried out, would constitute very grave injustice to the ginning industry, and would be a serious interference with the freedom of trade.

Regarding the policy of segregation, to which the Hon. Member specifically refers, we have received papers from the Secretary of State from which it appears that in a report on sanitary matters in East African Protectorate, Uganda and Zanzibar, Professor W. J. Simpson, who is one of the leading authorities on tropical sanitation, has recommended the division of residential areas into separate lanes in which different building regulations should be enforced by the sanitary authorities. The Secretary of State has already protested against any such division being based on racial discrimination, and has pointed out that Professor Simpson himself has observed in his report that the division into separate zones would not prevent any European, Asiatic or African from owning land or buildings in any zone, provided they conformed to the provisions relating to these zones. The Secretary of State for the Colonies has promised to give further consideration to the question

Indians in South Africa.

Early in the year 1919 the Union Parliament of South Africa passed a drastic Anti-Indian Law crippling the freedom of Indians settled there. The following pages give all necessary information about this matter.

Act III of '85, the Republican Gold Law of South Africa, was directed against the indentured Indian Labourers, who it was feared at that time might inundate the Transvaal from Natal which has a large Indian Settlement. The Gold Law imposed heavy legal restrictions on the acquisition of land by the Indian Labourers. Then in 1908 another Gold Law (Transvaal) was passed which prohibited 'in respect of the occupation by coloured people (which included all Non-white people) of property in proclaimed areas', the prohibition extending to all classes of Indians, including big merchants long resident for trade. The Smuts-Gandhi agreement came next after long struggle led by Mahatma Gandhi (see p 339, 344). In the Cape (Natal) the coloured men can acquire property, and the recent legislation of the Transvaal threatens not only to exclude Indians from acquiring any land-right but also to deprive those who have by long residence acquired it.

DEPUTATION TO THE SECRETARY OF STATE.

On August 28, 1919 an important and influential deputation waited upon the Rt. Hon. E. S. Montagu, M. P., Secretary of State, to protest against the recent legislation enacted by the Union Parliament of S. Africa affecting the rights of residence, trade, and the ownership of fixed property of Transvaal Indians, and to make representation thereon. The deputation consisted of Dewan Bahadur V. P. Madhava Rao, Mr. N. C. Kelkar, Hon. Surendranath Banerjee, Sir J. D. Rees, Bart., M. P., Sir William Meyer, K. C. I. E., Mr. A. Yusuf Ali, C. B. E., Hon. M. S. Srinivasa Sastri, Hon. Dr. Tej Bahadur Sapru, Mr. M. Ramachandra, Mr. N. M. Samarth, Hon. C. Y. Chintamani, Hon. G. M. Bhargava, Mr. C. P. Ramaswami Aiyer, Mr. S. L. Polak, Mr. Chakkarai Chetty, Mr. Chenchiah, and Mr. H. N. Kunzru. Many of the members of this deputation

were then in England in connection with the constitutional reforms for India.

The deputation was introduced by the Hon. Surendranath Banerjea. The proceedings began with an expression of regret on behalf of those present at the death of General Botha. The memorandum which was read by Mr. Polak on Mr. Banerjea's behalf, dealt with the fresh grievances and disabilities imposed on the Transvaal Indian community by the passage of the Trading and Land Act, and asked that it should be repealed, that full citizenship rights should be granted to the Indians of South Africa, and that responsible Indians should be associated with the enquiry into the Indian question which is to be entrusted to a Commission recently promised by the acting Prime Minister of the Union. The memorandum also asked that full effect should be given to the reciprocity resolution passed at the Imperial Conference of 1917, as it would have an appreciable moral effect and enhance the status of Indians in the Dominions.

Mr. Banerjea supplemented the memorandum with a few remarks of his own. He referred to the services rendered by India during the War, the position assigned to her in the League of Nations, and the policy which was being pursued by His Majesty's Government in order to enable her to make a beginning in the direction of Responsible Government. In conclusion he added that, as General Smuts, who was present at the Imperial Conference in 1917, and who had promised that, as there was no fear of an unlimited influx of Indians into South Africa, the grievances of the Indians would be sympathetically dealt with, would in all probability be the next Prime Minister of the Union, he hoped that the serious disabilities under which Indians were labouring would be promptly removed.

He was followed by Sir J. D. Rees, Bart. M. P., who expressed sympathy with the Indian community, and referred especially to the services rendered to their cause by Sir Mancherji Bhownagree.

Sir William Meyer said that the Government was entirely at one with the educated Indians in this matter and that it would continue to press the claims of Indians to just and humane treatment as vigorously as it had done in the past. He hoped that its protests would produce some effect, but, if they did not, the Government of India should be given the power to pass retaliatory measures dealing with South Africans as they had dealt with Indians.

The Hon. Dr. Tej Bahadur Sapru, a member of the Viceroy's Legislative Council, was in favour of retaliatory measures, but was afraid that their practical effect would not be much. He submitted, therefore, that the Imperial Government should regard it as its duty to protect Indians against oppression.

Mr. Montagu, who spoke very feelingly and eloquently, said that he had never seen at the Council Hall, a deputation more representative of Indian public opinion and of India's unity and strength than the one assembled that evening. He was entirely of the same view as the deputation, and said that there was a legitimate ground for grave dissatisfaction at the treatment meted out to the South African Indians after the speeches delivered by General Smuts and Mr. Burton at the Imperial Conference of 1917 and 1918 (See Ann. Reg. 1919). He then dealt with the various remedial measures put forward by the deputation. He hoped that the reciprocity resolution would be put into effect if it were necessary to do so, but he agreed with Dr. Sapru in thinking that it would not benefit Indians materially. He was of opinion that attention should be directed to the Commission of Enquiry, and he urged earnestly that Indians should give evidence before it, declaring that its recommendations would be a test of the sincerity of the welcome given to India by the representatives of the Dominions at the Imperial Conference. In view of the importance of the enquiry, the Government of India had asked that it should be represented on the Commission by two persons, one official and the other a non official Indian. This request had been supported by the Colonial Office. If it were acceded to by the Union Government the greatest care would be exercised in selecting representatives who enjoyed the confidence of the Indian people.

The deputation then withdrew, after an expression of warm appreciation at the cordiality and sympathy with which it had been received by the Secretary of State.

Note by Mahatma M. K. Gandhi.

Mr. Montagu's reply to the deputation that awaited on him on the South African question is re-assuring so far as it goes. It is a matter for great satisfaction that he will secure Indian representation upon the Commission, provided of course that representation is equal to that of the Anti-Asiatic party and provided further that the Commission has no power to diminish the existing rights of British Indians and provided further that the Asiatic Bill just passed remains in abeyance and that the Commission is given the power to recommend its withdrawal.

Past promises, considerations of equity and justice, the exemplary conduct of the Indian settlers of South Africa, their contribution to the late South African war at the time of the Zulu rebellion and the European war, make an overwhelming case against any diminution of existing rights. The Commission, in order to be just and effective, can only contemplate the relaxations, for which the justification is the strong prejudice only against Indians on the part of the European traders. But such unreasoning prejudice may be pleaded as a cause in a system of government that is inefficient and corrupt. The Imperial Government to be truly Imperial must have, under certain circumstances, be they ever so rare, powers of effective intervention for the protection of weaker interests. It is, therefore, not possible for Indian public opinion to accept Mr. Montagu's dictum that an exercise of the veto is politically unfeasible. The veto is not merely a moral check, but in exceptional cases it must prove a very material and tangible check upon excesses and upon injustice. The Empire to hold together must have some basic principles from which no member dare depart. If Mr. Montagu is convinced, as he apparently is, of the injustice of the Asiatic Act and of its controverting the principles of the British constitution, where is the difficulty about vetoing the Act? The utmost that can happen is that South Africa may secede from the Imperial partnership. Surely, it were a thousand times better that South Africa should cease to be a member of the Empire than that it should corrupt and undermine the whole of the Imperial fabric. It is infinitely better that the Empire has fewer partners than there are, but all working together in the same upward direction, than that it should by coquetting with legalised confiscations and such other immoralities sow the seeds of its own disruption. And after all, selfishness, greed and injustice are hand-maids of cowardice. There is no reason to fear that a wholesome and timely exercise of the Royal veto will create any great stir in South Africa. The late Sir Henry Parkes, if my recollection serves me right, did issue a threat of secession or some such thing when the late Mr. Chamberlain dared the Australian Immigration Restriction Act containing a racial bar.

But I am free to confess that so long as milder measures are available, the extreme remedy of vetoing ought not to be applied. It is undoubtedly like a strong blister causing great though momentary pain, and therefore to be sparingly used. The proposed Commission, if there is a strong Indian representation

upon it, should prove effective enough for the purpose to be attained. The best thing, therefore, for the time being is to concentrate public opinion upon a strong Commission and a proper safe-guarding reference under which it should act.

It was a great relief to find Mr. Montagu not falling into the Reciprocity trap prepared by Sir William Meyer, let me hope, in a hasty moment. I am sorry Mr. Bannerji so easily fell into it. It is murdering the language to use so good a word as Reciprocity for so bad a cause as the one under notice. If we must go in for a bad thing, we must at least recognise it by its correct name which is Retaliation. Personally, I do not believe in retaliation at all. It always in the end returns with redoubled force on the retaliator. But as the *Times of India* which is rendering signal service to the cause of our countrymen in South Africa, very rightly points out, retaliation miscalled reciprocity can serve no earthly purpose in the present case. "Its main objection is its utter futility," and if we ever embark upon this very unpractical method, it will be hailed with satisfaction by the Anti-Asiatic party in South Africa, and we shall be cursed by the hundred and fifty thousand Indians whose very existence is at stake. One may retaliate when the stake is good. It is terrible to think of it when it is men and women who constitute the stake. What comfort can it be to our countrymen in South Africa, for India to be able to send back a steamer-load of cargo from South Africa.

Gandhi-Barnes Correspondence.

A portion of the correspondence that passed between Mr. Gandhi and the Hon Sir George Barnes, Commerce and Industries Member of the Government of India, in regard to the Asiatic Trading Amendment Act passed by the South African Legislature was issued to the Press by Mr. Gandhi. It consists of two letters, one written by Sir George Barnes to Mr. Gandhi on the 18th July, '19 reviewing the position in South Africa at length, regretting that protest from the Government of India had been unavailing and assuring that the Government would consider most anxiously further action to be taken when the full text of the new Statute is received ; and the other being Mr. Gandhi's reply to Sir George Barnes.

Letter from Sir George Barnes—Resume of Events in South Africa, 18 July 1919.

DEAR MR. GANDHI,

I sent you only a very short note a few days ago in answer to your letter of the 3rd July, because I wanted to defer a fuller answer until I was able to deal with the subject at length which it deserves. I told you, in my first note, that I felt certain that you needed no assurance from me that the events in South Africa, which have led up to the passing of the new statute have caused the Viceroy and myself deepest anxiety, and that His Excellency has repeatedly pressed the Indian case on the Colonial Office through the Secretary of State for India. I was myself, as you very possibly know, in South Africa when the present situation was beginning to develop. I saw Lord Buxton many times and know that he was in constant touch with his Ministers on the subject and did everything in his power to safeguard Indian interests. As you know, the present trouble arose from an injunction which Krugersaorp Municipal Council obtained at the beginning of this year from the Supreme Court at Pretoria, under Section 130 and 131 of the Transvaal Precious and Base Metals Act, 1908, restraining a European firm from permitting Indians to reside on or occupy certain stands in the township of Krugersaorp. The Chairman of the Transvaal British Indian Association, thereupon, telegraphed to the Viceroy that the effect of this order would be the virtual ruin of Indian mercantile community throughout Witwaterstand. Another cable to the same effect from the same Association was

received by yourself, a copy of which you forwarded to us. His Excellency at once gave instruction that the cable addressed by the Transvaal British Indian Association to you (which was some what fuller in its terms than one addressed to him) should be cabled in full to the Secretary of State and this was done. The next step was a motion by a Cape Town member for the Select Committee of the House of Assembly to enquire into the new disability of Indians created by the judgment of the Supreme Court. The original object of this motion seems to have been the removal of the disability and it is most regrettable that an amendment was carried to extend the scope of the Committee's inquiry to cover the alleged evasion of the old Boer Law, No. III of 1885 by the formation of limited liability companies. The whole position of Indian traders in Transvaal thus came under examination and reports of subsequent debates in the House of Assembly reveal only too clearly the feelings which were aroused. We have not yet received a copy of the Bill which was introduced as a result of the Committee's report, but from information received I understand the effect of the new law (for the bill is now a statute) is as follows : (1) Statutory protection is given to existing trading rights held by Indians on the 1st May, 1919, in Government townships and on proclaimed land in Transvaal, both in respect of the present holders of licences and of their successors-in-title so long as business remains in the same township (2) The existing restrictive provisions of the Precious and Base Metals Act 1908 remain in force and from 1st May, 1919 no fresh trading licences except renewals will be granted to Indians in Government townships or on proclaimed land in Transvaal. (3) The rights in fixed property acquired before May 1st, 1919, by Indian companies are respected, but in future restrictions of law No. 3 of 1885 will apply to companies as well as to individuals.

We do not yet know how the right to hold mortgages on fixed property is affected, but we have telegraphed to the Secretary of State for information. On the other hand, I am glad to be able to tell you that the additional clauses which was adopted by the House of Assembly empowering the licences authorities to refuse trading licences to Indians generally, not only on proclaimed land but throughout Transvaal, was deleted in the Senate. The telegram which we received from the Chairman of the Transvaal British Indian Association towards the end of May gave us reason to anticipate that the refusal of new licences might be made general, and H. E. the Viceroy at once warned the Secretary of State who was able to press for the deletion of the clause before it was too late. This, I think, was the clause to which you

specially referred in your letter, and you did not, of course, know that its deletion had been secured when you wrote. So far as trading licence and the administration of Precious and Base Metals Act 1908 are concerned, I do not think that the Union Government would admit that they had broken the compact of 1914. They would claim indeed to have scrupulously observed it. In the words of Mr. George's letter of 30th June, 1914, to you, they then undertook, with regard to the administration of existing law, to see that they are administered in a just manner and with due regard to vested rights. They would now claim with some reason that they had not only undertaken legislation to set aside a ruling of the Pretoria Supreme Court, which affected vested rights existing from before 1914, but had also gone beyond their compact with you so as to protect vested rights, which had come into existence between 1914 and 1st May, 1919. They would not admit that it was a breach of compact to take steps to prevent what they would call further evasion of the law which was passed in 1908. We may protest against the law of 1908, but you will know from your own experience how hard it is to get it altered. The present position is that all vested rights have been validated beyond dispute and cannot again be challenged in the courts. Your compact in 1914 with General Smuts, which has hitherto rested only on Mr. George's letter of 30th June, 1914 to you, has now been definitely legalised. This is to the good. The bad side from the Indian point of view is that the growth of new vested rights is stopped as from 1st May, 1919. The Union Government might also argue that vested rights which have already been acquired by companies in spite of law No III of 1885 are respected and that the amendment of the Act is only intended to prevent similar evasions in the future. The Government of India would refuse to accept this argument. They associate themselves entirely with the view expressed by Lord Sinha in the Memorandum which he laid before the Imperial Conference of 1918, that law No III of 1885 is an anachronism and opposed to the spirit of modern legislation. They have expressed this view and consider that the new Law is difficult to reconcile with Mr. Burton's undertaking at the Conference of 1918, when he said: "As far as we are concerned in South Africa we are in agreement with the proposal of referring Lord Sinha's Memorandum to the consideration of our Government and we will give it the most sympathetic consideration that we can certainly". It is greatly to be regretted that protests of the Government of India have been unavailing. At the same time I understand that the view of those in Cape Town who have at heart the interests

of Indians in South Africa, is that no more generous recommendations, even if made by the Select Committee would have had any prospect of acceptance by the House of Assembly. We are now awaiting the receipt of the full text of the new Statute and we shall then consider most anxiously what further action should be taken. Of course you are welcome to make any use you may think fit of this letter.

Mr. Gandhi's Reply

Mr. Gandhi in his reply to the above wrote :—

DEAR SIR GEORGE BARNES,

I thank you for your full letter of the 18 instant regarding the recently enacted Transvaal Asiatic Law. In view of the last sentence of your letter I am publishing it together with my reply. I am deeply grateful that the Viceroy and you have been moving in the matter. I am, however, sorry to have to observe that the information placed at your disposal as to the true nature of the Bill is incomplete, if not misleading, and so is the information regarding the judgment of the Transvaal Supreme Court referred to in your letter. [Mr. Gandhi then goes on to give at great length what he considers to be the true position. Proceeding lie observes :—] I know you are overworked. My only fear is that as you have to act upon briefs prepared for you and as a powerful Government, like the Union Government, can far more easily gain your ear than a handful of British Indians of South Africa, their case may suffer simply from want of information. Do you know that the Indians of S. Africa raised an ambulance corps which served under General Smuts in S. Africa? Is this new law to be their reward? I ought not to bring in war services in order to secure the protection of an elementary right which considerations alike to honour and justice entitle them to. I commend to your attention the report of the Select Committee of the Union House of Assembly. I will gladly lend you a copy if you do not have one yourself. Regarding fixed property, you have not got full information. I know you will share my sorrow. The Union Government unmindful of their written word, accepted an amendment "prohibiting the holding of mortgages by the Asiatics on property except as security for *bona fide* loan or investment and providing that any Asiatic Company which acquired fixed property after the 1st instant should dispose of the same within two years or a further period as fixed by a competent Court with a rider that in the event of failure to do so the property might be sold by an order of the Court." I am quoting from Reuter's cable, dated 23rd May

from Capetown. You will see this completes legalised confiscation of the property rights throughout the Transvaal and virtually the trade rights within the gold Area of the Indian settlers. There was no evasion of law III of 1885 Indians did openly what the law permitted them to do, and they should be left free to do so. I do not wish to prolong this tale of agony. The Government of India are bound to protect the rights of the 5,000 Indian settlers in the Transvaal at any cost. Here is my solution. Law III of 1885 authorises the Government to appoint wards and streets in which Indians can hold fixed property. In virtue of this authority they can declare streets and wards of the Gold Area townships for Asiatic residence and ownership and they can instruct the receivers of revenue to issue trade licences in respect of such streets and wards to lawful Indian applicants. This will be pending the Commission promised by the acting Prime Minister, Mr. Malan. The Government of India can see by sending a strong representative that the commission does not prove as abortive as the Select committee of the House of Assembly. The Dominions may have the right to regulate immigration but as part of a professedly civilised Europe they cannot exclude resident settlers. The proposed commission should result in the abolition of all the racial restriction upon such settlers.

Indians in S. Africa.

Conference at Johannesburg—Aug 3, 1919

An Emergency Conference of Indian delegates from all parts of the Union of South Africa was held at the Palladium Theatre, Johannesburg, on Sunday, Aug 3, 1919. Mr. E. I. Aswat presided. The Congress was formally opened by the Mayor of Johannesburg, Mr. T. F. Allen, who paid a tribute to the part they and their countrymen in India had taken in the War.

Mr. Aswat directed the attention of the Conference to the disabilities of Indians in the Union of South Africa. The Peace, he said, that they were told was being inaugurated in the Council Chambers of Europe and which was to be based upon equity, right and justice, and not upon brute force and terrorism of the weaker by the stronger—that peace, it would appear, was to have no place for them Indians. On the contrary, all the indications pointed to its being the calculated day for the resumption of hostilities by their enemy fellow-British subjects. The peace they enjoyed while the Great War waged and the issue was doubtful was seemingly but a respite, a tactical restraint prompted by considerations of expediency. While the War lasted, they were of some value; their men, their money, their goodwill, were desirable and useful! Also it was felt to be impolitic to offend India, to which the Empire looked for so much valuable support. He did not think that India had disappointed the Empire; nor did he think that Indian settlers in South Africa had failed to contribute their little share. Apparently they had served their turn and their usefulness now ended they were to be relegated to the old position, save that it was to be made somewhat worse. While they recognised there was some reason in the opposition to unrestricted Indian immigration, he ventured to say that South Africa would be none the worse if the immigration law was relaxed so as to encourage some of the more cultured sons of India to make it their home. The Indians who had settled in the Transvaal and had severed their connections with India found themselves confronted with the most serious difficulties in bringing their wives and children to join them—a policy which encouraged degeneration and discouraged Indian settlers from regarding South Africa as their home.

The Resolution

The Congress lasted five days and concluded on Friday, August 8, 1919. The labours of the Congress resulted in twenty-one resolutions. They embrace expressions of opinion on the legal disabilities of Indians enforced in the different Provinces of the Union.

The resolutions ask for just and sympathetic administration of the laws with due regard to vested rights, and claim right of entry of sons and daughters of resident Indians up to the age of 21, as well as children claiming guardianship. The Proclamation declaring Asiatics, for the purposes of the Immigrants Regulation Act, to be prohibited immigrants, is characterised as insulting and degrading, and its withdrawal is called for.

The Congress condemns the Provincial barriers restricting the movements of resident Indians inconsistent with the idea of the Union. Until amending legislation can be introduced to make the Union a real one the Congress asks that visiting permits should be granted without thumb impressions to Indians who can sign the application in English.

The Congress demands the franchise as the prerogative of British citizens, and, as a corollary the Indians express their willingness to accept all the responsibilities of citizenship, including the defence of the country against the enemies of the King-Emperor.

Facilities are asked to enable the Indian farmers and store-keepers to possess fire arms for self-protection.

Certain South African Railways' regulations are regarded by the Congress as calculated to injure the susceptibilities of Indians, and their removal is asked for as they are insulting.

The appointment of fully qualified Indian interpreters in the Courts is pressed for, and that witness fees should be based on the status of a witness, and not on racial grounds as now.

The right is sought of appeal to the Supreme Court in case of the refusal of the local authority to grant a new trading licence. It is also asked that obstacles in the way of Indian students being admitted to university and affiliated colleges may be removed.

Relief is sought in respect of trading and acquisition of lands in Zululand, Utrecht and Vryheid.

The Congress asked for the extension to Indian children of the principle of primary free and compulsory education; that Indian teachers should have the same qualifications and grading as Europeans; and that opportunities be afforded to Indian children to acquire technical and industrial training in the Provincial colleges.

The Congress records a strong protest against "racial and discriminating" legislation in the Transvaal, and urges upon Government the imperative necessity of repealing or amending laws to which so much exception is being taken.

**The following potests were also recorded
by the Congress :**

Against the system of investigation by police and immigration authorities on non-white peoples as being derogatory to the self-respect of the Indian community.

Against the licensing authorities in the Cape Province being empowered to refuse licenses to Indians without assigning any reason—a policy which, it is stated, tends to engender a spirit of distrust and suspicion.

Against the prevention of Indians from trading in Native reserves ; and

Against the number of educated entrants to Natal or the Cape Province being fixed.

Finally the Congress asked for the recognition of the wives and minor children of marriages recognised by the religious tenets of Indians.

The Anti-Indian Law in Transvaal.

The Transvaal British Indian Association petitioned Parliament in February 1919 against the discriminating provisions of the Transvaal Gold Law of 1908 which as interpreted in the judgment of the *Kugersdrop Municipality v. Beckett* prohibited "coloured persons" from residing on land other than that appointed by the Mining Commissioner; also that no right on land under that law may be acquired by any coloured person.

Again the case of *Motan v. Transvaal Government* decided that the Commissioner of Inland Revenue cannot refuse trade license to coloured persons as such, yet as grocery shops, eating houses etc. were under the control of municipalities, the latter had persistently refused licenses to Indians on the sole ground that they were Indians, and this even when the Magistrate overruled the decision of the Municipality,—against this too the Indian association petitioned Parliament—

In March 1919 the Union Parliament appointed a Select Committee to enquire and report on these matters. The Committee reported on April 30 and recommended.

1. That the vested rights of Indians who were carrying on business on proclaimed mining areas in June 1914 should be respected.
2. That the vested rights of Indians who since that date obtained trading licenses and are carrying on business on such areas should also be respected.
3. That Indians should have the right to transfer their existing businesses to other Indians legally residing in the Transvaal.
4. That steps should at once be taken to make it impossible for any Asiatic in future to obtain license for a new business.
5. That Transvaal law 3 of 1885 should be so amended as to extend the land-owning disabilities therein to any companies of which the controlling interest is possessed by Asiatics.

The Bill drawn up by the Select Committee, the Asiatics Land and Trading amendment Act 1919, based on these recommendations had a stormy passage through the House. A strong Anti-asiatic league was organised and it fought hard against the passage of the bill. To placate them and so to obtain the passage of the bill through the house, the Acting Prime Minister, Mr.

F. S. Malan, promised the Union Parliament that the Government would appoint a Commission to enquire and report on the "whole Indian question in the Transvaal." Transvaal Indians number ten thousand only. The bulk of the 150,000 South African Indians are domiciled in Natal, which small Province contains 133,000 of them. They are for the most part the descendants of formerly indentured coolies. The Cape Province contains 6,500 Indians, and the Orange Free State only about 106.

There is a deep and widespread conviction in the minds of both British and Dutch in the Union that in the interests of the South African Dominion, with its large native population and complex colour problems, the presence of Asiatic traders in the Union is highly detrimental and should cease.

There was a strong feeling in the Union Assembly Select Committee that dealt with the Transvaal Indian question that the Bill was very moderate and considerate. This opinion was held because of the feeling that the Smuts-Gandhi agreement of 1914 had been broken by the Transvaal Indians in spirit at any rate if not in the letter; because it was understood in 1914 that there would be no additional Asiatic trading in the Transvaal mining areas. The great point of the Smuts-Gandhi agreement was respecting the vested rights of Indians; but, it was understood at the same time to be restricted to the Indians in the Transvaal mining areas.

The decision of the Select Committee steered a middle course between the rival views put forward by the Lagersdorp and other Transvaal Municipalities and the Federation of Ratepayers' Associations of Johannesburg on the one hand, and, on the other, by three spokesmen of the Transvaal British Indians.

The position taken up by the Municipalities and the ratepayers was this: 'We take our stand on the 1914 Smuts-Gandhi agreement. The spirit and meaning of that agreement was, on the one side, that the vested rights of Indians of whatever nature were to be respected, and on the other side, that the Indians undertook that there should be no acquisition of new rights by Indians in the Transvaal. That agreement has been broken by the Indians, who have not only acquired land-owning rights by the "limited company subterfuge" but who have actually opened new businesses in the Transvaal since that date. We now demand that a return be made to the position of affairs at the time of the agreement. Let all Asiatic Companies formed since that date be expropriated, and let all licenses granted since then be revoked and let legislation for these two purposes be passed.'

Dr. Frederick Krause, who was the principal Indian spokesman, made answer denying that the Indians had broken faith. He pointed out that a right could vest in an individual even though it was not exercised, and the individual in whom a right had vested could exercise it at any moment he chose. The vested right chiefly protected under the 1914 agreement was the right to trade, and therefore an Indian who was not a trader at the time of the agreement still had the right to become one later. Similarly, a man who was trading as a hawker at the time of the agreement had the right to expand his business and trade as a general dealer. In this way many of the new licences were accounted for. As for the question of landholding companies, that was a perfectly legal proceeding. To say it was an evasion of the law was to talk nonsense. "Evasion" is a shibboleth which to a lawyer—a good lawyer—should have no meaning at all. Every thing is within the law or it is not." What the Indians had done was done with the full cognisance of the Government, who ever since 1909 had registered Asiatic companies without once attempting to prevent such registration or to introduce preventive legislation.

Dr. Krause went further and submitted that the Gandhi agreement was not meant to be final; and he quoted Mr. Gandhi's words in a farewell letter written by him before he went from S. Africa: "We are entitled to full rights of trade, interprovincial migration, and ownership of landed property being restored in the not distant future." Dr. Krause thus defined the Indians' demands: "The people in whose behalf I am speaking here think that the time has now arrived, not to speak of vested rights, but they consider that they are entitled, as far as their trade, residence, and occupation are concerned, to the full rights of any citizen of South Africa."

In the person of Mr. Morris Alexander South African Indians had on the Committee an ardent advocate. On three occasions when the Committee divided he voted as a minority of one in favour of the Indian demands, and he formulated two motions but without success for the removal of all trade and other restrictions imposed on the Indian community.

The strong agitation raised over this bill led to a series of communications between the Government of India, the Secy. of State and the Union Government of S. Africa, and after long negotiations it was settled that India was to be represented "not on but before" the proposed Commission (promised by Mr. Malan) by Sir W. Robertson deputed by the Government of India.

There was however protracted delay in appointing the Commission of enquiry though the Bill was passed and become

law. The Commission was appointed only in February of this year (1920.)

Meanwhile preparations were pushed by both sides to present their case as strongly as possible. The British Indian association met at Johannesburg as detailed on p. 342. The powerful Anti Asiatic league convened a large and influential Congress representing trade union, chambers of commerce and political, industrial and commercial interests in general at Pretoria on 4 September 1919. Violent anti-Indian speeches were made in this congress, wantonly attacking the claims and also the character of Indians, and passing insistent resolutions urging the immediate repatriation of all Indians settled in Transvaal.

Statement of Government Officers.

On Nov. 7, 1919, the Hon N.J. Wer, Minister of Justice met a large number of delegates from his constituency with reference to the Asiatic question. Mr. De Wet said that the Government agreed that the Asiatic question should be dealt with in view of the increasing strength of the menace, but they had to proceed along definite lines, and not indulge either in panic legislation or in action that would not carry the matter to some real solution. The Government wanted a Commission to report on the position. Even under the criminal law they could not deport any person who was South African born; and they could not deport Indians who had been born in the country, as they were domiciled here, and no other country would have them.

He added: All this nonsense about the British Government interfering with us on this question is moonshine. The British Government does not interfere in this matter at all. It naturally watches the question from the point of view of the Indian Dominion, and it might make friendly recommendations to us, as any other Government would do. The Indian Government is watching it, and this Government could not refuse the request of the Indian Government to send a representative, Sir William Robertson, to look after the interests of their subjects. It would be a very churlish and unfriendly act on the part of any Government to refuse a reasonable request of that sort.

He also said that the Government realised that the Asiatic menace was growing stronger year by year. There was a lot of vague talk about doing this or doing that, but they had to proceed on certain definite lines. The Government wanted evidence first, and it was not prepared to reopen the whole Indian question. The Indians, for instance, wanted to re-open the question of immigration, which was settled in 1903; but the Government would not do so. Indians still

came in, no doubt ; but not in large numbers. If, however, anyone would give him evidence in regard to Indians coming into the country illegally, giving names and places, he would see that steps were taken to test the matter and to have them out. But it was largely vague talk with which the Government had to deal. As far as legislation was concerned, the door was closed against Asiatics ; but as far as administration was concerned, he would not say that everyone had been kept out. The Government would act promptly in carrying out the law. But the Indians in the country had to be fairly treated.

The Government of course could not go in for panic legislation, and he considered that if the Collins amendment (prohibiting all Transvaal Indian licenses) had gone through Parliament, it would have been a blot, as it would not have been fair or just. On the question of the menace the Government was entirely at one with them, and also on the question of restricting trading ; but as far as regarding repatriation he did not know that it was possible. The Government was not championing the cause of the Asiatics. It would be for the country and the people to decide if they would agree to be taxed to pay for compensation and repatriation. It was a question for the whole of South Africa. Neither he nor the Government was afraid of the Indian question. A great deal of political capital was being made out of the question by the Nationalists by whom he had been attacked ; but the position was one which had to be considered with cool heads and with due regard to all the issues involved.

On November 8, 1919, Sir Thomas Watt, Minister of the Interior, speaking at Richmond, Natal, referring to the Indian question, said that some little time ago the Government had promised to appoint a Commission to enquire into the question of trading licenses and as soon as good or suitable men could be got the Commission would be appointed. It was not intended that the Commission should enquire into the question of land being acquired by Indians, but, if they so desired, the scope of the Commission would be extended. The Indian was not only increasing in trade, but was getting his hold on other industries, and it became a question as to whether it was wise to permit it to go on. But they had to be fair. At one time there was a great demand for Indian labour, but it became a different matter when the Indian acquired property. "But we invited the Indian here," declared Sir Thomas and "we must treat him fairly."

On Nov. 13, 1919, Mr. Llewellyn J. Phillips, of Krugersdorp, Chairman of the newly-formed South Africans League

(originally known as the Anti-Asiatic League), addressed a meeting of Rand mineworkers at Johannesburg on the Asiatic question. He described the presence of Asiatics in South Africa as a great menace to the country. Asiatics were invading all the outside town, and were getting control of commerce in the Union to an alarming extent. The Indians had grown in population from 30,000 thirty years ago to approximately 200,000 in 1919. It was estimated that Indians had invested in South Africa about £8,000,000; and if they continued to progress at that rate, it was only a matter of time before they would have control of everything, and the white man would be dependent on them for the whole of the necessaries of life. It should be a leading political question at the next General Election. Mr. Phillips submitted that there would be no heritage for them whatever, if things were allowed to drift. If the present tendencies continued, he ventured to predict that their grandchildren would be coloured.

Drastic Durban Resolutions.

The Anti-Asiatic movement gradually extended from Transvaal to Natal, and for some time became the subject of a large correspondence in the newspapers of the Province. The first public meeting on the subject in Natal was held in the Mayville Congregational Church Hall, Durban, November 7, at the instance of the Sydenham Districts Association. The following resolutions were proposed by Mr. Leo Macgregor, and unanimously carried :—

"That this public meeting strongly protests against the serious encroachment of Indians and undesirable coloured people into European residential and commercial districts, as being objectionable for moral, social, economic and national reasons. Moreover, the consequences are often financially disastrous to European property-owners, and provocative of dangerous racial disorders.

We therefore respectfully urge the necessity of prompt legislation for the purpose of securing throughout the Union.

(a) The prohibition of any further sales, leases or tenancy of land or buildings to Indians or non-Europeans, except in such areas as shall be set aside and reserved exclusively for their trade, agriculture and residential quarters.

(b) Prohibiting the issue of any new trading licenses, or transfer of existing licences, to any Indians or non-Europeans except in the reserved areas, quarters or 'bazaars' aforesaid "

"That, with a view of meeting the unfair competition of Indians and non-Europeans in every branch of industry and commerce, legislation should be enacted, applicable throughout the Union, providing for the payment of a scale of minimum wages, based upon a liberal conception of European standards of living, to all skilled employees irrespective of race or colour. That the minimum wages payable in each trade or industry shall be determined by District Wages Board the members of which must be European employers and employees in equal numbers. That such legislation shall not apply to Indians, Natives or other coloured store-keepers carrying on trade within bazaars, locations and specially exempted areas: provided that the said storekeepers deal exclusively in food, clothing and other requirements of coloured people, and are prohibited from selling, directly or indirectly to any Europeans."

General Smuts to Indians.

At the time of the passing of the Transvaal Asiatic Land and Trading Act, General Botha the Boer Prime Minister of the Transvaal was in Europe in connection with the Peace Conference. Subsequently he died and General Smuts became the Premier. General Smuts came back from the Peace Conference in Nov. 1919 and at an address of welcome presented by Indians of Durban, he said —

"I thank you for the beautiful address you have presented to me, and for the sentiments expressed therein. I am glad to note that in the address you have made mention of the fact of your countrymen having served under my command in the Great War. As I have said on previous occasions, I have been proud of the privilege of having had under me in East Africa so large a number of your countrymen. Some of them came from the Independent Native States of India, Imperial Service Contingents and others, who did great and glorious work in this war. I wrote from East Africa to the Princes of India of the splendid part played by their troops, and that there were few better than they.

"Your countrymen fought not only in East Africa, but took part in other theatres of war. The conquering of the Turkish Empire was in the main the work of the Indian Army. The burden of the work in Mesopotamia, Turkestan and the Indian Frontier fell almost entirely upon the Indian Army. If the war had continued until this year, the Indian Empire would have had over a million men in the field. The stupendous part Indians have played in this great struggle has had considerable effect on the result of the war.

"Owing to her magnificent efforts, India has won for herself a place among the nations of the world. As a member of the War Cabinet, I have had great opportunities of knowing more about the feelings of the Indians and their desire for a larger share in the apportionment of commissions in the Army; and I am glad I was able to do something for them in the Cabinet.

"I have worked in public, and a good deal in private, for the recognition of India and her services to the Empire. I strongly supported the proposals for granting commissions to Indians and when it was pointed out that this might create an anomalous position and that there might be the possibility of Europeans being placed under Indians, I replied: "Why not? I would be proud to serve under an Indian officer if he were able.

In the Peace Conference India was represented by the Maharajah of Bikanir, Lord Sinha, and Mr. Montagu. The Maharajah is a personal friend of mine, and Lord Sinha is a man of considerable ability and training. He is one of the cleverest men I have met, and I was able to learn much from him on India's problems.

"As a result of the war, there was an emotional feeling throughout the world which did not leave India unaffected. She desires to govern herself. Other Asiatics have been ruling and misruling, and India, after having been under the British for over a hundred years, should be given a large measure of selfgovernment. I have been a party to the Hon. Mr. Montagu's going to India to study the question there, which has resulted in some far-reaching concrete proposals being submitted to the British Parliament. The British are a highly imaginative people, though they do not appear to be so. There was a great feeling in England in favour of India's aspirations. With the improvement of the status of India the position of the Indians in other places will be better.

The Problem in S. Africa.

"Before my return I found that the Asiatic Trading Act had been passed in the union, and that there had been a great deal of irritation among the Indians here, and that the Act had also caused a great deal of feeling in India. But the Union Government has decided to appoint a Commission to go into the whole matter. India will be represented on the Commission to watch over the interests of the Indians, so that no stigma might attach to them.

"Some of you think I look down upon Indians. But that is not so. I look up to them. They come from a very old civilization—much older than ours. They are able to hold their

The Reciprocity Question

Relating the reciprocity resolution in matters of immigration between India and the Dominions (full text of which will be found in the Indian Annual Register, 1919, Part II) Mr. Long and Lord Milner, Colonial Secretary, addressed despatches to the Governments of Canada, Australia, New Zealand, South Africa and Newfoundland. The following are their replies.

South Africa

Sir,—With reference to your despatch (Dominions) 504 of 7th August 1917, I have the honour to inform you that I am advised by my ministers that the subject of reciprocity of treatment between India and self governing dominions received their consideration and was placed in the hands of Mr. Burton for discussion at the recent Imperial War Conference.

I have etc.

Buxton, Governor-General

New Zealand

Wellington 6th November 1918.

Sir, I have the honour to inform you that I did not fail to convey to my minister the substance of your despatch (Dominions) No 476 enclosing the copy of a resolution passed by the Imperial War Conference relating to reciprocity of treatment between India and Dominions and enclosing also a copy of a memorandum on the subject prepared by Sir S. P. Sinha.

I am advised by my ministers to reply that so far as the Government of New Zealand are concerned no administrative or legislative action appears to be necessary to give effect to the articles of agreement approved by the Imperial War Conference on 24th July 1918. Provision already exists for the admission of merchants, tourists and bona fide students of all nationalities, who are unable to pass the education test by the Immigration Restriction Act 198 provided they are in possession of passports issued by their respective Governments.

The Indians domiciled in New Zealand are subject to no disabilities. They have equal rights and privileges in every respect

with Europeans and an Indian domiciled in this Dominion would be entitled to bring in his wife and children if the wife and children were certified by the Government of India or if there were proof of a permanent monogamous marriage

I have, etc.,

Liverpool, Governor General

Canada

Ottawa, 26th March 1919

My Lord.— With reference to the previous correspondence and more particularly to your despatch of the 28th January last on the subject of reciprocity of treatment between India and the self governing dominions I have the honour to transmit herewith copies of an approved minute of the Privy Council for Canada setting forth the views of my responsible advisers

I have, etc

Devonshire.

Certified copy of a report of the Committee of the Privy Council approved by his Excellency the Governor-General.

The Committee of the Privy Council have had before them a report, dated 22nd March 1919 from the acting Secretary of State for internal affairs to whom was referred despatches, dated respectively 7th August 1917, 28th August 1918, 28th January 1919 from the Secretary of State for the Colonies, to Your Excellency on the subject of reciprocity of treatment between India and the self governing dominions, submitting that the memorandum of the India Office, bearing date of 22nd March 1917, which was under consideration by the Imperial War Conference calls attention especially to— 1 The policy of restriction of British East Indian Immigration by almost all the self governing dominions 2 The policy of Canada which places the East Indian, who is a British subject, in a less advantageous position than Japanese and other Asiatics, who do not belong to the Empire 3 The existing regulations of Canada which offer almost insuperable obstacles to the entry of wives and families of British East Indians now domiciled in Canada. 4 The difficulties met with by tourists and other non-emigrant classes in establishing their right to free access to Canada as provided by our law 5 The existing regulations which practically constitute an embargo against the entry of immigrants of the labouring classes The memorandum also suggests the possibility of an agreement between India and the self-governing dominions on the following lines —1. As regards Indians already permanently settled in the

dominions, they should be allowed to bring in wives (subject to the rule of monogamy) and minor children and in other aspects should not be less privileged than Japanese settled immigrants. 2. Future admissions of Indians for labour or settlement should, if possible, be regulated on the lines similar to and not less favourable than those governing the admission of any other Asiatic race. 3. If this is not possible there might be reciprocal treatment between India and each dominion of immigration for purposes of labour or permanent settlement. If a dominion is determined to exclude these two classes of immigration from India, the Indian should be free to do the same as regards that dominion. It would be clearly recognised that exclusion in either case was not motivated by prejudice of race but was the outcome of different economic conditions. 4. Along with such exclusion reciprocal arrangements would be made for granting full facilities for the admission of tourists, students and the like and for business visits entailing temporary residence to Indians as this residence was not for labour purposes or for permanent settlement.

At the request of the representatives of India the subject of reciprocity of treatment between India and the self-governing dominions came up for further consideration at the Imperial War Conference in 1918. At this conference all the self-governing Dominions and India were represented and it was unanimously agreed that (1) it is an inherent function of the Governments of the several communities of the British commonwealth including India that each should enjoy complete control of the composition of its own population by means of restriction on immigration from any of the other communities, (2) British citizens domiciled in any British country including India should be admitted into any other British country for visits for the purpose of pleasure or commerce including temporary residence for the purpose of education. The conditions of such visits should be regulated on the principle of reciprocity as follows —(A) The right of the Government of India is recognised to enact laws which shall have the effect of subjecting British citizens domiciled in any other British country to the same conditions in visiting India as those imposed on Indians desiring to visit such country. (B) Such right to visit of temporary residence shall in each individual case be embodied in a passport or written permit issued by the country of domicile and subject to vise there by an officer appointed by and acting on behalf of the country to be visited, if such country so desire. (C) Such right shall not extend to a visited or temporary residence for labour purpose or to permanent settlement. 3. Indians already permanently domiciled in the other British countries should be allowed to bring in their wives and minor

children on condition (a) that not more than one wife and her children shall be admitted for each such Indian, and (b) that each individual so admitted shall be certified by the Government of India as being the lawful wife or child of such Indian.

The principal movement of East Indians to Canada occurred in 1907-08, the total immigration being under 700. Of this number possibly not more than 1200 now remain in Canada, there having been a heavy exodus to the United States in addition to which quite a number have returned to India. Climatic, industrial and social conditions in Canada have not on the whole been found congenial. Disease has made considerable inroads upon East Indians. Their caste system has seriously interfered with their employment in many walks of life. Notwithstanding the fact that only a small proportion of those who originally emigrated to Canada are now resident here the minister submits that certain modifications of the restrictive provisions of the immigration Act and regulations should be made for the relief of such of our fellow British subjects of the East Indian race as may be affected by the resolution of the Imperial War Conference of 24th July 1918 as above recited. The minister of immigration and colonisation recommends that the declaration unanimously adopted at the Imperial War Conference, 24th July 1918 be approved

Australia

Telegram from the Governor-General of the Commonwealth of Australia to the Council Office, Whitehall

With reference to your despatch of 28th August, reciprocity treatment between India and dominions, my despatch 14th April No 95 conveying decisions, (Government of Commonwealth of Australia, which are chiefly as follows.—(a) Government agrees admission, no passports India merchants, students, tourists with their respective wives. Exemption to continue without necessity for annual application as long as status preserved. (b) Indians domiciled Australia may bring one wife and minor children. (c) Australians visiting India will require to obtain passports. (d) Legislative proposals will be submitted to Parliament to place Indians on equality with other British subjects as regards old age and invalid persons, but admission to Parliamentary franchise not approved at present.

Ferguson,

Governor-General of Australia

My Lord,—With reference to your predecessor's despatch of the 28th August last, Dominions No. 476, transmitting a copy of a

resolution relative to reciprocity of treatment between India and the Dominions passed by Imperial War Conference, together with a copy of a memorandum on the subject by Mr. S. P. Sinha, I have the honour to forward herewith a copy of a communication which has been addressed to me by my active Prime Minister

I have, etc.,
Governor-General

Your Excellency.—With reference to the Secretary of State's letter of the 28th August 1918, Dominion No 476, I desire to inform Your Excellency that the documents transmitted have been considered and Ministers have had the advantage also of perusing the report of the conference dealing fully with question of reciprocity of treatment between India and the Dominions. As far as Australia is concerned the position is that in 1904 the Commonwealth Government agreed to permit the admission of Indian merchants, students or tourists with their wife on passports for a period of one year, the question of subsequent stay to be considered on application. In view of the resolution and with the desire to give full effect to the spirit which animated the Conference, the Government is now prepared to extend the former arrangement so as to permit Indian merchants, students and tourists to be admitted to Australia on passports and to remain here indefinitely without the need for further application so long as they preserve the capacity in respect of which the passport was issued. In order that there may be no doubt as to the meaning which this Government attaches to the term 'Merchant', it is desired that the Indian Government should understand that the Commonwealth Government does not consider that the term "Merchant" includes retail spookeepers as such or hawkers, and that its application is confined to persons engaged in the wholesale overseas trade between India and Australia. It is further agreed that Indians already here permanently domiciled in the country may bring in a wife and minor children. It will be necessary in the first place for persons desiring to take advantage of the arrangement to apply to the Commonwealth Government in order that their status may be ascertained, and it will be further necessary that the Indian Government should issue a certificate that the persons proposed to be admitted are the wives and children of the respective applicants. The departure from Australia for India of any persons will not be permitted unless they are in possession of passports issued or vised by the Commonwealth Government. No passports or visas will be given to persons if they are of such classes as would be objected to by the Government of India in the light of the agreement reached at the conference it is understood that the claims of Indians to enter

Australia for the purpose of labour or permanent settlement are not pressed. It appears from the memorandum that Indians will be satisfied if they receive treatment not less favourable than that accorded to other Asiatic people who are not subjects of the British Empire. As Australia does not discriminate against Indians in favour of any other Asiatics it is thought that the position should be regarded as satisfactory. The main points of internal Australian administration which create differentiation between Indians and Australian born persons or white British subjects appear to be two—(1) Exclusion from the Parliamentary franchise, and (2) exclusion from the privileges of the old age invalid pension law. The Commonwealth Government after giving the matter full consideration regrets that it cannot see its way at present to admit Indians to the Parliamentary franchise but in regard to the old age and invalid pension legislative proposal will be submitted as soon as possible to place Indians on an equality with other British subjects. I shall be pleased if Your Excellency will ask the Secretary of State to bring this communication under the notice of the Government of India with an assurance of the sincere desire of this Government to work in most complete harmony with them in regard to all matters arising out of the agreement reached at the Imperial Conference.

Indians in the British Colonies.

Indian Emigrants in the British Colonies are distributed approximately as follows

Trinidad	117 Thousand
British Guiana	130 ..
Mauritius	260 ..
South Africa	150 ..
Fiji	45 ..
Jamaica	20 ..
Canada, E. Africa Australia ...	5,000 and below

The reason why they have emigrated is that the plantations of British Colonists held forth very attractive prospects for Indian labourers and artisans, and backed by the Indian Government and by their connivance, secured indentured Indians in large numbers to work for them in the Colonies. The present prosperity of the Colonies is the handiwork of the Indian emigrant. But like so

many other British "promises" to Indians, once their objects were attained the colonists treated the indentures as 'scraps of paper' and the Indians worse than slaves. Attention was first drawn to the conditions of these men from the appalling number of suicides, prosecutions on paltry charges for breach of labour laws enacted in favour of employees, and the inhuman indecencies committed upon the women-folk. In 1910 the late Mr. Gokhale raised the question in the Imperial Council and pressed Government for accepting a resolution to stop further indentured emigration to Natal. Two years after Government refused to accept his further motion to end the indenture system altogether. Then while the infamous recruiting agents flourished openly with their trade and continued to decoy young able bodied men and women, and several cases of high caste respectable young women being carried away for the benefit of Colonial sahibs came to light, the indenture became more and more a system of glorified slavery, and worse still it humiliated India in the eyes of the whole world as the only country which accepted the basest helotry for a mess of pottage.

Early in the present decade feelings ran high in India and the situation assumed proportions of being a world-scandal. Mahatma Gandhi started the famous passive resistance movement in Natal, and helped by his wife and a few British friends, notable amongst whom was Mr. Polak, he broke the tyrannical laws against the Indian settlers and led thousands of his countrymen to do the same. After untold sufferings of indignities and incarcerations along with his noble wife and followers Gandhi at last succeeded in creating an impasse. His heroic conduct and the essentially spiritual leadership of his band of passive resisters at last drew the attention of the whole world and hastily a settlement was patched up in 1914, now famous as the Smuts-Gandhi agreement (q.v.). At the present moment Indians are again witnessing one of those periodic instances of "broken pledges" which so characterise the political conduct of the West.

Later on the Rev. C. F. Andrews and Mr. W. Pearson on the request of Indians paid a visit to Fiji and recounted one of the most harrowing tales of misery and shame. The worst degradation, the grossest immorality, that a human being can be dragged into, was being practised and encouraged. Lord Harding, one of India's most cherished Viceroys, took the matter up and it was he who strenuously fought for securing justice and decency to the Indian emigrant. In 1912 a Commission was appointed to enquire and report on the matter. Lord Hardinge secured abolition of imprisonment for labour offences and minor other ameliorations. His work was taken

up by the present Viceroy, Lord Chelmsford, who on September 5th, 1916 declared in the Imperial Council that Government was contemplating control of Immigration to the Colonies and to devise means to secure for the emigrants free and voluntary engagements. Mr. Andrews' accounts however came pouring in and such was the agitation raised over the affair that though preoccupied with the War Government prohibited all emigration from India as a War measure, on account of shortage of labour caused by 6 millions of death from Influenza. and though this prohibition was only an executive order and not a law of the land, assurances were subsequently given that the system would never be revised. We have yet to see if this promise fares the fate of other numerous promises of the like nature. Early this year (1920) a deputation arrived from Uganda to seek the help of the Indian Government in recruiting Indian labour for that Colony though here in India industries are being strangled for shortage of labour. In regard to Fiji the Viceroy made the following announcement on 24 November 1919 "The Secretary of State for the Colonies has agreed to the cancellation of indentures on all estates on which the principal reforms recommended by Mr Andrews have not been carried out on the 1st January 1920, but I am not satisfied with this, and I have asked the Sec of State to ascertain what would be the cost of commuting the remaining indentures and freeing every Indian Labourer in Fiji on the 1st. of January next."

Administration of Martial Law in the Punjab.

On the 6th of August 1919, in the House of Lords, Earl Russel called attention to the administration of Martial Law in the Punjab, with special reference to the sentence passed upon Mr. Harkissen Lal. The following is the speech delivered by Earl Russel in putting the question and the statements that followed

Earl Russel's Speech

My Lords, serious events have been taking place in India to which it is well that public opinion should be directed, particularly as they have been, I think, somewhat inadequately reported in the Press of this country. I refer to the various trials by Courts Martial which have been taking place in that country. There have been charges made against the accused of a serious character, and severe sentences have been passed upon them, including in many cases, I think I am right in saying, the death penalty. I should like to-day to make my remarks rather of an explanatory nature for the purpose of ascertaining what the facts are and what has happened, as I think not very much is known about them as yet, and it may be necessary to recur to the matter later in the session when we have more information before us. I would like to ask if I can be told to-day how many persons have been sentenced to death by Courts-Martial, in how many cases that sentence has been carried out, and whether in all cases the accused have had an opportunity of appeal to the Privy Council before the execution of sentence.

In putting this Question I ought to apologise personally to the noble Lord who, I understand, is to reply, that I did not communicate with him more in detail beforehand, but that was solely due to my absence from London and not to any desire to embarrass him in any way in dealing with the matter. I have very little information except with regard to one case, the case of Harkissen Lal, and with regard to that I should like to put to the noble Lord the information which has been given to me and to ask him how far it agrees with his version of what has happened. We want to consider in this matter, when we have all the facts before us, whether the action that has been taken amounts to a necessary, although severe, repression of sedition and treason, or

whether it amounts to a mere exhibition of autocratic power which has not been justified by the circumstances !

In this particular case I think I am right in saying the sentence has been one of transportation for life and the offence, so I am given to understand, was that of advising people in Lahore to close their shops. If that be true it would naturally occur to all of us that there was some disproportion between the offence and the sentence. This gentleman is a barrister-at-law of the Middle Temple. I do not say that that, in itself, is sufficient to raise a presumption. Had he been a member of Gray's Inn it might have been otherwise. He resided at Lahore and is, I am told, about fifty years of age, carrying on the business of a banker. The agitators in India, I am informed, prepared a day of humiliation, as a protest against the Rowlatt Acts, for observance by the native population, and originally appointed March 30. Although some manifestations took place on that day, the date was generally postponed to April 6, when a day of humiliation was observed at Lahore at Harkissen Lal's instigation. He issued a notice in the local papers recommending among other things the closing of shops. I do not know what the other things were. I do not know whether anything worse or more violent than the closing of shops was recommended but there is no suggestion that it was. It appears that it is solely as a result of his action on this day, his responsibility for the holding of the day of humiliation at Lahore and, in particular, for the closing of the shops, that he now stands charged with sedition.

The legal circumstances connected with this case appear to me to want some explanation. According to my information it was not until April 13 that Martial Law was declared in the Punjab, this offence, if this was the offence, having been committed, your Lordships will remember, on April 6. The effect of the declaration of Martial Law was to bring into operation Bengal Regulation No. 10 of 1804. Some very old Regulation of a penal nature is apparently revived by the declaration of Martial Law. The effect of the declaration is to suspend the function of the ordinary Criminal Courts of Judicature, and the Governor-General is empowered to direct the immediate trial by courts-martial of persons owing allegiance to the British Government. Then, on the day following that declaration, the Governor-General in Legislative Council promulgated Ordinance No. 1 of 1919, giving power to the Local Government to appoint Commissions to try persons charged with offences under Bengal Regulation No. 1, and to exercise all the powers of General Court Martial under the Indian Army Act. The Ordinance made provision for the trial

of all persons charged with offences referred to in the Bengal Regulation, dated after April 13, while the Ordinance itself is made to come into force between May 15 and 16. On April 14 Harkissen Lal was arrested, and he was deported to a place which I pronounce with some fear, Isakhel, on the North West Frontier of the Punjab, outside the Martial Law area, where he was given his liberty. On April 21 a further Ordinance was promulgated empowering the Commission under Ordinance No. 1 to try any persons charged with any offence. After that Ordinance had been issued Harkissen Lal was arrested on May 8 where he was, outside the area of Martial Law, and brought back to Lahore to stand trial for an offence against Regulation No. 1. He had great difficulty in getting a pleader to act for him. The Military authority prevented any pleader he wanted from entering into the Martial Law area. At the time these facts were communicated to me there were grave doubts as to when he would be tried or for what he would be tried. Telegrams were sent which no doubt the noble Lord received at the India Office, and by the way, a complaint is made that a telegram sent to Messrs. Barrow, Rogers and Nevil, who would have acted for him in this country, was intercepted or stopped by the Censorship. I should be very glad to know if telegrams were sent and were stopped; they certainly were not received. These gentlemen wrote to the Secretary of State, and I think I am right in saying that they interviewed the noble Lord who is to reply. They were told about the telegram to the Secretary of State. More information has been obtained from a copy of the "Leader" of May 26, which published 'in extenso' these cables. Harkissen Lal was apparently to be tried at this date, and has been tried since. He was charged with a long set of offences which I will read to your Lordship in a moment—treason and sedition and matters of that kind. He was charged before the Martial Law Commission for conspiracy, waging war, sedition and "membership of an unlawful assembly." I know nothing about these but I ask whether the charge of conspiracy and waging war does really refer only to the action in recommending a day of humiliation, or whether it refers to something further. Perhaps the noble Lord will inform your Lordships on the point.

Your Lordships will also notice that he has apparently been tried under an Ordinance which was made retrospective, for doing something which was not an offence, or if an offence, was not triable by Court-Martial at the time the offence was committed, and could not have been tried by Court-Martial except by virtue of the retrospective Ordinance made afterwards. I should be glad

if the noble Lord will deal generally with the offences alleged against the various leaders of the revolt as they are regarded, and if at the same time some official statement could be made, because apparently news is not very fully published in this country on these matters. I should like to ask in this connection, whether Press cables on these matters are censored. In setting out in any official statement the offences of these gentlemen I think it should be stated for public information not merely that the charge is sedition, conspiracy, or waging war, but that the specific acts which it is alleged they have committed should also be stated. To wage war sounds a very serious charge, but if it is merely recommending shopkeepers to close their shops it sounds a very different thing. It would be well if the specific acts were given in any statement published by the India Office. It is desirable that some official statement should be issued, because there were many trials and severe sentences and I am convinced the public would like to be satisfied that injustice has not been done, that people have had a fair trial, that the sentences have not been disproportionate to the offence, and that the offences have been real offences of which the Government were bound to take notice.

Lord Sydenham said :—

My Lords, before the noble Lord replies I should like to draw attention to one aspect of the matter to which the noble Earl has not referred. If he had realised the situation in the Punjab, I think perhaps, he might have been less ready to assume that injustice had been done. I am sure that is not in the least his fault, but it is the fault of the reticence which we have observed in regard to matters affecting India—a reticence which, I believe, will lead to some extremely unpleasant surprises on the part of the public.

The rising in the Punjab was unlike anything which has happened since the Mutiny. It is the first time since those dark days that the cry "Kill the English" was raised. It is also the first time that mobs have been led by English-speaking Indians dressed in European dress. I am told from a private source that an English woman belonging to the British Zenana Mission was caught by the mob and received six great wounds on her head. She was nearly killed. A kindly Indian said, "She is only an English Mission Miss, and she does no harm", but the mob shouted, "She is English, kill her". That was the kind of spirit which animated the mobs in Delhi, Amritsar, Lahore, and other places. The unfortunate woman just escaped with her life, and she owes her life to the gallant Sikhs who saved a good many of our helpless fellow countrymen and countrywomen.

But for the strong action of Sir Michael O'Dower there might have been no Europeans left in the Punjab, and the situation might have become desperate. We ought to remember that fact in assuming at once that injustice has been done to some of the people concerned. We ought to remember that the sentences, if they were somewhat severe, may have been justified by the great gravity of the situation at the time. The noble Earl does not seem to know that this was part of a well organised revolt just as has happened in Egypt. As to the closing of the shops, to which the noble Earl referred, I do not know whether he is aware that in India this is always a signal for riot. *When shops are ordered to be closed you know riot is at hand*. Therefore, while I am sure that every member of your Lordships' House would be most anxious that no injustice should be done I ask you to remember that the situation was very critical, and if it had not been grasped by a strong hand a large number of our countrymen and countrywomen would have been killed.

Lord Sinha's Reply.—

The Under Secretary to State for India (Lord Sinha) said. My Lords, I regret that owing to the absence of the noble Earl (Lord Russel) from town he was not able to communicate with me and tell me what were the precise points upon which he desired information, with the result that some of the points put to me to-day I cannot answer, because I have no information with regard to them, but so far as I can, I shall endeavour to give what I consider to be a connected narrative of the events which resulted in these convictions including that of Mr. Harkissen Lal and other gentlemen mentioned. Before I go into that I shall like to say that, in common with all the sentences passed by the Courts Martial or Special Commissions of Courts Martial, Mr. Harkissen Lal's case has been reviewed by the Local Government, and we received a cable yesterday saying that the sentence, which seemed so severe to the noble Earl, of transportation for life and forfeiture of property, has been remitted entirely with regard to forfeiture, and with regard to transportation commuted to two years' rigorous imprisonment.

Before I pass on I should like also to mention that the offence with which he was charged, amongst others, was, under Section 121A of the Indian Penal Code of waging war against His Majesty, and that the only punishment provided by the law is sentence of death, or transportation for life, accompanied in either case with forfeiture of property, and that no other sentence can be awarded if the accused is found guilty of the offence with which he is charged. As I have said before, all these sentences by Courts

Martial and Special Commission are being reviewed from the very beginning by the Local Government, and in this particular case our information received yesterday is that the sentence has been commuted to two years' rigorous imprisonment, and the forfeiture has in this case, as in all other cases, been remitted. I should like also to make an observation with reference to what fell from the noble Lord, Lord Sydenham, about the closing of shops being a signal for revolt. I do not know that, nor is there any information in the possession of the India Office or of the Secretary of State for India, which would enable me to say that it is a correct statement.

Now, my Lords, I can best supply the information which the noble Earl desires by giving as short a narrative as I can, in a connected form, of the events which have resulted in these and other convictions. If I omit to give any information which the noble Earl desires, I shall be glad to give it to him on his communicating with me. The Anarchical and Revolutionary Crimes Act (commonly called the Rowlatt Act) was passed by the Legislative Council of India on March 18, 1919, in spite of the opposition of the non-official members thereof, and it was preceded as well as followed by a widespread agitation in all parts of India, including the Punjab. A determined agitation, as well as resort to passive resistance, was threatened before the measure was actually passed, and became more active afterwards. It followed a double line of action—namely, direct criticism of the Act by means of public speeches and actions, and the initiation of the movement of passive resistance by a vow of 'Satyagraha' (observance of truth). This latter movement in particular, to which an influential leader of Indian public opinion, Mr. Gandhi, gave his support and countenance, was ushered in by demonstrations of the observance of a day of fasting and the closing of shops and places of business.

On March 30, the day originally fixed as the day of fasting, many shops were closed in Delhi in sympathy with the movement, but the efforts of the crowd to impose abstinence upon the Railway refreshment contractor at the Delhi Railway Station, caused the first collision with the police. The disturbances of that day were quelled in fact with the help of the military, and so far as can be ascertained some five or six persons amongst the rioters were killed, and fifteen or sixteen others wounded. Thereafter the promoters of the Satyagraha arranged that the 6th of April should be observed throughout India as a day of humiliation, the design being to cause the complete cessation of work as a sign of a protest against the obnoxious measure. On April 6 many places of business and shops were closed in various parts of India,

including the Punjab. On April 9 Mr. Gandhi, who was on his way to Delhi, was turned back to his own Province—namely, Bombay—as it was considered undesirable for him to visit the Provinces of Delhi and the Punjab, which were in a state of excitement.

On April 10 slight disturbances took place at Lahore, at which the police were called in, and a few casualties occurred. Thereafter disturbances more or less serious followed in various parts of India—for example Bombay, Calcutta, and Ahmedabad etc.—but the outbreak in the Punjab was more determined and prolonged, and it may be useful to state in chronological order the events which occurred in the Punjab from April 10 onwards, and which may be directly attributed to the movements above described. Of course, with regard to disturbances of this kind no single cause can be said to be the actual cause, and there must be many more direct and indirect causes and predisposing causes. On April 10 there was serious rioting at Amritsar (Punjab) after the removal by executive order of two prominent organisers of the agitation against the Rowlatt Act—namely, Dr. Kitchlew (Mahomedan) and Mr. Satya Pal (Hindu). The Town Hall and the National and the Chartered Banks were burnt down. Five Europeans were killed, and there were about thirty deaths among the rioters. On the 12th at Kasur the Post Office and the Munsiff's Court were burnt, the Treasury was attacked, and two British warrant officers were murdered, and three other officers severely wounded. By this time the Government of India had good reason to believe that the Punjab disturbances were not a sporadic outburst of riots but amounted to organised risings with definite anti-Government and still more definite anti-British bias, and although co-ordination between different places was indifferent, simultaneous outting of railway and telegraph lines at widely different places and deliberate destruction of Government property and attacks upon and burning of public buildings, pointed to some common purpose. Several Europeans had been brutally murdered, and the lives of Europeans in isolated stations were in great peril.

In these circumstances the Government of India at the instance of the Local Government (Punjab), sanctioned on April 13 last the application of the State Offences Regulation X of 1804 to the Districts of Lahore and Amritsar; or, in other words, declared Martial Law in the said districts, subject to the following modifications. First, the maintenance of ordinary Courts for ordinary offences. Notwithstanding the declaration of Martial Law in those areas the ordinary Courts were still sitting and

dealing with ordinary offences. Secondly, the appointment of Special Commissioners composed of men of ripe experience and judicial knowledge instead of the Courts-Martial which would otherwise have tried offences under Martial Law. These Special Commissions were composed in each instance of two Judges of experience and one Indian magistrate, so that technically a Special Commission was more or less of the character of a special tribunal of great experience.

Earl Russel : Do I understand that the effect of Regulation No. I (1919) was to substitute the Special Commissions for an ordinary Court-Martial?

Lord Sinha. That is so. To resume the narrative of events in the Punjab. On April 14th troubles spread to Gujranwala, where a large mob attacked the station and burnt the overbridge, destroying subsequently the church, Dak bungalow, and other Government property. It stopped and looted a passenger train and cut the wires on every side. From the 15th to the 18th riots of a similar nature took place at Wazirabad, Sangla Hill, Lyallpore, Chuhurkhana, and in Gujrat on the 19th where the railway station was sacked, records burnt, and telegraphs destroyed all along the line. Martial Law was extended to Gujranwala District on the 16th, to Gujrat on the 20th, and to Lyallpore on April 23. The proclamation of Martial Law had a beneficial effect, and the outbreak and outrages ceased soon afterwards.

I have shown already that Martial Law was proclaimed in only five districts—Lahore, Amritsar, Gujranwala, Gujrat and Lyallpore. It was abrogated in Gujrat District and most rural areas on May 28. On June 9 it was discontinued everywhere except the railways and Lahore and on June 11 it was discontinued at Lahore.

The information which the noble Earl wanted with regard to the Regulation of 1804 is this. It was an ancient law revived for a particular purpose. The impression which the noble Earl had with regard to it is hardly correct. The Regulation of 1804 merely empowers the Governor-General in Council to declare Martial Law when there is open rebellion or insurrection. That power exists by virtue of that Regulation, and was revived by legislation of the ordinary kind in 1872. That regulation therefore means nothing more than this, that when there is insurrection or rebellion in any part of India it is competent to the Governor-General to declare Martial Law over these areas, and to continue it so long as the insurrection or rebellion exists.

I will deal next with the tribunals which administered the law during the time that Martial Law was in operation. They were of the following kind. First, there was the Special Commission, to which I referred just now, composed of two experienced Judges and one Indian magistrate which dealt with offences under Regulation 10 of 1804—that is to say, offences committed by peoples who had been taken, so to speak, “*flagranti delicto*.” Later on, by another Regulation which the noble Earl mentioned, all other offences of a serious nature which the Local Government directed them to try or committed to them for the purpose of trying, were dealt with by them. That is the highest kind of tribunal that existed during this time. Then there were Courts-Martial which summarily disposed of offences against Martial Law—for example, Orders issued by the General Officer Commanding, Curfew Orders ordering people not to go out at night after a certain time, Orders controlling the price of commodities such as foodstuffs, Orders to open shops and so on. These were minor offences—breaches of rules and regulations made by the military authorities—and were punished by Regulations made by them which also defined the penalties. The offences were summarily tried and are in any case not punishable with higher punishments than two years’ imprisonment. There were also in operation the ordinary Criminal Courts which dealt with ordinary offences as well as offences arising under these disturbances. Just as Martial Law has been altogether abrogated in the whole of the area since June, so all Martial Law tribunals have now been dissolved, and there is only one tribunal under the Defence of India Act still sitting and it has one or two more cases to try.

I will now give your Lordships the number of persons convicted by these different tribunals, the nature of the sentences, and what has been done by way of commutation. The most serious cases were all tried by the special Commissions. They tried 852 persons altogether, and 582 of them were convicted and 270 were acquitted. Offences against Martial Law Orders disposed of summarily, so far as figures are available up to now, were altogether 1,500 cases. These were disposed of either by the summary Courts-Martial or by the ordinary Courts. I have already mentioned in connection with the sentences inflicted that it must be borne in mind that the Special Commissions only tried cases of the most serious nature in which people were charged either with waging war, or with sedition, or with something of that kind and under the law most of the offences were punishable, without alternative, either with death or with transportation for life. But sentences have from the beginning been subject to revision by the Local Government and

the Government of India. Reductions in commutations have been decided on by the Local Government, and in nearly 500 cases large reductions have been granted. Apart from the above, all sentences by forfeiture are without exception being remitted by the Local Government.

Earl Russell : I do not know if the noble Lord gave the sentences actually imposed in the first instance : I do not think I caught them.

Lord Sinha : I have mentioned the number of persons convicted. With regard to the sentences, I have not yet given the details.

Earl Russell : Having got the number convicted, I wanted to know what the original sentences were in those cases.

Lord Sinha : The original sentences were, in 108 cases the death sentence. Of these, 18 have been executed, not having appealed ; 28 out of the 108 have been reduced to transportation for life, 23 to imprisonment for 10 years, 13 to imprisonment for 7 years, 21 to shorter terms of imprisonment, and there are 5 cases now to be dealt with by the Privy Council. The rest of the cases are also pending, inasmuch as the same point that had arisen in the case now under appeal also arises in them. But out of the 108 sentences awarded, only 18 were executed and, as the Government of India informed us, the principle upon which the commutations have been granted is this—whenever there has been no factor of actual murder they have commuted the capital sentences either to imprisonment or transportation. As regards convictions by the inferior Summary Courts, there are about 1,500. They are being separately reviewed case by case by the local Governments which will doubtless grant reduction on generous scale as they have done in the other cases.

With regard to the specific case of Mr. Harkissen Lal and those who were tried with him, I have already said that the offence with regard to which they were charged and of which they have been found guilty by the Special Commission, composed as I have already stated, was an offence under Section 121 A—namely, of waging war, for conspiracy to wage war. The only sentence possible for the Court to award was that which it did award, namely transportation for life and forfeiture. That has been commuted. These cases are now under appeal to the Privy Council, and therefore I consider that it would not be right and proper for me to deal with the facts of the case, or to deal with the question how far the facts of the case justified the verdict of the Court which tried them. Nor I have got the judgments with me even to place the findings “in extenso” before

your Lordships. But from the short telegraphic summary that we have received in the India Office I can only say that it is stated that the findings of the Commissions are that the mob was incited to violence by their inflammatory speeches and that in effect they were the chief local organisers of the risings—not that they had been convicted, as the noble Earl's information seemed to suggest, of waging war because they advised people to close shops. However that may be, their sentences have been reviewed and revised by the local Government, and reduced, as I have already said, in Mr Harkissen Lal's case to two years' rigorous imprisonment and to other terms of imprisonment for the others who were accused with him and convicted with him.

Having regard to what has fallen from the noble Earl, as well as from Lord Sydenham, I should like to repeat what the Secretary of State said with the concurrence of the Viceroy in another place (H. of C) on May 22 last—namely, that you cannot have disturbances of this kind and of this magnitude without an inquiry into the causes and into the measures taken to cope with these disturbances. In circumstances of this kind the immediate and paramount duty (I think your Lordships will agree with me) of the Government of India was to protect life and to restore order, and at the same time it must use, as it was bound to use, the exceptional powers at its disposal only so far as was necessary for the immediate purpose, actions necessarily prompt, probably hasty, have to be reviewed and revised when order has once more been restored with a view to ensuring the confidence of the well disposed that the action had been adequate and not merciless, sufficient but not excessive. The time has now arrived for this stage, and the Secretary of State and the Viceroy have been in constant communication by cable and have every hope that a definite announcement with regard to the promised inquiry will be duly made and within a short time.

Earl Russell The noble Earl has not answered one point. Is there any censorship of free communication by Press cables between India and this country at the present time?

Lord Sinha I am afraid I am not able to answer that to-day.

Lord Sinha Snubbing Sydenham.

Lord Amthill I am loth to intrude with a trivial criticism while a subject so grave as this is being discussed, but there is one thing I should like to ask the noble Lord who sought to inflict a severe snub on Lord Sydenham by flatly contradicting his statement that the closing of shops was the signal for revolt. He went further and said there was no information in the India Office which would confirm that opinion. How on earth did the

noble Lord, the Under-Secretary, know that my noble friend was going to make that particular statement, and how in the brief period, less than two minutes, which elapsed between his remarks and the Under-Secretary's reply was it possible for him to make a search in the archives of the India Office which would justify so sweeping a statement as that? Unless the noble Lord has got gift of second sight I cannot imagine any thing that could have justified a statement of that kind. There are many things in India which are well known to those who have been there for which, I daresay, it would not be possible to find documentary evidence in the India Office, and the fact that my noble friend has not seen anything in the India Office to confirm his view is no proof that such a thing does not exist in India.

Lord Sinha. I must have made myself very much misunderstood if the noble Lord thought that I was administering a snub to Lord Sydenham when I made that statement. All I meant to say was this that, so far as I was concerned, I had no knowledge that it was a fact that the closing of shops was a signal of revolt. I have never heard it, I have never read it. I have not seen it stated either by any person or in any book. I will also say this, that in connection with these disturbances and with the reports made from the Government of India Office with which I have endeavoured to make myself familiar, I have not come across any statement to that effect by any person of authority or otherwise. And therefore, if I may humbly venture to say so, it would not require any foresight on my part to know, or any second sight on my part to be able to anticipate, the statement which was going to be made by the noble Lord when he said that was his impression—because I take it it is nothing more than that, for the noble Lord did not himself say that to his knowledge the closing of shops was a signal for revolt. It must be something which he has heard or read, and all I intended to say was that my knowledge and my information did not support that, and so far as the reports in connection with these disturbances are concerned, all of which I have read, there is nothing to support the idea that the closing of shops was a signal for revolt. On the contrary, the reports show that the closing of shops was nothing more than a protest against the passing of an obnoxious legislation.

Lord Sydenham. May I correct the noble Lord on one point. I did not say the closing of shops was a signal for "revolt", I said for "riot," which is a very different matter. In the Punjab it was revolt, but in Bombay we know perfectly well, if there is going to be a riot, by the fact that the shops are being closed.

Lord Sinha. I mis-heard the noble Lord, and that is why I said that that was not the information.

Punjab Affairs in England

December 1919

At the time of Lord Russell's enquiry in the Lords on August 6, 1919 *re* the administration of Martial Law in the Punjab, little was known of General Dyer's exploits at Amritsar, both in India and England. The appalling atrocities committed by British Public Servants of the Punjab on the Punjabees themselves during the Martial Law regime of that Hero (Nero?) of Punjab, Sir Michael O'Dowyer, were kept a sealed book quite for a considerable period till the apocalyptic braggadocio of General Dyer before the Hunter Committee. Only news which aggravated the situation and gave colour to the fanciful "rebellion" in the Punjab were allowed to filter through during this period and all else was taboo. Freedom of movement, freedom of speech and action, freedom of the Press, was ruthlessly suppressed, and Jhallianwala swallowed her tears in silence. Of the horrible barbarities committed, not by a frenzied mob, but by the King's trusted servants on his innocent subjects (helpless Indian subjects), none knew anything. The Secretary of State and the India Office was silent, the Government of India was silent, the Punjab administration, backing the whole game, was silent, and silently hundreds of veteran war-weary distracted Punjabees were brutally crushed to death, hundreds dragooned into crawling serpent-fashion on the streets, into salaaming Britishers and other nameless barbarities—and all India awaiting the while in breathless suspense of the unknown.

With the exit from the arena of the great Hero (O'Dowyer) enquiries were set on foot. The Seva Samity of Lahore and the Congress Enquiry Committee began collecting accounts and lastly came the Hunter Committee. General Dyer gave before it on the 19th Nov. and it was then that the world knew of the Amritsar tribulations. A cry of horror rose from end to end of India, and since then matters have taken an altogether new turn. News reached England early in December last and straight it roused a chorus of disclaimer from the British Press, and in the House of Commons Mr. Secretary Montagu was cornered with questions. The following pages will give some idea of the depth of feeling raised in England.

Extracts from the Times on the Amritsar Massacre.

A profound impression has been made in this country by the arrival of Indian newspapers containing reports of the evidence given before the Committee, presided over by Lord Hunter, which is now inquiring into the rebellious disorders in India last April. It was vaguely known that very severe measures were taken at Amritsar, the religious capital of the Sikhs and the scene of the worst outbreaks. Our correspondent at Simla telegraphed at the time that at Amritsar "the troops dispersed the rioters on Sunday with very heavy casualties." It was certainly not known that an **unarmed gathering** which had met, in defiance of a military proclamation, in an enclosed space at Amritsar, have been fired upon without any immediate warning, and that 400 had been killed. The public are shocked, not only by the occurrence itself, but also because this disclosure has only been made in Great Britain nine months after the event occurred. The broad facts about the risings in India are common knowledge. Subject to any conclusions which may be reached by Lord Hunter's Committee, the general impression is that they were deliberate and organized, and were revolutionary in character. Lord Chelmsford, the Viceroy, used the words "open rebellion," and the circumstances appear to confirm his verdict. The outbreaks occurred at widely separate points. In the Bombay Presidency, a telegraph office and a cotton mill were burned at Ahmedabad, where a police officer was murdered while a definite attempt was made to seize the important railway junction of Viramgam, at which place an Indian official was killed and burned. There were menacing disturbances in Bombay and Calcutta. Numerous attempts at train-wrecking were made, and the telegraph wires were systematically cut. At Delhi a mob tried to sack the railway station, and was fired upon, and at Lahore a crowd which tried to march to the European quarter was similarly repulsed. Gujranwala railway station was burned, and in an attack on Kasur station a British soldier was killed. The concentration upon railway stations is one of the chief circumstantial proofs that the outbreak was planned by clever brains; but it is also necessary to state that the greater part of India was entirely unaffected by these disturbances. Many explanations of their origin have been offered. Their principal ostensible cause was the opposition offered to the Rowlatt Act, a measure passed in conformity with the recommendations of Mr. Justice Rowlatt's Committee on Revolutionary Conspiracies in India. Our own view has always been that the Rowlatt Act and other alleged grievances were used as a pretext. We said at the time, and continue to believe, that the object of the movement was

to render British rule impossible; that they had inflamed the ignorant populace with wild stories; that the tentacles of the conspiracy extended far beyond India; and that (as has since been fully proved) the secret leaders were in touch with the Russian Bolshevik movement.

It is necessary to restate these facts in order that the public may understand the atmosphere in which the deplorable massacre at Amritsar occurred. Parts of Punjab were aflame with rebellion, and many unprovoked acts of violence had been committed by Indian mobs. The worst of these were wrought at Amritsar, which was seething with sedition, fanned steadily by inflammatory speeches. On the morning of April 10, two prominent Amritsar agitators, Dr. Kitchlu and Mr. Satya Pal, were arrested and expelled. At that time, as the evidence shows, the story had been spread in the Amritsar district that British rule was at an end and villagers eager for loot had flocked into the city. An hour or so after the expulsions a number of mobs, said to have been largely composed of "hooligans," got out of hand and practically took possession of the place. They sacked the local branch of the National Bank of India, looting property worth about £80,000, and killing the British manager and his accountant, whose bodies were soaked in kerosene and burned, together with the bank premises. They killed the British manager of the Alliance Bank; burned the Town Hall and other buildings, assaulted a British lady missionary and left her for dead; killed a British guard at the railway station and tried to tear up the rails. There was only a handful of troops in Amritsar on this day and at one point they fired on a mob, killing eight people. On April 11 the city remained in the hands of the rioters, and there was one encounter in which a few were wounded. Troops numbering 300, of whom 100 were British, arrived during the day and late at night Brigadier-General Dyer, then commanding at Jullundur, arrived by motor-car and took over control from the civil authorities. During April 12 there were no collisions, but the city was still in the possession of lawless persons. On the morning of the 13th April General Dyer marched through the city with a small column, and caused a proclamation to be read at eighteen different points. The proclamation, according to Mr. Miles Irving, the senior civil officer on the spot, was to the effect that "no meetings would be allowed, and if any meetings were held they were liable to be fired upon straightaway." In the afternoon General Dyer heard that a meeting was being held at Jallianwalla Bagh, an enclosed garden with narrow entrances. He marched there with "twenty-five British rifles, twenty-five Indian (Beluchi) rifles, forty Gurkhas armed with kukris (short-curved swords) and two armoured cars." The cars could

not enter the garden, but General Dyer took his rifle men inside and opened fire "in thirty seconds." He fired 1,650 rounds, all the ammunition he had. There were at least 5,000 people present, possibly many more, and the result was a massacre. The exact number of killed is believed to have been 415, and General Dyer thought that probably three times that number must have been wounded.

We do not propose to offer any final opinion upon General Dyer's action until the conclusions of Lord Hunter's Committee are made known, but his evidence cannot be published without comment. On his own showing, his conduct appears to us to be indefensible, and its worst feature was that he did not stop firing when the crowd instantly began to disperse. Mr Yusuf Khan, a resident of Amritsar, and one of the oldest members of the Punjab Legislative Council, told the Committee that in his opinion General Dyer's action was justified; that something had to be done to quell the disturbances, that sooner or later "drastic action" would have been necessary, and that in fact the shooting in the garden quelled the rising. We have little doubt that it did, but we cannot accept all the views of Mr. Yusuf Khan, and various statements made by General Dyer to the Committee suggest that he held an excessive and unwarrantable conception both of his own powers and of the steps necessary to restore order. It is true that he faced several thousand people with only fifty rifles, but the crowd was unarmed, and was given no chance of departing quietly. On the question of the wounded, who were left untended, there may be some foundation for General Dyer's contention that his force was "not in a position to render medical aid." The order that Indians were to crawl through the street where Miss Sherwood was attacked strikes us as ridiculous. It was indeed quickly revoked by some higher authority. Sir Michael O'Dwyer, then Lieutenant-Governor of the Punjab, sent a telegram approving of General Dyer's action, but we must assume for the present that he did so on insufficient knowledge. The Army Headquarters in India gave the General command of another brigade at Kohat, which does not look like censure. For the rest, we must await for fuller information, for it is quite clear that we know far too little about what happened in India last April. In the meantime it is necessary to inquire very urgently why Mr. Montagu and Lord Chelmsford, in their public statements and in the summaries issued to the Press, never made any allusion to what happened in this Amritsar garden. Not by any means for the first time, there appears to have been **studious concealment of relevant facts**; but perhaps Mr. Montagu was not permitted to know the whole truth, because on May 29, and again on October 30, he made statements in the House of Commons at variance with the number of casualties

now acknowledged. We may add that it is extremely unfortunate that the Government of India have permitted the National Congress to meet at Amritsar next week, but the attempt to attribute sinister motive to the Congress is obviously unjustified, because it chose Amritsar as its next meeting place a year ago.

The Daily News on British Frightfulness.

It was innocently assumed in this country when the Armistice was signed thirteen months ago that the reign of "frightfulness" was over—for the time being at any rate. The assumption was incorrect. Five months after the signing of the Armistice, an apparently unarmed crowd of 5,000 was being fired upon for attending a public meeting forbidden—whether they all knew it or not is doubtful—by a military Governor. Four hundred of them were killed and 1,500 wounded, not because, if summoned to do so, they would not have dispersed quietly—this is admitted by the General concerned himself—but because, again in his own eloquent language, "they would have come back and laughed at me and I would have made what I would consider a fool of myself."

The scene of this new "frightfulness" is not Belgium, but India. The General responsible is not German but British. The Government which has practised this concealment—in its way one of the most shocking features of the whole concern—is British. The victims are not even technically enemies but "rebels," in General Dyer's words, that is to say, British subjects who innocently or otherwise ventured to act in contravention of his decrees. We do not ignore the gravity of the crimes previously committed. It is perfectly true that a bank manager and his assistant had been murdered, that banks had been burned with disastrous loss of property, that the railway lines had been cut. We do not forget the difficulty and delicacy of the position. It is just to remember, moreover, that the case is in a sense subjudice, and that the final conclusions of the Commission of Inquiry may to some extent modify the story as we know it at present. We hope profoundly that it will, for what could be more futile than to talk of Indian reforms, of "Self-Government" for India, of Indian Government as a trust held by the British Parliament and people, if wholesale massacres could be perpetrated without the British Parliament or people knowing a word about them for months? General Dyer held that his action would "make a wide impression throughout the Panjab." He underestimated it. It will **make a wide impression throughout the world** and an impression which must be removed at all costs if our credit and our honour are not to be fatally impaired.

The Westminster Gazette on The Massacre at Amritsar.

The appalling news, so long delayed, of what happened at Amritsar in April last is a revelation to the British people of what their rule in India might have come to but for the changes of course set up by the measure now passing into law. Those who, hearing General Dyer described as having "saved the situation in India," hesitate as to how they shall judge of his exploit, may clear their minds by asking how they would have judged of it had it been achieved by a German Officer under German rule anywhere. It is really a very extreme case of the kind of evil that may be wrought in public affairs by a mind which handles any disturbed situation on the methods of militarism.

General Dyer's state of mind at the time is to be gathered from the fact that he took no steps whatever to have the wounded attended to. Had he been fighting against armed enemies he would presumably have had the dead removed and the wounded put in hospital. As they were merely unarmed natives he left the wounded shift for themselves and the living to bury the dead—this in a city where, he declared, civil administration had been declared to be at an end. Under General Dyer there was thus at first neither civil law nor martial law, though he "considered martial law necessary" afterwards.

Whatever may have been the impression made in the Punjab, this amazing narrative will recall to the inhabitants of the United Kingdom chiefly the episodes of the early German occupation of Belgium and old "Peterloo Massacre" in England. If General Dyer's range of knowledge had included any recollection of the last-named episode, even he might have been moved to doubt whether his own massacre was fitted to establish respect for Government in India. Not the least astonishing thing of all is that such an episode did not precipitate a real rebellion. While political thinkers of the General's school will confidently pronounce that the resulting "quiet" at Amritsar proves the expediency of his course, saner people will realise that a few more episodes of this kind would suffice to bring our rule in India speedily to an end. There are to be found English publicists who, like Sir Michael O'Dwyer, can openly applaud his insane deeds, but it is evident that the military and other Anglo-Indians who conducted the official inquiry see it with the eyes of rational men at home. It must be authoritatively condemned in the most decisive fashion. We can all remember how, in the Dublin revolt, the military murder of Mr. Sheehy Keefington and two others sufficed to turn Irish feeling round to the side of the rebels and how even in that time of peril it was felt absolutely necessary to take

proceedings against the guilty officer, who was declared to be of unsound mind. In the case of General Dyer that course cannot not be taken, though some may think that it would be on many grounds applicable. But he must be recalled and dealt with in such a way that the massacre of Amritsar shall be solemnly repudiated by the Imperial Government. If he is not condemned by the nation, the nation itself will be condemned by the civilised world. His deed will remain on record as the most unanswerable proof of the necessity for the political step now being taken by which our rule in India is to be transformed.

The Star on The Amritsar Battle.

This is December 15. The Amritsar "frightfulness" took place on April 13. That is to say, the truth has been suppressed by the Government for eight months. It is now made public in a report of the Evidence given before the Commission of Inquiry sent out from this country. The moral shock inflicted upon the British people by the evidence of General Dyer is benumbing.

Within half a minute fifty rifles opened fire on the meeting without any warning to the people to disperse. They fired for ten minutes into the writhing crowd, fired till their supply of cartridges ran out, and according to General Dyer's estimate, killed some 400 of the people, and wounded about 1500 more. The dead and dying were left where they lay. Is there in our history any parallel to this story? General Dyer said this action "would make a wide impression throughout the Panjab. We hesitate to define the impression it will make on the British people and upon the world. Our honour and our humanity are at stake. What shall we do to redeem them?"

In the United States of America

Even in Japan and America the news of the Amritsar massacre did not fail to create a sensation. In America President De Valera (of the Irish Revolutionary party) used it as a handle in aid of the Irish campaign against England, and openly invited Indians and Egyptians to join issue. "Our cause is a common cause" declared he, "We swear friendship." And Congressman William E. Mason of Illinois introduced a resolution in the U. S. A. House of Representative:—

"Whereas, the atrocities by British soldiers and officers, which have met with the approval of British officers, has shocked the sense of justice of the American people, and

"Whereas, the American people believe the same rule of self-determination should apply to these people who are subjected by

force to the Government of Great Britain that is applied to other nations that have sought self-determination and were encouraged by the United States, and

"Whereas, the Government, of Great Britain, which now controls and governs India by force without the consent of the people, have tried to make it appear by propaganda that they have given so-called Home-rule to India, which is substantially the same kind of Home rule which has always been given by the master nation to the slave nation, be it

"Resolved, that it is the duty of the United States to carry out the will of the people to give such recognition without intervention to the people of India who are struggling for self-determination as will assist them in their efforts for self-government

Jhallianwala Massacre

HOUSE OF COMMONS

15 Dec. 1919

Sir D. Maclean asked the Secretary of State for India whether he could inform the House when the inquiry (Hunter Comm.) into the occurrences at Amritsar would be completed; whether a report would be immediately available for hon members, when did he become acquainted with the details of the occurrence, and what reason was there for not informing the House thereon; and further, had any action been taken by the authorities to express their opinion to the General in command of his conduct.

Mr. Montagu I do not know when the result of the inquiry, which is an open one, will be obtained. Evidence is at present being taken. I hope the evidence will be completed at the end of this month and that as soon as I get the result of the inquiry it will be given to this House. As regards the remainder of the question, I can quite appreciate the profound disturbances which must have been caused in public opinion by the evidence published, but I trust my right hon friend and the House will agree with me that we are right in waiting until an impartial authoritative pronouncement on all the facts is made by Lord Hunter's Committee. I have not received any detailed account, nor do I expect to do so because the Viceroy and the Government and I agreed to the formation of a Committee of enquiry, which will present a report on all the circumstances.

Sir D. Maclean—My Right Hon friend has not answered one point. That is, when did he become aware of the occurrences, and what reason—if he had heard of it—had he for not informing the House of it?

Mr. Montagu I thought I said that I know of no details of the circumstances until I saw the report in the newspapers. It is not an official communication yet. I cannot expect that the evidence can be reported to me, because the machinery that we had devised was to have a Committee of inquiry. It will be the Committee of inquiry that will report to me on the facts and the circumstances, and the evidence.

Sir D. Maclean Is it the practice in the India Office that the Secretary of State for India would not hear of an occurrence of this nature which happened eight months ago?

Mr. Montagu When the riots were occurring I published a series of "communiqués" giving the information as it was telegraphed to me. The result of the detailed investigation which has been going on has been prepared by the authorities in India to lay before Lord Hunter's Committee.

Sir H. Craik Does not the Right Hon. gentleman consider that at this moment it is most undesirable that any opinion should be expressed in this House on the subject which is now under consideration by Lord Hunter's Committee, based upon what he states to be unauthorised reports?

Mr. Montagu I am quite sure that the House does not want to prejudge the matter. At the same time I cannot help saying that the evidence as published in the newspapers is profoundly disturbing, and I cannot help saying also that is why I hope that, without any unnecessary delay, Lord Hunter's findings will be available. The Committee are sitting continuously, they have completed evidence at Lahore, they have three or four other places to finish, and I hope that the evidence will be completed by the end of this month.

Sir D. Maclean I view of the very deeply agitated state of the public mind on this occurrence, will my Right Hon. friend see that a special report is sent to him, and will he publish it immediately he receives it?

Sir H. Craik Will the Right Hon. gentleman refuse to publish part of the evidence until the whole of the inquiry is completed?

Mr. Montagu The Committee which was appointed I believe to be an authoritative and impartial one. It is presided over by a distinguished Judge. I would deprecate interfering with their decisions, but I hope when the investigation is completed to publish everything quite fully.

Mr. Mac Veagh Can the Right Hon. gentleman explain how it happens that an incident which occurred eight months ago in which 500 Indians were killed and 1,500 wounded, was not made known in this country for a period of eight months?

Mr. Montagu There were statements published relating to this occurrence as they were received. As the months have gone by, more and more evidence has been collected, which is now available for Lord Hunter's Committee. The casualties involve one of the

most difficult points. It is very difficult to say the exact number of men who, unfortunately, lost their lives in these occurrences. Various estimates have been furnished, and I look to Lord Hunter's Committee to give the Empire and this House the authoritative figures.

Lord R. Cecil Can the Right Hon gentleman say whether the Government of India exercise any censorship to prevent the telegraphing of the evidence before Lord Hunter's Committee,—apparently this has only come by mail.

Mr. Montagu: I believe that there has been a censorship during the riots in the Panjab, but none since. The wires are very much congested, and it may have been for that reason that none of this evidence was telegraphed.

Colonel Yate Is it not a fact that the English papers have selected the evidence of one particular witness, and that all the evidence of the magistrates and other people who gave evidence prior to that witness has not been published in England, and that in fact we have had no evidence published?

Mr. Montagu: I would invite members to read the evidence as published in the Indian newspapers. The selection of this particular piece of evidence was, I believe, due to the enterprise of one particular London journal, which always seems to me to be the best informed of them on Indian affairs. They selected this particular one from their correspondent in Allahabad, which was copied into other newspapers, but the "Times of India" and other newspapers are available, and I shall place them where hon members can see the whole evidence as published in Indian newspapers.

Monday, December 22, 1919

Colonel Wedgwood by Private Notice asked the Secretary of State for India whether, pending the result of the Hunter Enquiry, Brigadier General Dyer has been relieved of his command; and, further, whether the Secretary of State has yet received a cable report of General Dyer's evidence given before the Commission.

Mr. Montagu: The answer to both parts of the question is in the negative. I may say I am in communication with the Viceroy on the whole matter.

Colonel Wedgwood. Obviously this is too important a question to be dealt with in supplementary questions, and therefore, I give notice that I shall raise the subject on the adjournment to-day.

Colonel Wedgwood (later on the adjournment): I rose because I wanted to raise a question which is different from the Irish question in locality but very similar to it in general characteristics.

I want to raise the question of the Amritsar massacre, and the duty of this country towards India in that respect. The details of that massacre are, unfortunately, too well-known to us. The English Press, with a few exceptions, has taken the English view of the matter. The whole country has been horrified at what took place. Let me remind the House of what took place, and not from hearsay, but on the evidence given by the principal actor. Here enquiry will result in some trivial action. The thing must be put right. What happened? There was a religious festival and thousands of Punjabis had gone into Amritsar. The British officials were anxious and the Deputy Commissioner on April 9 surrounded the notorious Drs. Satyalpal and Kitchlew and carried them off. The news got about and their followers sent a massed deputation to the Deputy Commissioner demanding their release. The deputation was stopped, apparently by troops, it was only armed with sticks and as a result the troops fired and shot some of the demonstrators. Speeches were made over the bodies, and the mob turned and murdered three Englishmen and beat a lady. No one would excuse riots of that sort. On the evening of the 10th General Dyer arrived at Amritsar, and the Deputy Commissioner handed over the civil power to him. He issued a proclamation by word of mouth that no meetings should be held. Two days later, after there had been no sort of riot nor murder, General Dyer heard that a meeting was to be held at the Jallianwalla Bagh. He proceeded there with about 50 troops, half British half Indian, and a certain number of Gurkhas armed with their kukris. The Jallianwalla Bagh is an open space, half a mile square, which has one entry wide enough for three persons. The troops got in and lined up on a mound of debris. The walls, seven feet high, and the surrounding houses enclosed the people. There were, too, three alleys through which the people might have been able to pass. Within 30 seconds of the troops getting in, General Dyer gave orders to fire, and the crowd of people, estimated at anything from 5,000 to 20,000, who were sitting on the ground, peacefully listening to the mob oratory, were fired on. The result of the troops' fire into the mass of people we do not know. But we do know that Dyer's own estimate of the casualties resulting from ten minutes' continual individual firing was 400 to 500 killed and 1,500 wounded. What were the people to do? They could not escape. They were people who had not offered any violence and who had not been warned. These people were shot down. After ten minutes the ammunition was exhausted

and the troops marched off, and they left 1,500 wounded there. There were men lying there for two days, dying of thirst, eating the ground, bleeding to death and nobody to look after them. Those relations who lived near came and carried away some of the wounded from among the dead and dying, but the unfortunate country people died there miserably of their wounds. This is what is done in 1919 in British India. An English sportsman would take any amount of trouble or time to see that a wounded partridge was put out of its misery, but these wounded people were lying there for two days dying slowly. Think what this means. There has never been anything like it before in English history, and not in the whole of our relations with India has there ever been anything of this magnitude before. If you are to find anything so damning to the British reputation you have to go back centuries. In the ordinary English primer the only thing the ordinary person learns about British rule in India is about the Black Hole of Calcutta and the massacre of Cawnpore, where there was a well choked with corpses. Centuries hence you will find Indian children brought up to this spot, just as they visit now the Cawnpore Well, and you can imagine the feelings of these Indians for generations over this terrible business.

(Hon. Member "What would you have done?")

I should not have committed murder. Think what all this means. You will have a shrine erected there and every year there will be processions of Indians visiting the tombs of the martyrs, and Englishmen will go there and stand bareheaded before it. By this incident you have divided races that might otherwise have loved one another. The right hon. gentleman has laid a foundation which might have led to real co-operation within the British Empire but that has now been destroyed.

It has not only destroyed that, but it has destroyed our reputation throughout the world. You know what will happen. All the blackguards in America when they lynch niggers, will say, "Oh you did the same in India." When butcheries take place in Russia, whether it be by White or Red Guards, they will say, "We never did anything like what you did in India," and when we tell the Turks, "You massacred the Armenians" they will say, "Yes we wish we had the chance of getting 5,000 of them together, and then of shooting straight." That is the sort of welcome that this will get, and all the decent people in the world will think that England really likes what happened at Amritsar, and that all this sort of thing is English. Really, we know that this sort of thing is the finest Prussianism that ever took place. The Germans never did anything worse in Belgium. This damns us for all time.

Whenever we put forward the humanitarian view, we shall have this tale thrown into our teeth. What is it that differentiates this from all other horrors by Government in the past? If you have a mob distinctly out to kill and to loot, and the soldiers are called out to meet the mob, they have got to stop it. Firing is justified in such cases. There may be hundreds killed in such a case, but, when soldiers are being stoned and being stoned and hammered it is their duty as well as their right to resist.

The Secretary of State for India (Mr. Montagu) The hon. and gallant Member knows that he is dealing with subjects which are "sub judice" and forming his estimate of what happened on one column and a half report of the evidence of a single man who was in the witness-box for a whole day. He knows that no action of any sort or kind whatever can be taken affecting whoever it may be, to vindicate—if any action be necessary—the name of England for justice and fair play, until that report is received. I have never known a case where so many deductions have been drawn in this House from events which at the moment are being enquired into by an impartial tribunal.

Colonel Wedgwood I do not think that I have varied from the words used by General Dyer. He is accused out of his own mouth. He himself said, "I did not take thirty seconds to decide whether to shoot." He himself said that the mob might have dispersed if he had asked them. He himself said that he fired on them because, if they had dispersed, they might have come back and laughed at him afterwards. He has made that clear. I wanted to point out the difference between suppressing a mob doing violence and shooting down people who are not violent, because by that action terror might be inspired and prevent riots in the future. We have never justified the shooting down of people, not because they were endangering life, but because they might do so at some future time unless they were fired on.

(It being Eleven of the Clock the Motion for the Adjournment of the House lapsed, without Question put.)

**For Further Details, re the Horrors of the Punjab
of April-May 1919**

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The Indo-British Association on the Indian Reforms.

[The Indo-British Association of England is the most reactionary body of Britishers whose one aim is to keep India and other non-White portions of the Empire under perpetual helotage. It is composed mainly of Ex-Governor, Ex-I.C.S. and other retired service men grown fat on the salt of India and now bent upon doing a good (!) turn to India by opposing Mr. Secretary Montagu's Reforms on the plea that the Masses of India, their milch-cow, will suffer therefrom. On this see Mr. Montagu's Criticism on p. 155-8.

The 2nd Annual Sessions of the Association met in June 1919 under the Presidency of Lord Sydenham. He is the head of an influential section of M. Ps who fail to recognise that the day of aggressive domination of the Prussian type, based on race-arrogance, with power and privileges on one side and debasement and disabilities on the other are past. To quote Sir Abbas Ali, "the sordid traditions of the East India Company, of securing unfair economic advantages by building up British power and prestige on the ruins of the Indian people's liberty and self-respect have not yet been swept away by the new forces which the recent world upheaval has set to motion." The following is taken from his presidential speech and well worth recording as it will teach Indians in what light a large and influential section of Britishers view them and the coming Reforms.....*Editor*]

The Indian Reform Bill

The portions of the Bill to which we are strongly opposed are practically three. First of all, we oppose as strongly as we can the weakening of the supreme Government of India, by setting up two Chambers, and creating most complicated arrangements which will, we believe, certainly cause the maximum of friction, and of delay and of intrigue. If the recent deplorable events in India have not brought home to Mr. Montagu the risks of weakening or fettering the supreme Government of India, I am afraid nothing will do so. Secondly, we object as strongly to the setting up of the dual cabinet in every province. (Applause.) Nothing of this kind exists in any civilised country in the world, and I am perfectly certain it never will. The evils which it will entail are perfectly understood and explained by the provincial

Governments, and, I do beg you to read the memorandum by Sir Michael O' Dowyer (This is the late Lieut. Gov. of Punjab held popularly responsible for the Massacre of 1919) and the Bombay Government, which explained it in the most excellent manner. Those most important documents have only just been published, though I pressed hard for them many months ago.

Now, Mr. Montagu suggests that the heads of the provinces are prejudiced persons, and that therefore their views can be ignored. Now, ladies and gentlemen, prejudiced against or for what? Is it the least likely that the local governments, in the closest touch with the realities of administration of the provinces, and of the conditions of the provinces—is it the least likely that they would be prejudiced against anything which could conduce to the welfare of the people of those provinces? Are Mr. Montagu and his persent supporters—some of whom have not concealed their desire to turn us out of India, or their desperate anxiety to get power into their hands—are they really the only unprejudiced persons? Now, I think you will all agree that the effect of setting up this monstrous dual cabinet in every province must be to undermine authority within a short time throughout all India, and to create interminable conflicts between what are already called the "popular ministers" and the non-descript cabinet which stands outside those ministers, and these conflicts must lead, if the Governor shows any strength, to violent attacks in the Press, to *harkals* and *Satyagraha* vows, which will, as we have lately seen, end in the death of a large number of innocent persons who have been excited by gross falsehoods. That is why we oppose the *diarchy*. We object also to the denial of communal representation to the classes which most need its protection, and that has been done in defiance of the opinions of the Government of Madras against which Mr. Montagu permitted himself to direct sneers.

On Transferred Subjects

The composition of Lord Southbrough's Committees (of which the Chairmen were chosen because they knew nothing of India and some of the members had previously committed themselves in advance, and therefore were not qualified to act as judges) seems to have been in complete keeping with Mr. Montagu's methods. It was announced in the report that the transferred subjects vary in different provinces, according to the state of advancement of that province. Now, we find that they are the same in all provinces, except that forests are included in Bombay, and when we remember that such vastly important services as local self-government, medical administration includ-

ing hospitals, public health and sanitation, education, agriculture, civil veterinary departments, co-operative Societies religious and charitable endowments, public works and the development of industries are all to be managed by ministers uncontrolled, except by the Governor's veto in certain cases, and obliged to court popularity, one can imagine what will happen. I do not think Parliament can understand what Mr. Montagu asks, that it should abandon and give up the power over the services which perhaps most affect their daily lives. Parliament must remain still responsible for the well-being of the peoples of India, and yet it is asked to give up the power which that responsibility demands. I myself was minister for public works for 5½ years, and I know too well what would happen in that Department when it is transferred to what Lord Southborough's Committee miscalls "popular control". Many of us have seen how elections can be arranged, and so far up to the present time, the result has been that the general electorates have returned 70 per cent. of lawyers. The reason for that is partly because lawyers are an object of fear in India. Of the few voters, five millions of them, Mr. Montagu says "You have got to get them to vote and you have to get them to understand what a vote means." Now, inducements to vote, tempered by intimidation, will certainly be forthcoming, and these credulous people will be told what their candidate promises to do for them. But what is certain is that if anything happens which he does not like, the voter will throw the whole blame upon the British Government, and not upon the "popular minister" (Applause)

The "Passion For Self-Government."

Continuing he said, Mr. Montagu stated on May 22nd, "There is, believe me, a passion for self-government," and on the 5th of this month (June) he added, "There are 315 millions of people eagerly awaiting, so far as they are politically educated, the decision of this House" (laughter) and he also announced there was general agreement on all sides in India and in this country. Now these statements really conflict with the statements in the report itself, and also with many facts known to you all. In his 315 millions Mr. Montagu must have included the subjects of all the Native States. Now does he really think that in Hyderabad or in Bikanir, there has been suddenly developed a "passion for self-government?" The Government of the Nizam has recently ordered one of the most prominent advocates of self-government out of his State and has forbidden him to return. Can Mr. Montagu really imagine that the 94 per cent. of illiterate people have the smallest idea of what self-government or his Bill means,

and there cannot be a quarter of a million people in India at the present moment who could give a really intelligible account of either? It does seem to me it is a great pity that in his Second Reading speech Mr Montagu made no allusion to the unrest in India or to the recent Afghan invasion, which is not by any means unconnected with Indian politics, an invasion which, if it were not for British troops and for the fine regiments of India led by British officers, would carry to-day as it did in the past, fire and sword to the rich cities of Northern India. Even in the midst of our many pre-occupations in this country at this present critical time, surely there must be some people who can read the writing on the wall, and who must doubt whether this is the time to undermine the only authority in India which can keep order and guard the frontier.

Unbridled Agitation

Mr Montagu has excluded the North West Frontier Province from the benefits of his reforms, but that will be useless if the rest of India passes out of control. Mrs Besant since she came back has stated that given a fair chance, that, of course, is given Home Rule, India would in 40 years be in a position to defend herself against invasion. Mrs. Besant is not a military authority, and we have got to remember that she is reported to have suggested the arming of India for quite another purpose than the defence of the frontier. We do not yet know the details of the riots in the Presidency towns last year, and the far more serious occurrences of this year, but so far as we know some sinister facts seem to me to stand out quite plainly. The earlier riots were, as the Governments of Bengal and Madras stated, engineered by political agitation and entirely 'due to the reckless falsehoods which have been spread far and wide in those presidencies. For some time certain Indian papers, with strong support from *New India* and the *Bombay Chronicle*, have done their utmost to present British rule and British people in an odious light to the people of India, and to attribute to them all the ills from which India suffers.

These are the words of the responsible Government of Madras. But this "unbridled agitation" has not only been permitted but even encouraged in late years by the apathy of the Government; it has increased most markedly since the advent of Mr. Montagu to power. It has borne evil fruit among the people of India and the crop has not yet been wholly gathered. Shortly before assuming office Mr Montagu made an unjustified attack on British Rule in India that was described by a retired Indian

Judge in the following words :—"Never before in the history of Anglo-Indian Administration, the bureaucracy was subjected to such scorching, withering criticism by one who has held the high office of Parliamentary Under-Secretary for India." Now that was Mr. Montagu's contribution towards goodwill in India, with the results we can already see. Neither the Secretary of State nor the Government of India have done anything to protect their servants, toiling in the heat of India, from the most gross calumnies, and when at the fag end of a Session, Mr. Montagu suddenly made that extremely important pronouncement which was capable of almost any interpretation, the results which we have seen became practically inevitable. It was believed from that time onward that government was weakening and two months later the shocking atrocities in Bihar occurred, and were repeated on a smaller scale at Katarpur in the following year.

The direct cause, I am certain, has been the incendiary writing and speaking which has been permitted all over India in recent years. A large number of ignorant people were taught that the plague, famine, and even the epidemic of Influenza were due to the British Government which had become weak and unable to rule.

Referring to Mr. Gandhi and Satyagraha Lord Sydenham said :—

Now, has Mr. Montagu ever considered the effect in India of his publicly claiming Mr. Gandhi as his "friend" as he did the other day? What better encouragement to lawbreaking could he give? He is now apparently trusting to a Moderate Party which does not exist. Some Moderates so-called were Extremists yesterday, and they will be Extremists again to-morrow. Other Moderates know well and will tell you in private they regard the Rowlatt Act as essential for the protection of Indians, but they were intimidated into opposition, or they were asked to believe that unless they opposed the Acts they would have no political future. Their action supplies a warning which, it seems to me, it is madness to disregard. A revolutionary paper 'The Daily Herald' which Mr. Churchill denounced the other day in most scathing terms, is partly supported by funds from India, and the Indian Extremists in this country are now busily engaged in intriguing with the Sinn Feiners and in keeping in touch with the most revolutionary party in this country.

It is quite clear Mr. Montagu is determined to use all his power,—and it is very great,—to force through this Bill without any amendment. But he has taken upon himself a very great responsibility which will come home to him before many years

have passed. He has said he proposed deliberately to disturb the placid contentment of the people and he has really made great progress in that direction already. He is prematurely forcing democratic institutions upon the most aristocratic country that is left in the world. He is setting up a machinery which will in time enable a little oligarchy to paralyse all Government. He is sealing the doom of the great British public services to which the wonderful progress of India since the assumption of Government by the Crown is due.

The capture of a portion of the Labour Party by the Extremists is, I am afraid, complete, and it would be really amusing, if there was not a tragedy lying in the background. Mr Spoor in the recent debate in the House of Commons said: "There has been for a fairly long period a very considerable decline in Indian industries, with all the consequent suffering that decline involves." Now, that shows exactly what propaganda will do. Judged by any test that you can apply, the wealth and industries of India have increased in the most remarkable way during the last 25 years. But Mr. Spoor is not in the least to blame; he only said what he had been told, but that any Labour leader would be willing to place power over 244 millions of people in the hands of a little upper class of Brahmanas and lawyers is one of the bitterest ironies of the present situation.

If we now transfer the power then within a few years there will be no Government, and the anarchy, of which we have already seen warning symptoms, will prevail throughout India, and we shall be obliged to restore authority by force, or to leave India to relapse into the chaos from which we rescued her.

Now, there is not one of us present here to-day, I am certain, who would not give Home Rule to India to-morrow if we thought it would be for the best good of the people, but we must think first of the welfare of the huge illiterate population with nearly 80 per cent. of simple, kindly cultivators who form the vast mass of the population. We, of this Association, support orderly evolution, and we have come together to-day only because of the warm affection that we cherish for the people of India but we assert that this Bill, which Mr. Montagu says, "will" settle the constitutional question, can settle nothing but that it will effect what must be a revolution.

The Indian Reform Bill.

[The following is an extract from *The Spectator*, 12 June '19 the most anti-Indian and reactionary journal, the mouth-piece of the notorious Indo-British Association of England. Its opinion on the reforms is reflected on the speech of Lord Sydenham quoted above]

India has been governed in trust by British officials since the work of government was taken over from the East India company in 1858, and she has been governed with a brilliance and an honesty which in combination can be nowhere matched in the world. It is now proposed to pull down that system Mr. Montagu takes credit for intending that the process shall be gradual, though we cannot but believe that if the Indian Reform Bill becomes law, the mischief will begin early and will soon become desperate. Why should we disguise our real thoughts? Mr Montagu uses phrases lightly and rhetorically, but our own solemn belief is that what he is planning—with an inevitability which he is unable to appreciate—is the ruin of India

No Grounds for Haste.

In his speech in the House of Commons on Thursday week he disclosed no grounds for the haste which he says is imperative in introducing reforms. Much less did he justify the recklessness and the unnecessary complexity of his proposals. The diarchy must surely be condemned by statesmanship by reason of its extreme intricacy—statesmen always aim at simplicity in administration—if it were not condemned because of its inherent absurdity. But apparently simplicity and directness are alien to Mr. Montagu's mind. He aims at what is ambitious and high sounding. Even when it comes to so simple a matter of duty as to justify the Rowlatt Acts he strikes a note which is really humiliating, because in effect he apologizes instead of stoutly telling the truth. The Rowlatt Acts embody the recommendations of a most able and learned Judge who had no axe whatever to grind in India, and who said what he thought on the evidence, as a Judge ought to do, without bringing any preconceptions to his task. The Acts are framed for the defence of honest men and innocent persons. What need is there to say more? That is their reason for existing, and it is a complete and ample one. They are directed solely at the suppression of sedition and anarchy, and every law-abiding citizen ought to rejoice in the security which they

afford not only to the individual but to the whole of India. Mr. Montagu's reasons for introducing his drastic reform Bill would sound very strange if they were not unfortunately too familiar. He continually harks back to the pledge of the Government given in August, 1917. As a matter of fact, the Government were not pledged by the words then used to any so-called plan of democratic reform, and have not been pledged at any moment since. It is a bad sign, this harping on the pledge. It reminds one rather of the way in which the typical money lender talks to his client. He uses language which intimidates, because it is vague; he always has some awful threat ready, though it has never been submitted to exact or legal scrutiny. If his client does not pay the extortionate interest, he talks terribly about "your letter of the 22nd ult." or declares that he must recall to his client's memory the "fifth clause" of their agreement. The unhappy client believes that without knowing it he has pledged himself irremediably by the accusing instruments of his own hand. If people will calmly look into the history of the Indian Reform scheme, they will find that we are not in honour bound to confer upon India any such scheme as Mr. Montagu has proposed, but that, on the contrary, our whole relation to India binds us to govern in future as we have done in the past according to the rules which will give the best results and therefore the greatest happiness to India.

Combination of Rashness and Gratuitousness.

In his speech on Thursday week, Mr. Montagu talked about the "eagerness" with which the Indian "nation"—as though India were a nation—was awaiting his Reform Bill. He may for the moment have forgotten, but we have not forgotten, that in the Report issued in his own name and that of Lord Chelmsford he confessed that his policy was approved of by only a very small minority. "We have seen it estimated," he wrote, "that the number of people who really ask for free institutions does not exceed five per cent of the population. It is in any case a small proportion, but to the particular numeral we attach no importance whatever. . . . Our reason is the faith that is in us." These figures, brushed aside with such insouciance by Mr. Montagu last week, might well give pause to more sober minds. But Mr. Montagu is inflamed with his ambitious State building, and so the Report tells us that "the placid pathetic contentment of the masses is not the soil on which Indian nationhood will grow, and in deliberately disturbing it we are working for her [India's] highest good." The contentment is admitted, the placidity is admitted; the insignificance of the demand for forms of Self-Government which hardly anybody in India understands, is

admitted, but because that clever and rhetorical use of the word "pathetic" has entered the mind of Mr Montagu, everything that is certain and stable is to be sacrificed! We have heard of acts of statesmanship that were rash and of acts of statesmanship that were uncalculated for or, as people say, gratuitous, but for a combination of rashness and gratuitousness we know of no political proposal to equal Mr Montagu's Reform Bill.

The Diarchy.

The core of the Bill is of course what is known as the diarchy—the proposal that in the administration of the Provinces part of the executive work shall be carried out by Ministers dependent upon a popular vote, and partly by Ministers appointed under the old methods of Indian Government, though those methods will be slightly changed. Those subjects of legislation which are to be retained in the hands of the bureaucratic Ministers will be known as "reserved" subjects, and those which are to be handed over to the new popularly elected Ministers will be known as "transferred" subjects. Probably if Mr. Lionel Curtis had not travelled in India and written with all his literary power about this scheme of diarchy, Mr Montagu would never have thought of such a thing. Mr Montagu tells us that he cannot imagine any other way of gradually building up a system of Self-Government than this method of transferring subjects from the one authority to the other as the popularly elected Ministers become capable of dealing with fresh matters. But against his fanciful notions there is a solid array of disapproval expressed by some of the ablest and most experienced administrators in India. That Mr. Montagu can rely upon a certain degree of support is of course true, it is almost part of the duty of Civil Servants to promise to do their best to make a scheme work when they understand that the Government desire it. But Mr. Montagu, if he were not so self-confident, would have been much more impressed, and might even have been abashed, by the very strong criticism of his diarchy. Moreover, we must say that it was insulting of him to discount the opposition offered to his scheme by British administrators in India on the ground that these men were "not unprejudiced." We agree with them that the diarchy will not work in practice. In each Province where the diarchial machinery is set up there is to be only "one Government," and therefore it will be impossible for public criticism to say whether blame for mistakes rests upon the Departments which are dealing with the "reserved" subjects or upon the Departments which are dealing with the "transferred" subjects. It is inevitable that whenever anything goes wrong the critics will merely blame "the

Government." What else can they do? In fine, there is no prospect of education in Self-Government under the diarchy because the people cannot rectify mistakes if the people cannot name the source of the mistakes.

The Difficulty of Caste.

But if the diarchy itself is a first-rate difficulty, it is after all only a mechanical defect that is capable of change. By far the greatest difficulty in the way of such reform as Mr. Montagu proposes is the immemorial and religious practice of cast among the Hindus. Politically minded Indians are a very small number among the three hundred and fifteen millions of population, and among this minority the Hindu religious principle of caste is held so sternly that it would prevent all fruitful communication between the leaders and the masses. The people who have really ruled India have always been the people not bound by caste; that is to say, the Muhammedans and ourselves. What a foundation on which to try to build up a structure of democracy? The attempt would, no doubt, end in making India safe for an oligarchy. Think of the millions of lowcaste natives and out-castes. These people could never make their voices heard. The "untouchables" would defile their political leaders if they did so much as come within speaking distance of them.

The whole system is a frank negation of democracy. Surely the first step towards democracy is to invite the intellectual Brahmanas of India to think the matter over carefully, and decide whether they prefer democracy or cast it. The two things cannot co-exist. If they think Self Government preferable, and are willing to throw open their arms and admit to their counsels their very humble and untouchable brethren, well and good. We shall then have a starting point. But to pretend that democracy and equality will be learned by virtue of Mr. Montagu's scheme, when the whole religious ceremonial of the Brahmanas forbids them to live as equals with their fellowmen who happen to have been born in circumstances different from their own, is madness. About seventy per cent. of the Indian people are raiyats or small zemindars. At a meeting of the Bengal Association of Raiyats on April 24th reported in the Statesman, the members passed a resolution which contains these words: "Knowing what the villagers know, they beg to inform the Government as well as the agitators that they can never prefer a selfish oligarchy to an impartial bureaucracy, which has been their only support till now. So unless the richer classes, such as the Zemindars and Mahajans, show greater consideration for the poor peasantry, and unless a due share of Self-Government is given to them, the

peasantry as a whole will oppose a further extension to any Self Government." (This meeting was inspired by Anglo-Indians—Ed.)

Experiment in an Indian State First

The *Spectator* has proposed that there should be an experiment in reform in one of the Raja-governed States. Let some Indian Prince, it says, bestow upon his people the blessings of Self Government.

"The experiment would be most carefully watched, and if it succeeded would of course be widely imitated. Nobody could resist such a success. But Mr. Montagu poured all his scorn upon any such sane and moderate measure. He had special words of abuse for the very sensible proposal of the Indo-British Association that in every Province one or two districts should be placed in charge of a solely Indian official staff, and that the plan, if successful, should be extended into a division, and finally into the whole Province. Really Mr. Montagu's arguments against trying such experiments as the Indo-British Association and the *Spectator* have proposed were the worst part of his speech. "In for a penny, in for a pound," is nearly always a bad argument, but it is most dangerous of all when it is applied to Constitution making. One can hardly resist the belief that Mr. Montagu at the back of his mind feels that an experiment would be sure to fail, and would therefore block any attempt at more ambitious reforms. Therefore he seems to say to himself: "Plunge right in. The ice, of course, is too thin to bear. Don't test it with one foot. Walk right on." As against our own scheme, we must admit that though many Rajahs talk of reform when reform is fashionable at Simla, perhaps not one of them could be induced to submit his country to the experiment. Native Rajahs may talk of advanced education for native women when it is being ardently taken up by the ladies of Simla, but they have no real intention of yielding their power to the people at large. That objection, however, does not apply to the plan of the Indo-British Association, and Mr. Montagu's derision is we fear, only too likely to recoil some day not only upon his own head but upon the heads of his countrymen. As we have tried to point out, Mr. Montagu affirms that immediate reform of the most sweeping kind is necessary for India for no better reason than that he wishes it to seem necessary.

Driving the coach right over the Precipice

"There is no such necessity. We are entirely in favour of experiments of a moderate kind, remembering all the time the height and depth of our responsibility to the mixed races of India.

If the capacity for self-government flourished and developed, we should look forward with confidence to the day when we could clear out and leave the Indian peoples to themselves. But that day is not yet, nor is it within sight. Just when we have at last got a really fine and fair system of government at work, Mr. Montagu, with all his fancifulness and racial ambition, determines to drive the coach right over the precipice. When any one remonstrates he says : "You cannot refuse to do this because you publicly promised to do it , You are in honour bound." **Our conception of honour is different** from Mr. Montagu's and we believe that if the people who are not accustomed to study Indian affairs would now take the trouble to look into the whole subject they would not find themselves in agreement with Mr. Montagu.

House of Commons

Interpellations

16—31 July 1919

Cotton Growing in India

Replying to Sir J. D. Rees, Mr. Montagu stated He hoped to send to the Government of India shortly the advice of the Empire Cotton growing Committee on the recommendations of the Indian Cotton Committee. The Government of India would then consider, if it had not already considered, the whole report including the recommendation with regard to the Sukkur barrage.

No Nomination for Provinces

Replying to Col. Yate Mr. Montagu declined to direct the Government of India to request the present Governors of the Provinces which submitted the alternative scheme on 15th January, to nominate representatives to express their views before the Joint Committee. He would take scrupulous care that their views should be submitted to the Committee. He understood that the committee had already decided to hear Sir Michael O'Dwyer. He had communicated to the Committee all names, which Col. Yate had suggested and had every hope they would be called.

No Free Passages to Deputations

Col. Yate suggested that the Government of India should provide funds to enable Muhammadan organisations and working classes in India to send representatives to submit their views to the Joint Committee. Mr. Montagu said He did not think the suggestion was practicable. He pointed out that the Government of India had not helped the deputations financially and did not think it possible to differentiate, but promised to communicate the suggestion to the Government of India.

Passive Resistance and Punjab Riot

Replying to Mr. Fredrick Hall, with regard to court martials in connection with the Punjab riots, Mr. Montagu stated that he understood that acts of passive resistance against the Rowlatt Legislation were not in themselves treated as offences by the Punjab authorities.

Rowlatt Legislation

Replying to Capt. Ormsby Gore Mr. Montagu stated that he had received many communications from India with regard to the Rowlatt Legislation and he had given them his best consideration from the point of view of allaying uneasiness. He believed that the powers given to the executive by the Rowlatt Legislation were at present necessary, but there were no responsible grounds for apprehension in India. He emphasised that the Act was valid for three years only, after which the whole position would be considered and, if anarchical and revolutionary action were abandoned, the Act would not be used and there would be no necessity for its renewal.

Rice Hoarding

Mr. Thomas-Stanford asked the Secretary of State of India whether he is aware that quantities of rice are being held up by the merchants at Darjeeling in order to force up prices and that a considerable portion of the rice so hoarded is going bad; whether there is any reason to believe that this proceeding is part of an organised plan to embarrass the Government and secure the repeal of the Excess Profits Tax, and whether, in the interest of the native consumer and for the maintenance of order, the Government will take steps to put an end to this profiteering in an article of prime necessity?

Mr. Montagu — I have no information but will communicate the substance of my hon. Friend's question to the Government of India.

Floggings in Burma

Lieut. Commander Kenworthy asked the Secretary of State for India if he can state the number of floggings that have taken place in Burma in the last six months, how many of these floggings were public, the number of lashes given in each case; the instrument by which the punishment was inflicted, and the composition of the court-martial or other court that passed these sentences.

The Secretary of State for India — The figures are returned annually. I have no figures later than those for last year and I see no reason to call for a special inquiry. The canings are not public and the sentences are passed by the ordinary civil courts. There have been no court-martials in Burma for offences other than those of a purely military nature.

Commissions for Indians

Captain Ormsby-Gore asked the Secretary of State for India whether it is proposed to lay down any specific number of commissions to be conferred upon Indians each year from among Indians already serving in the Army, and from among young

educated Indians who undergo special training and education with a view to their becoming officers at the commencement of their regimental careers, respectively, or are commissions to be granted from time to time as suitable individuals obtain recommendation?

Mr. Montagu.—It is not proposed to grant commissions every year to Indians already serving in the Army, but a limited number of commissions is being granted to Indians who have specially distinguished themselves in the War. I am not quite sure who are the young educated Indians to whom the hon. and gallant Member refers, but if he means Indians who seek admission to the Army through Sandhurst, the number to be nominated every year is ten.

Captain Ormsby-Gore asked the Secretary of State for India how many Commissions in the Indian Army have been granted to Indians since the announcement of August, 1917, whether all such commissions have been granted to Indians serving in the Indian land forces, and what principle is to be adopted in granting commissions to Indians in the future?

Mr. Montagu I assume that the hon. and gallant Member refers to permanent commissions. Nine of these have been given to Indian officers serving in the Indian land forces who have specially distinguished themselves during the War. Five Indian cadets have been admitted to Sandhurst and will receive commissions in due course if they qualify. Five more will join next term, and it is intended that there shall join ten annually. A further limited number of commissions will be granted to Indian officers for special distinction in the present War, and to those cadets considered qualified at the Indore Military College, which closes shortly. But otherwise commissions will only be given to Indians who qualify at Sandhurst in the ordinary way.

Colonel Yate Is there any limit of age to the cadets admitted to the Indore Military College?

Mr. Montagu I think there is, but I should not like to say from memory. I will tell the hon. and gallant Gentleman to-morrow.

Imperial Cadet Corps (Dehra Dun)

Captain Ormsby-Gore asked the Secretary of State for India, why the Imperial Cadet Corps at Dehra Dun was closed, and whether it is to be reopened?

Mr. Montagu —The Imperial Cadet Corps was closed during the War as the course of education there was not suited to War-time conditions. I have not yet had any proposals from the Government of India if it is to be reopened.

INDIA IN PARLIAMENT
House of Commons—Aug. 19.

Sir Rabindranath Tagore

Mr. Swan asked the Secretary of State for India, whether a letter has been received by the Viceroy from Rabindranath Tagore asking to be relieved of the Knighthood conferred upon him; whether any reply was sent to him; whether he has been relieved of his Knighthood as requested; and whether the correspondence which passed between R. Tagore and the Viceroy can be published in the Official Report?

Mr. Montagu.—The answer to the first two parts of the question is in the affirmative. The title conferred on Sir Rabindranath Tagore has not been revoked. Sir Rabindranath Tagore communicated his letter to the Press in India.

Colonisation (Deputation)

Mr. Swan asked the Under-Secretary of State for the Colonies whether he is aware that the deputation from British Guiana on the question of colonisation is not properly representative of the people of that colony, but is composed almost exclusively of persons interested in the sugar industry, which desires cheap labour by means of immigration; whether he is also aware that labour is not represented on the deputation, and that labour represented members of the deputation not to proceed, and whether he proposes to take any action in the matter?

Lieut.-Colonel Amery.—The question of the deputation from British Guiana is not one in which the Secretary of State can interfere, but in considering the proposals put forward by the deputation, due regard will be paid to the interests of all sections of the community.

Government of India Bill.

Ordered,

That Sir Donald Maclean be discharged from the Select Committee on the Government of India Bill.—[COLONEL GIBBS.]

Motion made, and Question proposed.—[COLONEL GIBBS.]

"That Mr. Acland be added to the Committee"

Colonel Yate: I think I should take this opportunity of protesting, not against the personality of the appointment of the right hon. Gentleman the member for Camborne (Mr. Acland) but because the opportunity has not been taken to appoint some Member with a reasonable knowledge of India. There are a large number of Members of this House who have had experience in India, and I think the occasion should have been seized to appoint one of these rather than

a right hon. Gentleman who has never been in India. Although, of course, I am delighted that the hon. Member for Camborne should join the Committee, I do feel that now that a vacancy has occurred the Prime Minister should take the matter into consideration and appoint someone with recent knowledge of India. I hope, indeed, he will consider this matter before finally sanctioning this appointment.

Mr. Bonar Law. No doubt there is a great deal of force in what my hon. and gallant Friend has said about the value of Indian experience, but he is a very old Member of the House of Commons, and he knows perfectly well the principle on which this Committee are appointed. The members are taken from different parties. My right hon. Friend opposite has resigned, and one of the oldest rules we have is that the party to which the retiring Member belongs should have the nomination of his successor. I think it would be a great mistake to depart from that practice.

Colonel Yate May I ask—

Mr. Speaker. The hon. and gallant Gentleman has exhausted his right of speaking.

Question put, and agreed to,

Army Commission

Mr. Frederick Roberts asked the Secretary of State for India whether the Indian Army Commission will inquire into the grievances of the Indian section of the Army and of Indians generally with regard to the military policy of the Government, why no Indian is appointed a member of the Commission; whether the commission will be made good before the Commission commence their work, whether the Right Hon. Gentleman is aware of the strength of the Indian feeling against Sir Michael O'Dwyer for his recent administrative acts in the Punjab, and why he has been appointed a member in the face of such feeling?

The Secretary of State for India (Mr. Montagu).—Under the terms of reference the Committee is concerned with general questions of Military administration and organisation, and with grievances; but I am considering the appointment of an Indian member. I do not see that recent administrative acts in the Punjab have any bearing on this inquiry.

Captain Ormsby-Gore asked the Secretary of State for India why no Indian has been appointed on Lord Fisher's Committee on the Indian Army?

Mr. Montagu :—The appointment of an Indian to the Committee on the Army in India is under consideration.

Colonel Yate :—Will the Right Hon. Gentleman consider the question of the taking of evidence from Indian officers now at

Hampton Court, as there are some there who could give most valuable evidence before the Committee?

Mr. Montagu. I am obliged for the suggestion, and will communicate it to the Chairman of the Committee.

Panjab Commission

Captain Ormsby-Gore asked the Secretary of State for India whether he can now give the names of the members of the Commission of Inquiry into the recent events in the Panjab, and whether he will undertake to select as chairman of such a Commission a Member of either House of Parliament?

Mr. Montagu.—I am in communication with the Government of India as to the inquiry. I hope to be in a position to make a statement very shortly.

Captain Ormsby-Gore. Before the House rises for the Recess?

Mr. Montagu. I hope so.

Currency

Mr. Stewart asked the Secretary of State for India whether the amount of silver obtainable from abroad by the Indian Government at the present time is sufficient for her requirements and, if not, will he cause inquiry to be made with a view to ascertaining whether the old rights of the natives to exchange their ornaments against rupees, weight for weight, can in any way be restored so that the Indian Government, in the event of a good export season, may be placed in a position to avail of the large reserves of silver at present on the spot in India in the shape of native ornaments, as was formerly the case?

Mr. Montagu.—India could do with more silver. The question of an offer by the Government of India to receive silver from private persons will, I understand, be submitted to the Indian Currency Committee.

Mr. Stewart asked the Secretary of State for India whether his attention has been called to the fact that a higher price in sterling is now obtainable in America for sales of gold than is obtainable in this country, whether India is contemplating putting up the price she is prepared to pay for imported gold, and, if so, by how much, and whether the present Currency Committee can be empowered to extend its inquiries to consider the problem of currency as a whole, instead of approaching the question from a purely local point of view?

Mr. Montagu.—I am not fully informed as to sales of gold for sterling in America. The second part of the question asks for a statement on a matter on which action, if taken at all, would

necessarily be taken without previous announcement. The Chairman of the Indian Currency Committee informs me that, in his opinion and that of his colleagues, so far as it is possible to see at present, the terms of reference as they stand give all the scope necessary for conducting the inquiry and for making recommendations.

Mr. Stewart Will the evidence put before the Committee be published in the ordinary course as a Parliamentary Paper.

Mr. Montagu : Perhaps my hon. Friend will give me notice. I think so, but I would rather confirm that by reference.

Patel Hindu Intercaste Marriage Bill

Colonel Yate asked the Secretary of State for India whether he is aware that the introduction of the Patel Hindu Intercaste Marriage Bill in the Indian Legislative Council and its circulation by the Government of India through local Governments for opinion has caused great alarm amongst orthodox Hindus of all classes of society in India, as an interference with their most sacred religious and social usages which it has been the policy of the British Government hitherto never to interfere with : and will he ascertain from the Government of India whether it would be desirable to take action to reassure orthodox Hindu opinion that no interference with religious usage is contemplated by the British Government ?

Mr. Montagu There would seem to be some misapprehension in the matter. The Government of India is not responsible for the Bill, which was introduced by an elected member of the Legislative Council. The government are in no way committed to support it, but as it received a certain amount of support from the unofficial members, they have taken steps to obtain the full opinion of the Hindu community before the Bill is further proceeded with.

Colonel Yate Will the Government of India leave it to the unofficial members of the Indian Legislature to carry through this Bill and not push it on the part of the Government ?

Mr. Montagu The Government of India will have to make up its mind about this Bill if it ever comes to the point at which a Bill comes up for sanction or vote, and for that purpose it is necessary that the Government of India should be fully informed, but it will be treated as a private Member's Bill and unofficial.

Government of India Bill—Joint Committee

Colonel Yate asked the Secretary of State for India whether he will permit members of his Council who are not committed to the Government of India Bill as it stands to give evidence before the Joint Select Committee ?

Mr. Montagu: I do not know to what members of my Council my hon. and gallant Friend refers, but I have decided some months ago, with the assent of my Council, that any member thereof who wished to give evidence before the Joint Committee on his own behalf should offer to do so. The decision as to what evidence they will admit or require rests with the Committee alone.

Colonel Yate: As I believe the right hon. Gentleman nominates the members who are to give evidence before the Committee, will he say how many members of his council he has nominated; and, as many of the members are presumably in conformity with his views, will he nominate an equal number of those opposed?

Mr. Montagu: My hon. and gallant Friend is quite mistaken, I do not nominate the members, [An Hon. Member, "Dominate!"] I am quite sure the hon. and gallant Member does not mean that. [Hon. Members "He said 'nominate.'"] The Committee know that the members of the Council of India are willing to give any information and any evidence they may be asked to give. I do not know whether any of them have applied to the Committee to give evidence.

Colonel Yate: Has the right hon. Gentleman given the names of any members of the Council to the President of the Select Committee?

Mr. Montagu: I have given the names of all of my Council. In this regard I have said that the Council is free to give evidence or any member of it, and they would presumably be summoned by the Committee.

Ex-Officers (Employment)

Mr. F. C. Thomson asked the Secretary of State for India what is the number of regular officers of the Indian Army, who have been discharged as a result of disability due to active service in the War; and for what proportion of these has the Government of India found employment?

The Secretary for India (Mr. Montagu) The number in question is approximately forty. It is not known that the Government of India have found employment for any of these officers, but the majority, if not all, would be either physically unfit for or not desirous of further employment in India. If there is any discharged officer of whom this is not correct, I should be glad to have my attention called to his case.

Mr. Jamieson:—Is the Right Hon. Gentleman aware that there are a great many jobs going now in Mesopotamia and Palestine where retired Indian officers would be very useful on account of their knowledge of oriental countries, and that very few of these jobs have

been given to such invalidated Indian Officers who are generally poor men, who have had to live on their pay all their life, and who will be very hard hit if they have to live on their pension only?

Mr. Montagu: Perhaps the Hon. Member will furnish me with particulars of any cases in which preference can be given to retired officers of the India Army over any others.

Public Services

Colonel Yate asked the Secretary of State for India whether the proposals of the Government of India to carry out the recommendations of the Public Services Commission as regards the Indian Forest Service, the Finance Department, and the Indian Educational Service that were under consideration in May last have now been carried into effect: if not, when will they be carried into effect: and whether the proposals of the Government of India regarding the remaining Indian Services have now been received and considered?

Mr. Montagu: The Government of India have now announced a revised AD INTERIM scale of pay for the Indian Education Service and are about to announce a revised scale for the Forest Department. Their proposals for the Finance Department are still under discussion. Last month I received recommendations with regard to a number of other Departments, and recommendations with regard to most of the remaining Departments are, I understand, on their way home. I propose to deal with all these as expeditiously as possible.

Punjab Riots

Mr. Neil Maclean asked the Secretary of State for India whether he will lay upon the Table a statement giving the number of Indians killed or wounded in the recent riots in the Punjab and the number of people sentenced by Martial Law Courts in the Punjab, together with the sentences imposed upon them within the last three months?

Mr. Montagu: I have not yet received a full account of the number of casualties. As regards trials and sentences I will lay a statement giving total returns, but in many cases sentences are still being revised and reduced.

Press Act and Nationalist Newspapers

Mr. Maclean asked the Secretary of State for India if all the newspapers owned or edited by Nationalists in India have had their securities forfeited or increased or been demanded securities, or proceeded against in other ways?

Mr. Montagu. No, Sir, certainly not.

Colonel Wedgwood. Is it not a fact that the AMRITA BAZAR PATRIKA, the HINDU, the NEW INDIA, the INDEPENDENT, and the BOMBAY CHRONICLE have all lost their securities, and how much has been taken from these newspapers on account of their attitude?

Mr. Montagu. If my hon. and gallant Friend wants the figures perhaps he will give me notice. The newspapers to which he refers were proceeded against under the terms of the Press Act.

Colonel Wedgwood. Have not all these newspapers lost their deposits in consequence?

Mr. Montagu. I cannot charge myself with remembering the particulars of each case, but I think my hon. and gallant Friend is accurate in saying that they have all suffered under the Press Act.

Colonel Wedgwood. Is it not a fact that practically all the Nationalist newspapers in India have been so treated?

Mr. Montagu. If a large number of Nationalist newspapers in India have offended under the Press Act, then they have been proceeded against. It was not because they were Nationalist newspapers, but because they offended against the provisions of the Press Act.

Mr. Maclean. Is it not a fact that the Press Act only affects the Nationalist newspapers?

Mr. Montagu. I shall be happy to send my Hon. Friend a copy of the Act, and he will see that it applies indiscriminately to all newspapers.

Colonel Wedgwood. How long will the Press Act be continued after India gets Home Rule?

Mr. Maclean asked the Secretary of State for India whether he will lay upon the Table a Return of the number of newspapers and presses that have been proceeded against in India under the Press Act and for the Defence of India Act since the beginning of this year?

Mr. Montagu. I will ask the Government of India to supplement the information for which the Hon. Member for West Edinbourg (Mr. Jameson) asked on the 22nd July by a Return giving these particulars.

Government of India Bill

Colonel Yate asked the Secretary of State for India whether he has received the deputations of extremists and soi-disant moderates in conference at the India Office, and, if so, will he accord the same privilege to the members of the non-Brahmin and other deputations now in England?

Mr. Montagu. I have done my best to receive and to assist all deputations from India, whatever their views, whenever I have been

asked to do so I will certainly see the non-Brahmanas if they ask to see me.

Colonel Yate asked the Secretary of State for India what has been the result of his communication to the Government of India regarding the grant of help to representatives of rural communities in India to come to England to give evidence before the Joint Select Committee on the Government of India Bill, so as to place the rural communities on an equality with the Brahman and higher caste communities of the towns?

Mr. Montagu I have not yet received the views of the Government of India.

Colonel Yate asked the Secretary of State for India whether it was with the advice of his Council that he summoned Mrs. Besant as a witness to give evidence before the Joint Select committee on the Government of India Bill?

Mr. Montagu I did not summon Mrs. Besant as a witness before the Joint Committee. I had no power so to summon Mrs. Besant. I have no power so to summon anybody.

Colonel Yate Has the right hon. Gentleman read the "Life and Activities of Mrs. Besant" published in India?

Mr. Speaker That is a matter for a private question in the Lobby.

Afghanistan and Mesopotamia

Sir J. D. Rees asked the Secretary of State for India if he has any information regarding the peace with, and situation in, Afghanistan, and the proposed future of Mesopotamia, before the House rises for the Recess?

Mr. Montagu I am about to lay Papers regarding Afghanistan. I regret that I am not in a position to make any statements concerning the future of Mesopotamia.—

Punjab Rebellion (Courts-martial)

Lieut.-Colonel Sir Frederick Hall asked the Secretary of State for India if his attention has been called to the result of court-martial prosecutions in connection with the Punjab rebellion; if such prosecutions have been directed against acts of passive resistance against the Rowlatt legislation and, if not, whether he will give some indication of the class of crime for which prosecutions have been initiated, particularly those in which capital sentence has been passed?

The Secretary of State (Mr. Montagu) —I have not yet had a full report, but I understand that capital and other serious offences, such as waging war against the King, murder, robbery with violence

have been tried exclusively by Commissions appointed by the Local Government under a Special Ordinance, and consisting of three persons of whom two at least must be judicial officers. Minor offences have been tried and penalties inflicted by Courts-martial, the presiding officers being generally a civilian exercising the powers of a first class magistrate. I understand that acts of "passive resistance" were not in themselves treated as offence by the Punjab authorities.

Sir F. Hall: In the view of the untrue statements made in certain portions of the Press and the injury likely to be done in India, will the Right Hon. Gentleman take care to see that his reply is made known in India?

Mr. Montagu: Yes, Sir.

Captain Ormsby Gore asked the Secretary of State for India whether sentences recently passed by Special Military Courts in the Punjab included, in addition to sentences of imprisonment, confiscation of the property of persons so sentenced; whether such sentences necessarily involve the destitution of the innocent wives and children of offenders, and whether he will take steps to revise such sentences forthwith?

Mr. Montagu: My hon. and gallant Friend presumably refers to sentences passed by Commission of three judges appointed under Special Ordinances. Under the Indian Penal Code the forfeiture of property is part of the penalty provided for the offences of waging war against the King, or attempting to do so, or collecting arms for that purpose. The Courts have therefore no option but to include that in the sentence on persons found guilty. But the Government examines all such cases and remits or reduces this penalty in cases in which it would involve the destitution of the family. The local Government has directed that the order of forfeiture should not be carried out in cases where the convicted person does not pay Income Tax or does not pay revenue exceeding Rs. 30 per annum. In other cases special report is to be made to the Government.

Colonel Wedgwood: Is India the only part of the British Empire where the sentence of confiscation of property is permitted?

Mr. Montagu: I do not know that.

Colonel Wedgwood: Is the Right Hon. Gentleman aware of any other part of the British Empire where by sentence a man's property can be taken away?

Mr. Montagu: The question on the paper only deals with India.

Captain Ormsby-Gore: What is meant by "waging war" against the Government in connection with these riots?

Mr. Montagu : The offence of waging war against the Government is an offence dealt with in the Indian Penal Code, and the facts of the case are judged by Commissioners. I have not yet received a full report of these cases.

Rowlatt Legislation

Captain Ormsby-Gore asked the Secretary of State for India whether he has received, and is continuing to receive, representations from various quarters in India regarding the Rowlatt Legislation, and whether he can take any steps to allay the uneasiness evidenced by such representations ?

Mr. Montagu : I have received a large number of communications from India on the subject of the Rowlatt Legislation, and I would take this opportunity of making it clear that I have given them my best consideration from the point of view referred to in the last part of the question. I believe that the powers given to the executive by the Rowlatt Legislation are necessary at the present time, and that there are no reasonable grounds for the apprehensions felt in India. The Act itself is valid for a period of three years only, after which the whole position will be considered. If the anarchical and revolutionary actions against which the Act is framed are abandoned, the Act will not be used and there will be no necessity for its renewal.

London School of Tropical Medicine (Treatment of officers)

Colonel Yate asked the Secretary of State for India whether, considering the importance of the generous arrangement made by him for the treatment of civil and military officers from India suffering from tropical diseases at the hospital of the London School of Tropical Medicine, he will take steps to have his recent announcement on the subject published in India for the information of all concerned ?

Mr. Montagu : Yes, Sir.

Cotton Cultivation (Sukkur Barrage)

Sir J. D. Rees asked the Secretary of State for India whether the Government of India has under consideration the recommendation of the Indian Cotton Committee that Sukkur barrage should be constructed upon the Indus in order to effect the extension of the cultivation of long staple cotton in Sind ?

Mr. Montagu : I hope to transmit shortly to the Government of India the advice of the Empire Cotton Growing Committee on the recommendations made by the Indian Committee. The Government of India will then, if they have not already done so,

consider the whole report, including the recommendation relating to the Sakkur barrage.

Government of India Bill (Select Committee)

Colonel Yate asked the Secretary of State for India whether he will direct the Government of India to request the present Governors of the provinces which submitted an alternative scheme on the 15th January last to nominate representatives, either now in this country or in India, to express their views before the Joint Select committee on the Government of India Bill?

Mr. Montagu No, Sir.

Colonel Yate In view of the Right Hon. Gentleman's statement the other day that he represents the provincial Governments, may I ask how he can represent those Governments when his opinions are directly opposed to their views?

Mr. Montagu: I will take the most scrupulous care that their views are put before the committee. I understand that the committee have already decided to hear the evidence of one of those who drew up the alternative scheme.

Colonel Yate May not the other five also be represented?

Mr. Montagu If five men draw up a scheme I should have thought it sufficient to have one to explain it.

Colonel Yate Has the Right Hon. Gentleman nominated only one man to represent his views? How many does he directly nominate?

Mr. Montagu My hon. and gallant friend sticks to his point very hard. The other day I asked him to suggest to me the names of witnesses he thought ought to be called by the Select Committee. He did so, and I have communicated these names to the committee, and I have every hope that they will be called.

Colonel Wedgwood Seeing that it is the Government of India that is in question, will it not be possible to call more Indians before the Committee. Why should people like Lajpat Rai be prohibited from coming to this country to give evidence?

Mr. Montagu I have not the slightest doubt that the Committee will call for and get what evidence is required.

Colonel Yate asked the Secretary of State for India whether, considering that the Indian extremists and soi-distant moderates are represented by large deputations now in this country, and that there are many organisations of Muhammadans and the working classes of India which are prevented by want of money from sending their representatives, as they are most anxious to do, the Government of India will provide the necessary funds in order that these

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poor people may be properly represented and thus placed in position of equality before the Joint Select Committee on the Government of India Bill with the Brahman and higher cast deputations?

Mr. Montagu. I have repeatedly stated that I will do all in my power to get for the Joint Committee any evidence for which it asks. I do not regard the hon. and gallant Member's suggestion as practicable.

Colonel Yate: Is the Right Hon. Gentleman not aware that rural committees in India have applied to the Government of India for help to come and give evidence? Are not their views to be represented?

Mr. Montagu: I understand that the Government has not helped any deputation to come to this country, but has simply provided facilities for those who wish to come at their own expense. I do not see how it is possible to differentiate between one deputation and another.

Colonel Yate: These people are poor agriculturists. Why should not Government give them help to come to this country.

Mr. Montagu: If my hon. and gallant Friend wishes to add that suggestion to the others he has made I will certainly communicate it to the Government.

Lieut Colonel Pownall asked the Secretary of State for India whether he will suggest to the Joint Select Committee on the Government of India Bill the advisability of taking evidence of some of those who have recently held provincial Governorships or other high official positions?

Mr. Montagu: Yes, Sir, certainly. Part of the evidence already taken by the committee has been of the kind referred to; and as I informed the hon. and gallant Member for Melton I shall be happy to submit further names for the committee's consideration.