

published in the Government of India's Dispatch No. 1 of 1919 dated March 5th 1919 giving their views on the question raised in the Montagu-Chelmsford Report. My Association endorses the fear expressed by the Calcutta Association that the Government of India "do not realise the difference in difficulty between keeping order in the name of an all-pervading and apparently permanent British administration, and keeping it in the name of a British administration which has narrowed its sphere to a very few reserved subjects, and is understood to be pasting labels to London on its baggage."

19. The purpose of my Association in addressing your Lordship is to lay all the stress within its power on the imperative necessity for caution. The reforms were granted to India as a firsthand step towards autonomy. The new constitution is already being attacked and in canvassing for opinions in favour of the abolition of recruitment for the Services in England, the Government of India appear to be affording support to those who desire that a second step should be taken before the forward foot of the first has been firmly planted. The proposal to abolish the European Services strikes at the root of the reforms. It is hardly necessary to remind your Lordship that the retention and contentment of the Services have been affirmed and reaffirmed as essential to the success of the reforms by the authors, by the Government of India, by the Joint Select Committee of Parliament, by members of His Majesty's Government and by Parliament itself. The proposal to abolish the Services is a direct attack on the very foundations of the fabric and to accept it would soon open the way to further attacks which would inevitably bring the whole structure to the ground. The issue has now arisen between revolution and probable anarchy and that gradual evolution which is the key note of the reforms. My Association submits that the abolition of the Service is an Imperial matter which should be dealt with by a Royal Commission deriving its authority from Parliament and is not an administrative or local political problem to be investigated by the Government of India. If the reformed constitution is to be amended in its essentials within three years of its inauguration instead of after the lapse of ten years as contemplated by Parliament, then the proposals for the change should be made after a careful and full inquiry into all the factors involved, carried out by a neutral tribunal appointed by Sovereign authority whose deliberations would command universal confidence.

I have the honour to be

My Lord

Your Lordship's most obedient Servant

J. N. DOWNING.

Interpellations in Parliament

Similar petitions had earlier been forwarded by other I. C. S. Associations to the new Secretary of State. In April last the "Morning Post", the mouth piece of the Dwyer-Sydenham gang, published a memorandum from the Punjab officials to Viscount Peel. These men saw a ray of hope in the dismissal of Mr. Montagu. The general complaint was that the conditions of their retirement on proportionate pensions were inequitable. On the 11th April Lord Sydenham asked in the House of Lords, firstly, whether Viscount Peel would consider the desirability of modifying the form of certificate demanded from officers wishing to retire on proportionate pensions who regard the words, 'I feel unable to serve the Indian Government with advantage to the State' as offensive and degrading, and secondly, whether Lord Peel would institute an enquiry into the grievances set forth in the memorials from the public services in India with a view to regaining the confidence of those services and securing the recruitment of candidates capable of maintaining their high standards in the future. Lord Sydenham stated that the Civil Service was visibly crumbling away and he thought this was as serious even as the widespread unrest and disturbances created by the efforts of Mr. Gandhi.

Lord Peel, replying, promised to give consideration to those matters and declared that he yielded to none in his appreciation of the great services of Indian Civil Servants and the grave necessity of maintaining the position of excellence and high standard of the service. Regarding certificates from officers, Mr. Montagu had sent a dispatch to the Indian Government asking for the re-examination of certificates (see p. 129), and Lord Peel said he hoped to receive a reply shortly and he would then deal with the question as rapidly as possible. As regards officers who did not apply before the 31st March 1921, the dispatch sent by the Indian Government on the 9th February showed that members of the services were to be given an opportunity of testing the conditions brought about by the Government of India Act and by the constitutional developments under it and if, as a result of their experience, they wished to withdraw, they were to be given the right to apply for proportionate pensions. The existing scheme of proportionate pension rights had no reference to any further change in the conditions which might be brought about as a result of further legislation. He trusted this explanation would entirely dispel any suspicion that there had been, or that there was,

a wish to deplete the Indian services of the British element at the earliest date, which was entirely unfounded.

After promising sympathetic consideration to the question of enquiry into the memorials, Lord Peel said he gathered that Lord Sydenham was considering this point largely with reference to the question of future recruitment. Lord Peel stated that he had already acted in this matter and was asking a small committee to advise him privately regarding the steps which could be taken to remove impediments which might be found to stand in the way of recruitment; but he wanted to make it clear that he regarded this method as an informal preliminary, because the issues raised might be wide and complicated, and until they got a comprehensive view of the problem, he was not in a position to know whether it would be advisable to proceed on more definite lines, like a formal enquiry covering the whole scope of the question.

O'Dwyer's Letter to the Press

An attempt was also made to rehabilitate the guilty officers of the Punjab in 1919 who had been punished under the Montagu regime. On the 11th April Sir C. Yate asked the Prime Minister if he could give the result of his inquiry into the statements contained in the letter of Sir Michael O'Dwyer to the Press of the 7th November, 1921, complaining of the unfair treatment of officers, civil and military, who took part in suppressing the Punjab rebellion in 1919, and in view of the additional facts brought out in that letter, if he could state what steps the Government intended to take to safeguard the future prospects and to prevent the further prosecution of these officers, British and Indian, who had been so seriously affected by the orders issued in the Government's review of India in 1920,

In reply, Mr. Chamberlain said I have seen the letter referred to. So far no additional facts are brought to light. His Majesty's Government, after careful consideration of the Hunter Committee's report and the views of the Government of India found it necessary to express disapproval of certain officers' errors of judgment, which in most, though not in all, cases had taken the form of undue severity. In some cases officers who did very good work in a position of great difficulty had to be censured for particular actions which were ill-advised. His Majesty's Government is unable to re-open the enquiry in the case of these officers. It is unfortunately true that, in spite of all that has been done to promote better feeling, a residuum of bitterness remains in the Punjab, which results in manifestations of social and personal enmity against those who took part or aided in restoring order in 1919.* Indians, whether Government servants or not, are more exposed to suffer from such

manifestations than British, and it is impossible for any Government to completely neutralise the effects.

Sir C. Yate then expressed the wish that the Viceroy should be communicated with and asked to put a stop to these officers being held up to opprobrium as having been censured for acts in connection with the Punjab rebellion, but Mr. Chamberlain said that he knew that the Viceroy regarded the protection of these officers as a paramount duty.

Surplus Army Officers

On the same day, Sir Arthur Holbrook asked whether the Indian Govt. had circularised all the officers of the Indian Army, stating that two-thirds of the total establishment are surplus, and offering those who are surplus a sum of money on condition they resigned their commissions. Sir Arthur Holbrook asked that if this were so, what compensation would be sufficient to ensure that the officers could fit themselves for civilian appointments?

Lord Winterton said that he was not informed regarding the circular, but he was sure the surplus could not have been stated at a figure so wide of the mark. Compensation would be given on the same basis as to surplus officers in the British service except that account would be taken that pay and pensions are higher in the Indian service.

Treatment of Political Prisoners

With regard to an enquiry by Colonel Wedgwood as to the differing practices that prevail in various Indian provinces in regard to preferential treatment of political prisoners, Lord Winterton pointed out that the jails were under the control of the provincial authorities. Nevertheless, the Indian Government had not only urged upon the local Governments the desirability of uniformity in the treatment of political prisoners but had recommended that the prisoners sentenced to rigorous imprisonment might not unreasonably receive treatment and privileges different from ordinary criminals.

HOUSE OF COMMONS—MAY 1922

The attention of Parliament was drawn to various Indian affairs in May last when the Joint Parliamentary Committee were busy in holding meetings (see p. 208xxi), under Lord Islington to discuss Indian question. The Lancashire members of Parliament kept on a strenuous agitation for securing a modification of the Indian fiscal policy in their favour and a resolution was proposed to be moved in the House on May 10th to secure their end. The

change of personnel in the India office had given them a hope of reversing the Montagu policy, like the Servicemen. On May 9th Sir Charles Yate, in his zeal to maintain law and order, wanted to know what powers were now left to the Government of India in view of the repeal of the Press Act, in "repressing the dissemination of seditious matter and the vilification of Government servants"; whether these powers were considered sufficient; and, if not, what steps were to be taken in the matter?

The Under-Secretary evidently thought it was best that his questioner should find out the answer for himself. So he sent the gallant Colonel a copy of the Act itself, "which", he said, "will answer the first part of his question". He added that it was hoped the powers that remained would prove sufficient. If they did not, it would of course be necessary to consider further action.

"Are any further powers necessary," interjected Colonel Wedgwood, "when you are able to put your opponents into gaol"?

On the 16th May replying to Sir J D Rees regarding reports of disagreement between the Home Government and the Government of India in connection with the latter's policy in Waziristan, Earl Winterton said that the two Governments were agreed on the course to be followed in the next few months but that discussion of details in the execution of policy was likely to continue for some time. This discussion had been magnified in some quarters into difference of opinion on fundamental policy which, he said, was not true.

Racial Distinctions Committee

With regard to the Racial Distinctions Committee, Sir Charles Yate asked what steps had been taken to secure that nothing was done to abolish the rights of Europeans under the Criminal Procedure Code? Earl Winterton replied that as the Committee had not yet reported; as far as he was aware the question had not yet arisen.

Loyal and contented Police

Sir Charles Yate, in view of the great increases in military charges necessitated by frequent calls upon troops in India to aid the civil authorities in maintaining law and order, asked what steps it is proposed to take to secure a loyal, well paid and contented police force for each province sufficiently strong to meet the growing defiance of authority and to maintain law and order without continually calling on the troops? Earl Winterton replied that despite temporary difficulties he believed there was no material deficiency in the police forces or any need for taking special steps. The use

of troops to assist the civil power had not greatly increased the military charges as the only military charges affected thereby were transport charges which were comparatively small.

Europeans in Indian Prisons.

Questions were asked by Colonel Wedgwood with a view to eliciting information with regard to the white men imprisoned in India for trade union or political activities. The Colonel had in mind the cases of Mr. Stokes, the American, and Mr. Miller, the Organising Sec. of the All-India Trades Union Congress and of the North-Western Railway Worker's Union. He wanted to know the name of the "illegal organisation" for belonging to which the latter had been sentenced to four months' rigorous imprisonment. The answer on this point was to the effect that Miller received his sentence not for belonging to an illegal organisation, but for being a member of an "unlawful assembly". As regards the treatment of European prisoners in jail, the Under Secretary stated that they were always confined in separate quarters, and there were separate rules for their treatment.

Lala Lajpat Rai

In a further question Colonel Wedgwood suggested to the Under Secretary that he should obtain information as to why Lala Lajpat Rai and other political prisoners at Lahore declined to take advantage of the better treatment and food granted to and accepted by political prisoners in other Indian Jails. Lord Winterton put on a supercilious air in regard to this question. He said he did not consider that there was any public interest to be served by inquiring as to the reasons why a particular convict declined a concession.

The I. C. S. Hagglng Again

On 23rd May numerous questions were again put on behalf of the I. C. S. men by the three knights, Sir Charles Yates, Sir J. D. Rees, and Sir W. Davison, all eager to increase the pensions or otherwise to improve the terms upon which these unhappy officials are to be allowed to quit their posts.

Sir Charles Yates said that these men were being badly treated as compared with officials of the late British Government in Ireland. Lord Winterton pointed out that the circumstances were different. The Secretary of State, he said, was not prepared to revise the scales of pension offered which are in fact more liberal than is justified according to a strict proportion of length of service.

On another point, Lord Winterton stated that the proportion of Indians in the Civil Service in 1921 was 13 per cent and since

then, 38 Indians have been appointed which increases the proportion to about 16 per cent. He repudiated the suggestion of Sir W. Davison that there was an "expressed intention to compensate the Indian Civil Service for the loss of prestige and prospects stated in the Montagu-Chelmsford Report to be inherent in the reforms." Whereupon Sir W. Davison snapped out the retort that there was great discontent in the Civil Service and that unless something was done to alleviate it, there would soon be no British members left at all.

The number of members of the I. C. S. from whom applications for permission to retire prematurely on proportionate pensions had been received by the Secretary of State in Council was 28. Of these, 27 had been sanctioned, and one was under inquiry.

The matter however came to rest on July 5th when Viscount Peel in the House of Lords read out the modification orders made by the Sec. of State in Council.

New Rules for Premature Retirement

The modifications in the order relating to conditions and terms of premature retirement of officers of All India Services due to the introduction of constitutional reforms were published on July 5th 1922. The order says: "The option given to members of these services who arrived in India for the first time on a date antecedent to January 1st 1920 to retire before the expiry of the 31st March 1924 shall now continue in force and may be exercised until the action proposed to be taken on the report of the Parliamentary Commission provided for by the Government of India Act is known, when the whole position will necessarily be reviewed. Consequent upon this decision the restriction that leave taken in anticipation of retirement must be completed before the 31st March 1924 is also removed. Officers proposing to retire prematurely, if they have submitted a definite application to retire accompanied by the prescribed form of declaration, will ordinarily be allowed before their retirement takes effect to avail themselves of the full amount of leave due to them and which may be granted to them at one time otherwise than on medical certificate. A mere intimation of a possible intention to retire will not entitle an officer to have his application for leave dealt with under these rules. An officer who has submitted an application to retire supported by the declaration, and has obtained leave on the basis of it, will not be permitted to cancel his application and to return to duty without the consent of his local Government."

The most important part of the modification is the new form of declaration which requires an applicant to state: 'In view of the changes in the conditions of my service occasioned by the Government of India Act 1919 I desire to retire on the terms set forth in the orders relating to premature retirement.' Under certain conditions officers retiring prematurely will be permitted with the specific consent of either the Government of India or the Secretary of State in Council, as the case may be, to take up other employment during the currency of their leave preparatory to retirement. The new modification is emphatic on one point; that eligibility to retire on proportionate pension is not an absolute right which accrues. Grant of leave to officers will not be permitted without the specific sanction of the Secretary of State in Council and without an application for retirement. On signature and presentation of the prescribed declaration, the Secretary of State reserves to himself the right to arrange for a combined pension under the ordinary rules on their final retirement, in case of officers who have obtained employment with his permission in other department under the Crown, or to withhold permission to retire or to permit retirement on reduced pension only if circumstances exist which justify this course. Thus, it would not be open to an officer, against whom disciplinary proceedings were pending or in contemplation which might result in reduction or withholding of his pension, to avoid such proceedings by an application for permission to retire on proportionate pension. The Secretary of State in Council will ordinarily on the advice of the local Government postpone the acceptance of resignation of any officer, if such detention could not be avoided without prejudice to the public interest. It is also announced that orders applicable to officers serving in other provinces will also apply to those serving in Burma with effect from the date on which Burma has been constituted a Governor's province.

Another order of the Secretary of State in Council declares that an officer awarded a proportionate pension may be permitted to commute a portion of his pension not exceeding the third of the whole or less in the option of the sanctioning authority, namely, the local Government under which the officer was last employed, or an officer who draws his pension directly or indirectly from Indian treasuries, and the High Commissioner in all other cases. There are exceptional reasons for refusing sanction to the application in whole or in part. If the sanctioning authority considers that such reasons exist the case will be referred for the decision of the Secretary of State in Council. The order next gives details regarding commutation and the rules governing it.

Debate on the Punjab Tragedy

HOUSE OF LORDS—24TH MAY 1922

In the House of Lords on May 24th 1922 Lord Sydenham raked up the old controversy on the Punjab horrors of 1919 in order to secure 'justice' to two of the censured Punjab officers. In the debate that followed the Ex Viceroy Lord Chelmsford, the author of Martial Law in the Punjab, made a lengthy statement which is reproduced below.

Lord Sydenham asked the Secretary of State for India.—

1. Whether the Military and civil officers in charge at Kasur at the time of the Punjab rebellion—Lieutenant-Colonel MacRae, I. A., and Mr Maraden, I. C. S.,—were censured for "improper and injudicious" conduct *by direction* of the late Secretary of State, by which their careers have been seriously prejudiced. 2. Whether their alleged offence was to order three strokes of the cane to three boys from each of two large schools, the pupils of which had formed part of a violent mob that killed two British warrant officers, wounded several British officers and men, attacked an English lady with her children, and burned the railway station, law courts, and post office. 3. Whether, beyond being examined as witnesses by the Hunter Committee, these officers were ever allowed to offer any defence of their action. 4. And whether, as no condemnation of that action was forthcoming in the Report of the Hunter Committee, while the minority Report recorded the incident inaccurately, the grave injustice accorded to these officers will not be redressed.

Viscount Chelmsford spoke as follows. My Lords, these personal issues are always difficult to deal with across the floor of the House. Your Lordships will naturally and inevitably have sympathy with officers whose actions, done in perfect good faith, have had to be reprobated by the supreme Government. But while Your Lordships have sympathy with these officers, I am sure I can count upon your having consideration for the position of those who are in authority and to deal with the case. In the first place, we had a disagreeable, a distasteful, and a difficult duty to discharge. It was impossible for us to refuse to express an opinion on matters which were disclosed in a public document which had been drawn up at our request—I refer to the Hunter Committee's Report—and I hope to be able to show Your Lordships that it

would be difficult to contend that the Government of India could have come to any other than the decision they came to.

I want now, to come to the questions *seriatim* which the noble Lord has addressed to my noble friend, the Secretary of State for India. I will deal with the first one. I take full and undivided responsibility for the action in this case. The late Secretary of State for India gave no directions whatever to the Government of India with regard to what we were to do as a result of the Hunter Committee's Report; and I strongly suspect that the late Secretary of State for India was unaware of what decision we had come to until we ourselves had informed him from India. I think that disposes of the question which Lord Sydenham has asked, as to whether those officers were censured by direction of the late Secretary of State to the serious prejudice of their careers.

An Insinuating Question

I come to the second question, and, if your Lordships will look at it, I think you will realise that it has been couched in terms of prejudice. What I mean by terms of prejudice is this. It has been put in such a way as to make it appear as though after these very serious outrages at Kasur this slight punishment was the only action taken for the punishment of those who were guilty of those outrages. May I tell your Lordships straightway, as regards the outrages at Kasur—I speak without the book, because I have not got the exact details—that to the best of my recollection there were six or more men executed in respect of the murder and murderous assaults. (Viscount Peel.—I will give the figures.)

That will relieve me greatly. There were many imprisoned and, as a matter of fact, some boys who were found guilty of taking part in these outrages were arrested and were sentenced. To continue the story with regard to this particular school, there were difficulties in this school, and the headmaster said that he was not able to manage the school. Then it was suggested by the Deputy Commissioner, Mr. Maraden I think, to Colonel Mac Rae, who was in charge of Muzilaw in that district, that certain boys should be picked out for punishment. The evidence of Colonel MacKae, was as follows:—

"Q.—Then on the 18th some schoolboys were flogged, and you gave directions that the biggest six boys were to be selected for that purpose? A.—I said, 'Generally speaking, take the six biggest.' The misfortune was that they happened to be big.

"Q.—It was irrespective of whether they were innocent or guilty; because they were big they had to suffer? A.—Yes.

"Q.—Do you think that is a reasonable thing to do?

"A.—Yes, I think so, under certain conditions.

"Q.—It was a mere accident that a boy being big should invite

on himself punishment? A.—It was his misfortune. Q.—His misfortune was that he was big? A.—Yes.

When we had this case before us on the Commission's Report we took no exception as a Government to the fact that punishment was inflicted, but what we had to consider as a Government was whether we should, as a Government, say that vicarious punishment, arbitrary selection of certain boys irrespective of whether they were innocent or guilty, was a thing upon which we could express opinion, we informed the officers that we thought their action was improper.

I notice that the noble Lord, Lord Sydenham, has quoted in his question the words "improper and injudicious." I am not sure whether it was. I noticed that the Lord Privy Seal, in another place referred to some of these actions as ill-advised. Whether they were improper, or injudicious, or ill advised—I do not know what epithet you are to apply to vicarious punishment—I should like to say that no other penalty was imposed at all on these officers. We merely told them, as a matter of course, that we thought the action they had taken was improper. When you put yourselves in the position of a superior authority, I doubt whether it can be seriously contended that the method of vicarious punishment can ever be right or wise, and if it is wrong I do not think that the epithets which have been applied to it were really misapplied.

Now, may I say a word on the third question of the noble Lord which really deals with the procedure which was adopted in the case? I must frankly state at the outset that I am unable, of course, to trace this case from the very beginning, I can only speak of my own knowledge when it appeared before me. But the ordinary procedure in a case like this would be that all the reports and all the documents in the case would be examined in the Home Department. The head of the Home Department would then make a recommendation upon the action that he thought should be taken in the case. Now I can say that I assume that was the case. As to whether these officers were seen or not in the Home Department, I cannot tell Your Lordships of my own knowledge, I can only say that all the reports—their reports probably—and documents in the case would have been examined in the Department. Then the Home Member would make his recommendation, and that would come up to the Viceroy and the Viceroy would order—as I ordered then—that the recommendation with all the papers should be circulated to the different members of Government. Then they would have an opportunity, each one of them, of expressing their opinion upon the case.

When that procedure had been completed we should take the case in Council. I recollect very well that these cases were very

carefully considered in full Council and at great length. When we came to a decision, that decision was communicated to the local Government in the case of Mr. Marsden, and to the Commander-in-Chief, who would communicate the decision of the Government, in the case of Lieut Colonel Mac Rae, to that officer. Looking back at some of the papers I have, I note that the decisions in these cases were not made public until February 19, 1921—last year. I am positive that we came to a decision in this case in the previous year, and probably fairly early in the autumn, for this reason, that I know they were adjudicated upon by Sir George Lowndes who was then my Law Member, and he left on December 31.

As soon as the decisions in the cases were communicated to the officers in question it was open to them at once, long before any publication was made, to appeal to the Government. They could have appealed either to the Governor General in Council, in which case we should certainly have heard them, and if they had appealed to the Governor General in Council and had not received satisfaction, they would have had their personal appeal to me. As regards the first course, though I cannot charge my memory with it, I am not aware that they even appealed to the Governor-General in Council. I cannot charge my memory with that at all, but I am absolutely positive that they made no personal appeal to me. And I can say for myself that during my five years of office as Viceroy I never refused a single application, on the part of any officer who thought he was aggrieved in any matter, for a personal interview with me, and I should have been only too delighted had these officers asked to see me personally.

Those personal interviews are not always pleasant; in fact very often they are the reverse of pleasant, but I always felt that whether one was able to give a decision which pleased the officer or displeased him, he always has a certain amount of satisfaction in having been able to get to the head of the Government of India and have a personal talk over his grievance. Therefore, I can say with regard to my own personal action that I am positive that no appeal was ever made to have an interview with me personally. The truth is that in this case there is really no dispute as to the facts. It is not the punishment that was objected to but the method of that punishment and I have never heard it disputed that this particular method was adopted; so that the facts are not in dispute.

Importance of the Minority Report

Now let me come to the last question asked by the noble Lord. It is in these terms.

"And whether, as no condemnation of that action was forthcoming in the Report of the Hunter Committee, while the Minority

Report recorded the incident inaccurately, the grave injustice accorded to these officers will now be redressed."

It is perfectly true that there was no specific mention of this case by the Majority Report of the Hunter Committee. It was mentioned only in the Minority Report. But is it seriously contended that when a Government has instructed a Committee or a Commission to report to it, it is to look solely at the majority Report and to pay no attention to the minority Report? I think the noble Lord who has asked this question is not always in the majority in his opinions in this House, and I am sure he would be the last to protest if his views in the minority were not given the weight which attaches to them, by the the Government of the day, to which his remarks had been addressed.

Apart from that, I would like to say that it is true that the majority did not mention this specific case, but they did make some very trenchant remarks on flogging generally in the Punjab. May I read their findings on that subject to your Lordships?

"The impression made upon our minds by the evidence is that there were too many sentences of flogging pronounced. From an examination of the cases of flogging inflicted for breaches of Martial Law orders it appears that the punishment of whipping was regarded as probably the most efficacious and convenient method of summarily dealing with most minor breaches of the Martial Law regulations."

Then they proceed to give instances, and conclude :—

"In view of the strong feeling in India against corporal punishment, we think it would be advisable that some restriction should be imposed on the discretion of area officers in giving sentences of whipping."

So that they did express their view strongly on the general policy of whipping which had been resorted to.

What are the inaccuracies of which the noble Lord complains in the Minority Report? In the Minority Report it is said that six boys were sentenced to six strokes each. As a matter of fact, what happened was that three boys were sentenced to six strokes and three boys were sentenced to three strokes. That is the inaccuracy on which, I presume, the noble Lord lays some stress. I will not trouble Your Lordships any further with regard to this case. The noble Lord has asked that justice should be done, and I do not for one moment suggest that if an injustice has been done it should not be remedied and remedied at once, and if my noble friend the Secretary of State for India thinks that an injustice has been done, I shall be only too pleased for him to direct that it shall be rectified. I appear at this table this afternoon not to make a case against these

officers, but to endeavour to put before Your Lordships the position of the Government of India when it was face to face with this particular Report of the Hunter Commission. I hope I have put it temperately and fairly. I certainly have no wish in any way to make the worse appear the better cause.

The Secretary of State for India (Viscount Peel): My Lords, it is seldom that we have in this House the advantage of hearing so full and clear a statement as that to which we have just listened, from a high official like an ex-Viceroy of India, who took so responsible a part in the events to which my noble friend, Lord Sydenham, has alluded. His reply really renders it unnecessary for me to be so full as I otherwise might have been, in giving an account in answer to the facts of the case. He has spoken not only with an authority but also with a knowledge with which I am unable to speak on this subject.

These questions refer to matters three years old in India, and to facts and details many of which are not within the knowledge of the India Office itself and could only be acquired after some research by the Indian Government itself. I think it is fair to the officer to say at the outset that I was able to see for a few minutes Mr. Marsden himself. It might have been thought that an aggrieved officer was anxious that his case should be brought before Your Lordship's House, and I have his direct authority for saying, because I asked him, that he had no part whatever in urging that this matter should be brought before your Lordship's House. I think it fair to say, in justice to him, that the whole responsibility as to whether this action is considered wise or unwise by your Lordships will rest on the noble Lord who has introduced the subject here.

I think the best thing that I can do is to answer carefully and categorically the specific points raised in the questions by the noble Lord. First, as to the censure "for 'improper, injudicious' conduct by direction of the late Secretary of State by which their careers have been seriously prejudiced," I ought to give the House the actual words of censure which were passed upon these officers. There is, first of all, Mr. Marsden—

"The Government of India have asked the Local Government to inform this officer that his action was improper, and that the Government of India disapprove of it."

The same words were used to Colonel Mac Rao through His Excellency the Commander-in-Chief. The inference drawn by the noble Lord in his Question is "by which their careers have been seriously prejudiced." I should like to give the most emphatic denial to that statement. The noble Lord himself is the sole author

of the doctrine that the careers of these officers have been "seriously prejudiced" by this action. I should like to say emphatically that that is not so. I think it rather unfortunate that a statement of that kind should have appeared on the Paper, because it might suggest to those who know the authority with which the noble Lord speaks on this subject that there was something in this statement. I should like, therefore, to give your Lordships, an official statement that was communicated to Mr. Marsden from the Government of India in which, among other statements, these words were used.—

"The Government of India are quite prepared to concede that the work done by Mr. Marsden at Kasur during the disturbances and their sequel, taken as whole, was praiseworthy, and entitled to share in the general encomium passed on the work of civil officers in a paragraph of their Despatch."

Your Lordships will see that though it would appear by this question that all that happened to this officer for his action in this disturbance was that he was censured, the real fact is that the Government of India exercised great discrimination and gave him a full and wide approval for much of the action that he took in these difficult circumstances. Moreover, the final words of the statements are:—

"I am to request that Mr. Marsden may be informed of the views of the Government of India, and assured that in so far as his future career in India is concerned, his general record will be taken into account, and not this particular incident alone."

I think I am quite justified in saying that it is very hard indeed of the noble Lord to suggest, after the statements and communications that have been made to this officer, that his career is seriously prejudiced.

The next point is as to the alleged offence. Two points made by my noble friend, Lord Chelmsford, render it unnecessary for me to say anything. The first is an alleged inaccuracy in the Minority Report which has been, according to my information, quite accurately stated by the noble Viscount, Lord Chelmsford. I may say that exactly the same criticism as was made by him suggested itself to my mind. I am sure the inference to be drawn was not intended by the noble Lord, but anybody who was ignorant of the situation would draw the inference that these very grievous actions had been taken by this mob and that practically the only punishment accorded was six strokes with the cane to these different boys. Though not intended, that certainly was the impression that came into my mind. I do not want to give the figures, but I think it is important to assure your Lordships that, on the contrary, very grave action and very severe punishment indeed was meted out to the authors of these particular outrages.

In fact, no fewer than twenty-six persons were sentenced to death and seventeen to transportation for life and eleven of these persons were actually hanged for their share in these operations!

Again, there is I understand, evidence that the boys in these schools joined with this mob; yet, I should like to correct another inference that might be drawn from the particular form in which this question is asked. My information is that the punishment awarded to these boys had no connection with outrages committed by boys or by the school, in conjunction with these mobs, but, as the noble Viscount has related—and I think the noble Lord told us—the place was put under Martial Law, and the request was made by the headmaster to deal with his school because the boys were out of hand. These two subjects ought, therefore, to be disconnected in the minds of your Lordships in considering this point.

As to the question about being examined as witnesses, it has been stated that action was taken, on the Minority Report of the Hunter Committee. That was not so. These officers had an opportunity and did give oral evidence before the Committee, as well as making written statements. But the actual points of procedure are of less importance because there is no dispute as to the action taken, and any sort of inquiry could only elicit again precisely the same facts as were elicited by this Inquiry. There is an admission by both sides that the facts are proved.

The last question of the noble Lord is whether "the grave injustice accorded to these officers will now be redressed." The noble Viscount Chelmsford has clearly stated what particular issue is involved in these cases. I have stated the position of these officers, and how their action was regarded by the Government of India, but I am certain what course I am asked to adopt by Lord Sydenham. Really, there is only one course he would wish me to take, and that is for the Secretary of State, in spite of the facts and in spite of the question of vicarious punishment, to announce, three years after these events, that he disapproves of the action of the Government of India, and that the action of these officers were proper and judicious. That is a statement which, I think, your Lordships will hardly expect me to make.

Reference has been made to a communication made this morning to the Government of India by an official. I do not know whether there are any new facts, but my intention is to find out by inquiry from India what steps have been taken. On the facts stated I think it would be impossible for anyone, anxious as they may be to do justice to officers in India, to reverse the decision of the Government of India arrived at three years ago when they were in full possession of all the facts.

India in the Dominions
& Abroad 1921-22

INDIA IN THE

Imperial Conference 1921

League of Nations Assembly 1921-22

International Labour Conference 1921-22

East African (Kenya) Colony 1921-22

British Dominions 1921-22

The Imperial Conference

LONDON—20TH JUNE TO 5TH AUGUST 1921

The Imperial Conference of 1921, an offshoot of the War Cabinet of the previous years, was the last great meeting of the Premiers of the United Kingdom and the British Dominions met to discuss inter-Imperial questions affecting the welfare and homogeneity of the whole British Commonwealth. In the 1917 War Conference it was solemnly given out that the British Commonwealth should consist of autonomous states, and after the war the new conditions made most of the Dominions too restive to remain under the thumb of the Mother country. It was to solve this question that the Imperial paraver was assembled. Mr. Sastri and the Maharao of Kutch were the Indian representatives. Too much was made of India's representation at the time but the true significance of the Conference, as a *Times* correspondent said, lay in the fact that "it will attempt, for the first time in history, to frame a foreign policy for the Commonwealth, and to decide how and to what extent the United Kingdom and the Dominions will share the burden of Imperial Defence."

The Conference was opened by the Premier, Mr. Lloyd George, on June 20th at Downing Street and lasted till the 5th August. The proceedings were held in camera, the press was excluded and only official reports were issued from time to time. In his opening speech the Premier, in referring to India, said —

"India's achievements were also very great. Her soldiers lie with ours in all the theatres of war, and no Britisher can ever forget the gallantry and promptitude with which she sprang forward to the King Emperor's service when war was declared. That is no small tribute both to India and to the Empire, of which India is a part. The causes of the war were unknown to India, its theatre in Europe was remote. Yet India stood by her allegiance heart and soul, from the first call to arms, and some of her soldiers are still serving far from their homes and families in the common cause. India's loyalty in that great crisis is eloquent to me of the Empire's success in bringing the civilizations of East and West, in reconciling wide differences of history, of tradition and of race, and in bringing the spirit and the genius of a great Asiatic people into willing co-operation with our own. Important changes have been effected in India this year and India is making rapid strides towards the control of her own affairs. She had also proved her right to a new status in our councils, that status she gained during the War and she has maintained it during the Peace, and I welcome the represen-

tatives of India to our great Council of the Empire to day. We shall, I feel sure, gain much by the fact that her sentiments and her interests will be interpreted to us here by her own representatives.

"The British Empire is a saving factor in a very distracted world. It is the most hopeful experiment in human organization which the world has yet seen. It is not so much that it combines men of many races, tongues, traditions and creeds in one system of government. Other Empires have done that, but the British Empire differs from all in one essential respect. It is based not on force but on good will and a common understanding. Liberty is its binding principle. Where that principle has not hitherto been applied it is gradually being introduced into the structure.

"It is that willing and free association of many nations and peoples which this Conference represents. Think of what we stand for in this room to day. First of all the long political development of the British Isles, with all its splendours and its pains, the crucible from which the frame-work of the whole great structure has emerged. Canada, British and French; South Africa, British and Dutch—both now great Dominions whose unity is due to the free and willing combination of two proud races in a single nationhood; Australia and New Zealand, British civilizations both, but planted and developed with a genius of their own by the sheer enterprise and gift of their peoples in the farthest antipodes; India, a mighty civilization, whose rulers were known and respected throughout the Western world before the first English post was planted on Indian soil.

"Side by side with these lie the wonderful varied colonies and protectorates in their different stages of development, which the Secretary of State for the Colonies is here to represent. In all the marvellous achievement of our peoples which this gathering reflects, I am most deeply impressed by the blending of East and West—India with her far-descended culture and her intensely varied types, so different from ours, present in this room to concert a common policy with us in the world's affairs, and to harmonize, as we hope, still more completely her civilization and ours. It is our duty here to present the ideals of this great association of peoples in willing loyalty to one Sovereign, to take counsel together with the progress and welfare of all, and to keep our strength, both moral and material, a united power for justice, liberty, and peace."

Next day, June 21, speeches were made by the Dominion Premiers and the opening statement on behalf of India was made by Mr. Saatri in which he drew the attention of the conference for the first time to the status of Indians in the Empire.

Mr. Sastri at the Imperial Conference

LONDON, JUNE 21ST, 1921

Addressing the Imperial Conference Mr. Sastri said in his memorable speech on June 21st :—

The Premier strikingly alluded to generous enthusiasms and noble ideals for humanity which the war had kindled everywhere. Mr. Sastri assured them that India was actuated by these enthusiasms and ideals in the same measure as other parts of the Empire. Indians realised that the British Empire was the most fitting exponent of these enthusiasms and ideals and it was India's peculiar good fortune to remain within the British Empire and take part in the work for the realisation of these noble aims and purposes. The Princes, for whom his friend the Maharao of Cutch would speak, and peoples of India, whom it was his privilege to represent, sent their hearty allegiance to the Central Council. India had contributed to conduct the recent war and had sent supplies of wheat making dangerous inroads on her own scanty stocks. India had made munitions for soldiers to use on battlefields and had made money contributions out of her poverty. In addition she had sent 1, 274,000 men or over half of the total overseas forces employed in the war. He expressed India's gratitude for the Premier's handsome acknowledgment of these contributions. He said that the Maharao and he considered it a privilege to sit at a table where history was made, and personally, not being in the service of Government and never having shared in the administration of public affairs, he considered it his particular good fortune to sit alongside statesmen who for generations had moulded the destinies and fashioned the fortunes of their kind. But the Maharao of Cutch and he could not fail to remember that their position there was by no means comparable with the position of their colleagues from the Dominions. The latter had been called there by virtue of being Prime Ministers, whereas the Indian representatives came by nomination of their Government. Indian representatives realised that there was marked difference in their status although not in the privileges to which they had been admitted at these meetings, but they hoped that next year, or the year after, their successors would come by a better right. The person who represented, in place of Cutch, over one-third of the British territory in India would

probably be chosen by the Chamber of Princes by election, and the man who replaced Mr. Sastri might likewise be elected by the Central Legislature of India.

India had not yet acquired full Dominion status, but Indians realised that they were planted firmly on the road to acquisition of it. The Government of India Act of 1919 formed a great land mark in the growth of the Indian constitution and there was nothing in India's previous history with which it was comparable in importance or magnitude. The Chamber of Princes which was going to play a great part in the evolution of India did not form an integral part within the law of the Indian constitution. The constitution proper of British India which was inaugurated by the Duke of Connaught recently showed a sense of responsibility and loyalty to the Empire second to none of the Parliaments of the Empire, and the New Council of India had worked better than had been expected under the wise and sleepless watch of Mr. Montagu. The political reforms just started in India were doing great work in placing India alongside other parts of the British Empire. He must say they had their troubles. Non co-operation had only to be mentioned to give an idea of the perils in which Indians had to live. He was happy to say that Lord Reading might be trusted fully, as recent experience had proved, to deal with this great danger.

Mr. Sastri then proceeded to allude to two topics of high domestic importance; the first was one in which the deepest feelings of his Mahomedan fellow-countrymen were engaged. He would not say much on that point as all the issues were at present fully vivid in their minds. On the Maharao of Cutch and himself who were Hindus there rested the very peculiar duty of voicing the feelings of their Moslem fellow subjects on this occasion.

He would only venture to remark that in the arrangement that might be made for the future of the Turkish Empire the statesmen of the United Kingdom must remember that they must show as much chivalry and tenderness as might be expected from a mighty victor. He had no manner of doubt that they would be actuated by considerations which were always present to those who had inherited the great traditions of British prowess and the still greater traditions of British sportsmanship.

Another very important subject he must mention was the status of Indians in the Dominions. The Premier in noble words described British Empire as confederation of races into which willing and free peoples had been admitted. Willing and free consent was incongruous with inequality of races; and freedom implied, as of necessity, the admission of all peoples to the rights of citizenship without reservation. In impressive and far seeing words General

Smuts had alluded to ever-lasting peace. Peace meant stable and unalterable relationship between communities based on honourable equality and recognition of equality of status. To embody these ideals was a deduction of ideals now in actual practice, and the Indian Delegation was going to submit, for consideration of the Cabinet, resolution the terms of which he understood had already been communicated to them. That resolution would be regarded in India as the test by which the whole position must be judged. He would not say more than that. It was supremely important that the subject should be considered and disposed of satisfactorily at that meeting and it was of urgent and pressing importance that the Indian delegates should be enabled to carry back a message of hope and good cheer. There was no conviction more strongly held in their minds than that of full enjoyment of citizenship in British Empire applied not only to the United Kingdom but to every self-governing Dominion in it. Indians had already agreed to a subtraction from the integrity of their rights by the compromise of 1918 to which Lord Sinha was a party that each Dominion and self governing part of the Empire should be free to regulate the composition of its population by suitable immigration laws. There was no intention whatever to go back on that compromise but they pleaded on behalf of those fully domiciled in self-governing Dominions according to laws under which those Dominions were governed. To those peoples there was no reason whatever to deny full rights of citizenship. They pleaded for them and where they were lawfully settled they must be admitted into general body of citizenship without deduction from rights that other British subjects enjoyed. It was his unfortunate part to draw prominent attention to what Indians considered the great defect of the present arrangements. It might seem of comparatively trifling importance to other issues they had to consider. He only asked that there should be no small bickerings and mutual recrimination. They had great tasks. So let the little things be got out of the way. He only wished that all their common energies should be bent towards realising more and more within the Empire and extending further and further outside the Empire the generous ideals of progress to which Mr. Lloyd George had given such inspiring expression on June 20th.

Government of India Memorandum On India in the Dominions

The Indian Representatives submitted to the Imperial Conference the following memorandum of the Government of India setting forth their views on the position of Indians in the Dominions.

The results of the Imperial War Conference of 1918 were embodied in the so called Reciprocity Resolution which provided as follows : (See I. A. R. 1919).—

(1) That each community of the British Commonwealth should enjoy complete control of the composition of its own population by means of restriction on immigration from any of the other communities, (2) that facilities should be given for visits and temporary residents except for labor purposes, (3) that Indians already domiciled in the other British countries should be allowed to bring in their wives and minor children provided that not more than one wife and her children should be admitted for each Indian, (4) that the removal of the disabilities to which Indians already residing in other parts of the Empire were subjected should be given early consideration.

From the Indian point of view the fourth provision was the most important. India was willing to admit into India any citizen of the British Commonwealth. She did not desire to exercise her reciprocal right of exclusion. India again imposed no disabilities on any citizen of the British Commonwealth. She hoped that a reciprocal obligation would be recognised by the other communities. By waiving her claim to a free entry into the Dominions, India hoped to secure a fair treatment for Indians who were already domiciled there. For example, as regards South Africa such expectations were raised by General Smuts himself, when he said at the Conference of 1917:

I feel sure and I have always felt sure that, once the White community in South Africa were rid of the fear that they were going to be flooded by unlimited immigration from India, all the other questions would be considered subsidiary and would become easily and perfectly soluble.

The readiness and good will shown by Canada and Australia in taking steps to carry out the reciprocity resolution under heads (2) and (3) are gratefully acknowledged. In New Zealand and Newfoundland the Indians are subjected to no disabilities. It is regretted that New Zealand should recently have found it necessary to pass an Immigration Act which may be used to restrict further Indian immigration, but it is recognised that such restrictions are within the terms of the resolution of 1918 and in passing the Act New Zealand has shown a scrupulous anxiety to respect the

obligations imposed by the resolution. The number of Indians already domiciled in Canada, Australia and New Zealand are comparatively small. The heading (4) of the reciprocity resolution had reference mainly to the disabilities suffered by the Indians domiciled in South Africa. In South Africa no steps have been taken to remove it in any way or to alleviate the disabilities which were enumerated in the memorandum presented to India at the Conference of 1918. On the contrary the old Transvaal Law of 1885, the repeal of which was then pressed, has been re-enacted by the Union Parliament in a more stringent form so as to prevent the indirect ownership of fixed property by the Indians. The difficulties of the Union Government are recognised, but it has created a painful impression in India that this provision in the Bill, which was passed as Act 37 of 1919, should have been originally due to the initiative of the Minister of the Interior who moved that the alleged evasion of law III of 1885 should be included in the enquiry of the Select Committee which was appointed in March 1919. It has been found difficult to reconcile this action with the assurance given by the representative of South Africa at the 1918 Conference that the repeal of law III of 1885 would be sympathetically considered by the Union Government. The anti-Indian agitation in South Africa which had subsided during the War has in the past two years been revived and sedulously organised by an Association known as the South African League. The avowed object of this agitation is to repress the Indian settler by every possible means, to restrict his trading, to prevent him from acquiring fixed property, to segregate him and, if possible, to drive him out of the country. The Commission appointed last year by the Union Government, which has recently reported, has found that the so-called Asiatic menace has been greatly exaggerated. Notwithstanding this the Commission has not recommended any relaxation of the existing restrictive laws and by a majority has recommended that new restrictions should be imposed on the acquisition of land by Indians in Natal. Now the Government of India desire strongly to impress upon the Imperial Cabinet how unfortunately an anti-Indian policy in any part of the Empire reacts in India itself. The national consciousness of India has been quickened by the part she played in the war, of the New India which has emerged as the result of the War and of the Peace Conference, by her position as an original member of the League of Nations, and by the advance which she has made in the past few months towards complete Self-Government. It is a bitter reflection that the British Indians can be subjected within the British Empire to disabilities from which they would be protected in a foreign country by treaty rights or by

the active intervention of His Majesty's Government. For example, the position of Indians in Portuguese East Africa is contrary to their position in the adjoining province of the Union. The Indian cannot understand why the representatives of his Government should carry less weight with the Government of a dominion than with that of a foreign Power. It is the desire of India to remain a partner in the British Commonwealth of Nations, but her own self respect demands that the partnership should be equal. She cannot be expected to acquiesce in a position of permanent inferiority. The essential conditions of equal partnership are the admission of British Indians to the full rights of citizenship in whatever part of the Empire they are domiciled. It is believed that the only final solution of the controversy which has for so long embittered the relations between India and other parts of the Empire will be found on these lines. The communities of British Indians legally domiciled in the Dominions would then be enabled to safeguard their own interests. But so long as any such community is not assimilated into the political and economic body of its country of domicile and, therefore, has no certain means of securing the remedy of its grievances from the Government of that country there can be no termination to this undesirable contention between the different partners in the same Commonwealth of Nations. On the other hand, in New Zealand and in the Cape Province of the Union (where the Cecil Rhodes policy of equal rights for every civilised man still prevails), there is no Indian question in the sense in which it continually presents itself in countries where the Indians do not possess the full citizens' ordinary means of representing his views and interests. The Government of India have already admitted the right of each Dominion to impose such restrictions on immigration as may be necessary to secure the composition of its population on its own lines, but they must claim for the Indians, already domiciled in any Dominion, the full rights of British citizenship. This involves changes in the existing laws of the Dominions which can only be brought about with the consent of a majority of the electorates, a process which necessarily takes time, but the longer the delay in consummating these changes the more the solidarity of the Empire is weakened, and the Government of India, therefore, wish to emphasise this point of view and would submit the resolution appended to this memorandum as embodying the case of India for this session of the Imperial Cabinet. But equal partnership must also be based on mutual respect implying mutual understanding. It is believed that the present estrangement is largely due to ignorance on both sides. It is an unfortunate fact that the Indian, with whom the other communities have chiefly come in contact, has been the indentured laborer. A better understand-

ing is difficult when, as in South Africa, the coolie is a synonym for the Indian. It is fair to India to say that indentured emigration has for many years been abhorrent to her. It is perhaps scarcely fair to India that a country which deliberately imported cheap Indian labor should protest that the Indian, by reason of his low standard of living, is an economic menace. However that may be, indentured emigration has now, by the efforts of India, been ended. Mutual intercourse between the educated classes should be encouraged. In this and the following paragraphs certain definite suggestions are submitted for the consideration of the Imperial Cabinet. The resolution of 1918 provided for admission on reciprocal foundations for visits or temporary residence, but it is urged that something more is now required than the mere grant of facilities which in practice may be neutralised by irksome delays and formalities. It should be easy for an educated Indian to go to another part of the Empire for a visit or temporary residence as it is for any other British subject. Further than this it is suggested that intercourse between India and other parts of the Empire should be actively encouraged. The free admission of the Indian students to Universities in the Dominions was discussed at the last Conference and the interest which Australia has taken in this question is gratefully acknowledged. Other avenues of reapproachment may be suggested. It is believed, for instance, that the interchange of Parliamentary Deputations, visits of Press Delegates, or Chambers of Commerce would be productive of great good.

While the right of each community to control the composition of its own population is fully recognised, it is hoped that with fuller knowledge the Dominions would not consider it incompatible with the development of their own civilisations to remove all obstacles in the way of the entry of educated Indians, especially those belonging to the professional classes. In the event of a satisfactory solution of the very important question raised in this memorandum not being found at the meeting of the Imperial Cabinet, it might be considered whether the subject might not be further discussed at Delhi at a meeting of the representatives of the Dominions chiefly concerned and of India. The Government of India have already pointed out that the failure to solve this question on wise and statesmanlike lines may be attended with disastrous consequences to the solidarity of the Empire, and it is for this reason that they make the suggestion. They believe that a meeting such as they have suggested, held in India during the session of the Indian Legislature, might have most valuable results. Nothing but good could result from a visit to India, as the guests of India, of accredited representatives of the Dominions. It would enable the Indians in

general and the members of the Legislature in particular better to appreciate the Dominions' point. On the other hand, the opportunity thus afforded to these representatives of watching the Indian Legislature at work and of a frank interchange of views with the members of that Legislature would, the Government of India are confident, go far towards removing the misunderstanding and misconceptions which have so largely contributed to the unfortunate position into which a vital problem has been allowed to drift. At the same time, it is hoped that the Governments of the Dominions will recognise a more definite obligation for the welfare of the Indians who are already domiciled there. It is suggested that the submerged Indians who desire to return to their own country should be assisted with free passages. It would be in the interests of every one to uplift those who remain and make them good citizens of the country of their adoption. A Bill was introduced at the last session of the Indian Legislature which would empower the Governor General in Council with the consent of the Governments of the countries concerned to appoint agents in countries where Indian settlers are numerous. It was suggested by Lord Sinha at the Conference of 1918 that the appointment of an agent of the Indian Government at Pretoria would be an advantage both to the Indians in South Africa and to the South African Government. It is hoped that the Governments of the countries concerned will now be willing to receive the agents of the Indian Government. Such agents would exercise quasi Consular functions. Their chief duties would be to maintain friendly relations, to remove the causes of frictions, which in many cases, it is believed, are due to misunderstanding, and to work in co-operation with the Government of the country for the general upliftment of the Indian community. Finally, the Government of India suggest that the Imperial Cabinet should recognise the validity of the Indians' claim in regard to the grant of full rights of citizenship to the Indians domiciled in the Dominions by means of the following resolution:

The Suggested Resolution

The Cabinet, while reaffirming the resolution of the Conference of 1918 that each community of the British Commonwealth should enjoy complete control of the composition of its own population by means of restriction on immigration from any of the other communities, recognises that there is an incongruity between the position of India as an equal Member of the British Empire and the existence of disabilities upon British Indians lawfully domiciled in some other parts of the Empire. The Imperial Cabinet accordingly recommends, as a matter of the most urgent importance in the interests of the solidarity of the British Commonwealth, the adoption of a policy of removing any disabilities under which such Indians are placed and making them good citizens of their country of domicile by merging in the general body of citizens in whatever part of the Empire they may be lawfully domiciled.

The Imperial Conference 1921

This memorandum was placed before a Committee appointed to deal with the question. On July 7th the Conference took up the question of status of Indians in the Dominions and other Indian affairs. The Maharao of Cutch in opening the discussions dealt principally with the developments of Parliamentary Government from which were expected the happiest results as far as India was concerned with regard to her aspirations towards full self-Government on the Dominions plan. Mr. Sastri referring to British Indians domiciled in the Dominions frankly recognised the right of the Dominions to regulate admission or restriction of immigration from whatsoever source, provided that no invidious distinction was drawn between immigrants from India and from other parts of the Empire on grounds of race, colour or any reason tending to differentiate Indians from other people of the Empire. Mr. Sastri further urged that Indians should be permitted to settle in any British Dominion or Colony and should be accorded full rights of citizenship without distinction between them and any other section of citizens there.

After discussion the question of Indians in the Dominions and Colonies was referred to a Committee. This Committee was presided over by Mr Churchill and attended by most of the Dominion Premiers. As a result of its deliberations the following resolution was eventually passed. Mr. Sastri was invited by the Dominion Premiers to visit their Dominions with a view to influencing and educating the electorates in the Dominions so that they may be willing, in course of time, to give their assent to the enactment of laws establishing the racial equality of Indians in their respective countries.

The Resolution on the Status of Indians.

"This Conference has re-affirmed that each community of the British Commonwealth should enjoy complete control over the composition of its own population by restricting immigration from any other communities, but recognises that there is incongruity between the position of India as an equal member of the Empire and the existence of disabilities upon British Indians lawfully domiciled in some other parts of the Empire, and this Conference, therefore, is of opinion that in the interest of the solidarity of the Commonwealth it is desirable that the rights of such Indians to citizenship should be recognised.

The Refusal of South Africa

"The representatives of South Africa regret their inability to accept this resolution in view of exceptional circumstances of the

greater part of the Union. The representatives of India, while appreciating the acceptance of this resolution, nevertheless feel bound to record their profound concern at the position of the Indians in South Africa and hope that by negotiations between India and South Africa a way can be found as soon as may be to reach a more satisfactory position."

The only dissentient to this resolution was Genl. Smuts, the South African Premier, who said that public opinion in his country was so strong against the Indians that he could not accept the resolution on behalf of his country though personally he was in sympathy with it.

Some of the other important topics discussed in which India was interested and the Indian delegates participated were matters of inter-Imperial concern, such as communications, the distribution of naval squadrons, the contributions to be made by the different Dominions for the maintenance of the navy, extension of wireless communication throughout the British Empire, and economic questions, such as Imperial Preference within the Empire and so on. These matters have been kept confidential, and also some very interesting statements made in the course of the proceedings under the seal of secrecy by Lord Curzon regarding foreign relations of the Empire, and by Mr Churchill concerning the position and status of Indians in the Colonies.

India at the League of Nations Assembly

(See also previous issues of the Register)

The League of Nations Assembly has about fifty or fifty-one Members from all parts of the world, excepting of course the United States of America which has persistently refused to recognise the league and to ratify the Treaty of Versailles of which it is the creation. Like her other Dominions, Great Britain has only one vote for her own, India is an original Member of the League and has, too, one vote independently. In 1921, at the Geneva Assembly, Mr. Sastri, the Maharao of Cutch and Sir William Meyer were the Indian Delegates. Two important questions regarding the constitution of the Assembly were discussed. One was whether changes in the constitution could be made by a majority vote or unanimity of the Assembly. Another question was how far each member of the League was bound to give assistance to any other member of the League whose existence and independence of territory were endangered by the action of another member of the League, or by any power not belonging to the League of Nations. The questions were however put off for the time being. The question of the expenses of the League and how to apportion its cost amongst the members was a question upon which a great dispute arose which has not yet been satisfactorily settled. India was heavily burdened, and the suggestion for increasing her burden still more was curiously made by South Africa. Sir William Meyer's able opposition to this view is given in the 1921 Register.

In 1922 Sir Sivaswami Iyer replaced Mr. Sastri as the Indian delegate. The most important question discussed in the last Assembly was the report on the Mandates. It will be remembered that the Treaty of Versailles gave over the old enemy territories to the several Powers to be administered by them under the mandate of the League of Nations; hence these territories are known as the Mandated Territories. Great Britain, for instance, is a Mandatory of Palestine, Mesopotamia, Tanganyika etc. The report of the Mandatories came up before the Assembly and Sir Sivaswami Iyer made an important speech which is given on p. 225.

The Indian Report 1920

The report of the delegates of India to the first Geneva session of the League of Nations, details of which were given in a previous issue of the REGISTER, was published in India in 1921. The report is signed by Sir William Meyer, the Maharaja of Navanagar and Sir Ali Imam. The delegates in concluding the report says :—

“ Looking back on the work of the Assembly as a whole we think that as claimed for it by Mr. Balfour in the House of Commons it has been of much value. The Assembly was bound to disappoint the expectations of those impatient idealists who thought it would usher in a new era, and what it was able to do in respect of limitation of armaments fell short of more moderate expectations. Account has however to be taken of the atmosphere of mutual suspicion to which this question still gives rise, of the disturbed state of the world, and of the facts that the disarmament of Germany has not yet fully been accomplished and that Russia and the United States are outside the League and are untrammelled by any decisions it may take with reference to its own members. But leaving this aside, the Assembly made very considerable progress in an unostentatious way towards fulfilling the expectations with which the League was called into existence, and what it accomplished paves the way for further and faster progress hereafter. It has to its special credit the final establishment of a permanent Court of International Justice at the Hague. It has established important technical organisations to deal with communications and transit and health, and has endorsed generally the action taken by the Council to render more effective the decisions arrived at in the Brussels Financial Conference. It has fixed its rules of procedure and defined the relations between itself and the Council in a way which will at any rate suffice at the outset. It has set on foot machinery for obtaining amendments to the Covenant where these may be found necessary. It has taken measures to expedite the consideration of the adequate carrying out of the economic blockade contemplated by the Covenant in the case of a covenant-breaking State, and it has put forward an opinion in regard to the limitation of expenditure on armaments to that accepted by the various States for the coming financial year which must at any rate carry weight. It has emphasised the necessity for an international campaign against Typhus and cognate disease in Eastern Europe and for the relief of children in war areas. It has arranged for international action under the League in respect of the carrying out of the League Convention for the control of opium

and other harmful drugs and in respect of the "White slave" traffic. It made a praiseworthy though somewhat hopeless attempt to deal with the difficulties of Armenia and in admitting new members to the League. It has, with the general assent of the British Empire delegations, included two ex-enemies, Austria and Bulgaria. Lastly, it has asserted the control of the Assembly in matters of League finance and it has taken measures, excellent in themselves, though we, of the Indian delegation, do not consider them fully adequate, for the establishment of economy and method in the expenditure of the League and for a revising of the present unsatisfactory system under which the League expenses are distributed among the member States.

"One very significant fact which struck us was that, when the Assembly met, the delegates, for the most part strangers to one another, were mutually suspicious and looked entirely to the interests of their own States. But before the Assembly concluded there was the beginning of what may be called an Assembly consciousness, the delegates realising that they had a duty to the world at large as well as to their own country. If, as will probably be the case, the majority of the delegates to the recent Assembly are also members of the next, and consequently meet with mutual knowledge, this tendency will rapidly develop. It will also be stimulated by what is likely to be a feature of the future assertion by the Assembly as the democratic element in the League of claims as against what may come to be regarded as the oligarchic pretensions of the Council. It is significant too that in electing representatives of secondary States to the Council the Assembly adopted the view that one of the four should be taken from outside Europe and America, and in pursuance of this policy selected China.

Part Played by India

"As regards the part played by India in the Assembly, our effort to obtain a reconsideration of the Council decision declining to take early action on India's appeal for immediate representation as a great industrial power on the governing body of the Labour Organisation met with failure, Committee No. 2 and the Assembly holding, as they were justified in doing on technical grounds, that the matter was not one in which they could interfere with the prerogatives of the Council. But we attracted universal attention to the danger which the present constitution of the governing body exemplifies of the undue predominance of Europe in bodies which deal with matters affecting the world at large, and we rendered it practically impossible that the constitution of the Labour Governing Body should be repeated on their standing committees; in fact, it has been

brought to notice in dealing with those who obtained a definite pronouncement that the members of the advisory committees on health and transit should be selected *inter alia* with reference to geographical considerations.

"Our attitude and attainment in respect of questions of League finance where we took a leading part have been summarised in Para 114, and though, as there stated, we did not achieve all that we wished, we can claim that but for us the financial reforms which have been effected would have been of a far less important character. In dealing with the matter we were, as has been stated, efficiently supported by the Dominions, and our relations with the Dominions delegates throughout were of a very cordial nature. This fact may, it is hoped, bear fruit hereafter when questions arise as regards India's relations with the Dominions in such matters as emigration. We were also on most cordial terms with the British delegation and were every now and then indebted to Mr Balfour for kindly and useful advice. The absolute independence of India, as of the Dominions, in regard to her attitude and voting on questions coming before the Assembly and its committees, was fully recognised, but like the Dominions we felt that when our own interests were not directly or indirectly concerned we should endeavour to keep step with the Mother Country and there were frequent informal meetings to this end between the various Empire delegations.

"To conclude, we venture to think that the remark made in the "Times" review of the events of 1920 that at the Assembly of the League of Nations at Geneva the Indian delegation took such a share in the discussions as showed that India had become an influential participant in the Councils of the World was in accordance with actual facts. And we have the satisfaction of feeling that we three representatives of India worked together in the most cordial and harmonious way and that there was not the least difference of opinion between us on matters of any importance "

The Indian Report 1921

The report of the Indian delegates to the Second Session of the Assembly of the League of Nations in 1921, details of which were given in the last issue of the REGISTER, was published in India in February 1922. It is signed by Sir William Meyer, the Maharao of Kutch, and the Right Hon. Srinivasa Sastri. It extends over eighty-nine printed foolscap pages. After an exhaustive review of the proceedings, the delegates give the following concluding summary. —

"The Assembly met on Monday the 5th September and broke up on the evening of the 5th October. The work done this year was of a quite solid and useful nature, and the League obtained a considerable amount of prestige by a reference to its Council of the solution of the Upper Silesian question. Whether that prestige will be maintained depends of course on the working out in practice of the Council's apportionment scheme. The coping stone was laid by the election of the Judges to the Tribunal of International Justice, and useful decisions were taken in regard to the technical organisations and with reference to the traffic in women and children, while the question of the reduction of armaments was discussed in a more practical manner than in 1920, though it was felt that no great progress could be made pending the results of the Conference at Washington. The Assembly felt itself unable to follow up Dr Nansen's request for Government credits for the alleviation of the famine in Russia, but expressed full sympathy with his philanthropic crusade.

Indian Question

"As regards the matters in which India was specially concerned, we obtained complete satisfaction in the matter of the Assembly's re-draft of the Council's resolution on the subject of opium. We made ourselves materially felt in the Committee and obtained some reductions in the expenditure and the adoption of a resolution to paying greater attention to the representation of Nationalities, our own included, in the League Secretaries. We had also the satisfaction of seeing the adoption of the proposal that the Indian Delegation made last year, which was then rejected, for an outside committee of control over the estimates and the account of the Secretariats and the International Labour Bureau. As regards the allocation of contributions, we have had for the time being (subject to ratification of our Government) to accept a provisional scheme in the substitution of postal union scale which burdens India more than the latter did, but we have obtained, though not in such a

definite form as we should have wished, the principle that this scheme is only provisional and that it ought to be replaced by a better. (The definite scheme above referred to raises India's percentage of subscription from 4 point to 9 to 6 point)

"Our relations with the Dominion representatives, though very friendly, were not so close as last year as we were at variance over the allocation scheme. On the scheme which proposes to raise India's contribution, the following passage occurs in the course of the report about the proceedings in the Committee which decided by a majority the provisional scheme: "in a speech Sir William Meyer pointed out the difference between idealism preached in the Assembly by the South African Delegates and the hard materialism of the present discussion in which South Africa, like other States, had supported the scheme which should let them off most lightly. Mr. Bruce (Australia) had endeavored to support the opinions expressed in favor of a definite scheme by the proposition of the greatest happiness of the greatest number that a definite scheme would increase the assessments only of six countries, India included, whereas it would reduce the assessments of a great many more, if there was some injustice to India. Surely it was better (he had observed) that this should be suffered than that so many other States of less wealth should have to complain. Australia, now posing as a poor country, had, Sir William Meyer rejoined, spent nearly £100,000 on a palatial office in London for her High Commissioner, an expenditure which India, with her much larger revenue and also larger necessary expenditure, could not possibly afford. Australia had also indulged in the luxury of an expensive line of Commonwealth steamers which some of the best experts predicted would be run at a heavy loss. It was idle, therefore, to say that Australia was a poor country and India a rich one." It is further stated in the report that under the provisional scheme India would, in 1922, budget for 1,380,000 gold francs against 1,022,000 which she contributed under the Postal Union scheme. In the concluding paragraph, the delegates add: As in the last year, we received valuable assistance on occasions from the British delegation and were specially indebted to Mr. Balfour for his kindly advice and endeavor to reconcile differences when these arose in regard to the allocation scheme between ourselves and some of the Dominions. As last year, again, the delegates of India all worked together in the most cordial and harmonious way."

Sir Sivaswami Iyer at the League of Nations Assembly

Before the Assembly of the League of Nations meeting in the course of the discussion on the Mandate reports relating to various territories, Sir Sivaswami Iyer attacked General Smuts in connection with the Union Government's administration of German West Africa. Sir Sivaswami also accused General Smuts of making a speech with regard to South West Africa which could not be quite reconciled with the position of mandated territories, because the South African Premier described those coming under the 'C.' class as annexed in all but name to the territories and in the administration of which the former was a part. Sir Sivaswami disagreed with this description.

The High Commissioner, Sir Edgar Walton, in reply, expressed his astonishment at Sir Sivaswami's solicitude for South West Africa, because there was not a single Indian there. Construing General Smuts' speech, Sir Edgar said that the 'C' Mandates as affecting German South-West Africa amounted to virtual annexation was perfectly correct because the people there were in the same position as the Union people. Sir Edgar reminded Sir Sivaswami Aiyer that there was no colour bar in the Cape Province.

Lord Robert Cecil put up a vigorous defence of General Smuts. He said that it was fantastic to suggest that General Smuts, who first proposed the mandatory system, would be anxious to do anything hostile to that system.

The following is what Sir Sivaswami said —

I come forward to support the resolution which has been moved by Dr Nansen, and in doing so I wish to make a few brief observations on matters of general interest to the Assembly, which have been suggested to me by a study of the report of the Mandatory Powers. I desire to associate myself with the tribute that has been paid to the members of Permanent Mandates Commission for the admirable solicitude which they have displayed for the welfare of the populations committed to the charge of the mandatory Powers, and for the scrupulous regard which they have shown for the letter and the spirit of Article 22 of the Covenant. No question has escaped the watchful eye of the members of the Permanent Mandates Commission. It is satisfactory to learn from them that forced labour is wholly, or practically, unknown. It is interesting to find that the Members of the Mandates Commission draw attention to the features attendant upon the system of indentured labour which had been introduced into some of these territories. They call attention to the social dangers which are inseparable from a system of indentured labor. Explanations have been given by the representative of New Zealand, but I am not certain that they are

quite reassuring. One reason why the women in China are unwilling to come forward is said to be that they demand the same conditions of work and the same pay as the men. That, I think, is a demand which is reasonable enough, and which, I think, we cannot complain of. It is also said that the three years indenture under which the labourers are imported allows too short a period for the Chinese labourer to learn the language or to associate with the natives of the country. I am afraid that these circumstances are not a sufficient guarantee against the dangers which are only too likely to follow the exclusive importation of male labour.

We, in India, have had some experience of the dangers attendant upon the immigration of an exclusively male laboring population, and it has always been the endeavour of the Indian Government in the past to secure a due proportion between the sexes among the immigrants. I have no doubt that the Government of New Zealand, which has displayed so much solicitude for the welfare of the people committed to its charge, will realise the importance of this aspect of the question, and will see that a due proportion of the sexes is ensured among the laborers when it recruits from China.

Another important question to engage the attention of the Commission is the subject of land tenure. There is no tendency more common among modern lawyers than to read back their conceptions into the past, or to extend them into the interpretation of the rights and usages of primitive communities. We have a tendency to imagine that, unless rights of ownership are proved by the same or similar acts of exercise as we are accustomed to expect in civilised communities, no such rights exist. There is a danger against which we have to be on our guard. It is a matter for satisfaction that the members of the Permanent Mandates Commission have resolved to call for the land laws of the different territories committed to the charge of the mandatories, and to study this question further.

An extremely dubious claim has been put forward, in the French mandated territory, to what has been called the private domain in the State. I have no doubt that this matter will also receive the searching and careful consideration of the Permanent Mandates Commission in the next year.

Another important question which has engaged the attention of the Commission is the evils which have followed the demarcation of the boundary between Belgian East Africa and Tanganyika.

The recommendations of the Commission are drawn up with a due regard to the susceptibilities of the Great Powers, and the resolution of Dr. Nansen is also couched in extremely modest terms. Speaking for myself, I should have preferred to accord a more emphatic endorsement to the conclusions of the Permanent Mandates Commission. I should have preferred the language of the Marquis Imperiali when he submitted his draft resolution, in which he invites the Council to draw the attention of the Powers to the recommendations of the Permanent Mandates Commission. I should have liked to ask the Council to express the hope that the boundary between Tanganyika and Belgian East Africa may be so rectified as to avoid the danger which have been pointed out by the members of the Commission.

But though the resolution of Dr. Nansen or rather of the Sixth Committee has been couched in very modest terms with a modesty which becomes us when we deal with the susceptibilities of the Great Powers, I hope that our modesty will be duly appreciated, and that the Powers concerned will devote some consideration to the questions to which their attention has been drawn.

Before I proceed further, I should like to associate myself with the acknowledgment which has been made by the members of the Mandates Commission of

the services rendered by the representatives of Australia, of New Zealand, and of Japan to the Commission, in their examination of the reports of the various Mandatory Powers.

I should also like to pay a tribute to the solicitude for the well-being of the natives which has been displayed by those various mandatory Powers in their administration of the territories. When Sir Francis Bell made his remarks yesterday, I was wondering what there was in the reports of the Mandates Committee which had offended his susceptibilities, and called forth the note of warning which he thought it necessary to sound. I have re-examined the report of the Mandates Committee, but I have not been able to discover anything in that report which could have offended the susceptibilities of anyone. Far from criticising the administration, they extol the virtues and the merits of the New Zealand administration. I should have thought that the Permanent Mandates Committee would have been entitled to expect the thanks of the New Zealand administration; but it is a hard world and it is difficult to please everyone.

As regards the dangers which Sir Francis Bell has spoken of, I am unable to find any departure from the constitutional position which he saw correctly laid down. I see no desire or any intention to infringe upon the position or upon the principle which he laid down. The Permanent Mandates Committee has made its report only to the Council, as he says they ought to have done, and it is the Council who have submitted to us the reports of the Permanent Mandates Committee as annexes to their report. We are entitled, as members of the Assembly, not merely to the opinions of the Council, but we are also entitled to be placed in possession of the material upon which the Council has formed its opinions. I have been unable to discover any impropriety or any desire on the part of the Mandates Commission, or of the office of the Secretary-General, to depart from the strict canons of propriety.

Ladies and Gentlemen, it is unfortunate that the South African Union should not have accorded its assistance to the Mandates Committee in the same way in which the mandatory Powers accorded their assistance. It may have been due to circumstances over which they had no control, or to indifference or unwillingness. At any rate, the attitude of the South African Union is open to misconstruction, and I venture to express the hope that when next year the reports have to be examined, the South African Union will be able and willing, as the other mandatory Powers, to lend every aid in its power to the Mandates Committee. It seems to me, however, that it is just possible there may be some misconception in the minds of the responsible statesmen of South Africa with regard to their obligations in this matter. I noticed that in a speech delivered by him some time in September, 1920, General Smuts, the great South African statesman, uttered remarks which seem to me to be not quite reconcilable with the true position of mandated territories. He observed that the territories held under the C. class mandates were practically annexed—that they were annexed all but in name to the territories of the administration of which they formed a part. It is quite possible that in this view the Premier of the South African Union may regard his obligations in respect of the mandated territories as of a purely temporary character, and it may be that in this view these obligations sit rather rightly upon him. But I venture to think, with all deference to that great statesman, who himself was in no small measures responsible for the theory of mandates, that the territories held under the C. class mandates cannot possibly be treated as annexed to the territories with which they are administered. The intention of article 22 of the Covenant seems to me to be perfectly clear. All these territories which are dealt with under article 22 are regarded as a sacred trust of civilisation, and they are all to be administered as Trust States, and it is only the method and

the manner of the administration which varies in the A class, in the B class and in the C class mandates. General Smuts seems to have relied upon the fact that in the mandates applicable to the C class territories, they are to be administered as an integral part of the territories to which they are attached; but that expression is common both to the C class territories and to the B class territories. You find it in Article 9 of the mandate which applies to the B. Class territories and you find it in Article 2 of the mandate which applies to the C class territories. General Smuts is prepared to admit that the position is different with regard to the B class territories. I submit it is exactly the same with regard to the C class territories as with regard to the B class territories. The trusteeship of these territories is all vested in the League of Nations, and once that trusteeship has been created, the Council, which is what may be called the statutory organ of the League, is responsible ultimately for the welfare of these territories. It must be remembered that a mandate is in theory and in essence removable. These C class territories are a separate legal entity and possess the indestructible potentiality of independent existence.

Article 22 of the Covenant marks a new era in the conception to White races as to their obligations to the colored races. The idea that colored races have rights may not be a new one, but it is the first time that it has been embodied in a solemn document of first rate international importance, like the Covenant of the League of Nations, and it is the first time that safeguards and machinery have been provided for the fulfilment of the obligations implied in this conception. Whatever lip homage the idea may have commanded in the past, it is the first time that it has secured moral acceptance and real adhesion. The committee observes that the prosperity and well-being of the aboriginal population is in inverse ratio to its contact with civilisation. The British member of the committee said that South Africa presented the most striking example of the destruction of the organisation of a native population by the invasion of a White civilisation.

I hope that these chapters in the history of the contact between the White and colored races are closed for good, and that we shall be able to look forward to a reign of humanity and justice.

Even now we hear of the centre of gravity in international affairs being gradually shifted to the Far East and to the Pacific Coast. But why? Let only the nations of the earth give up their earth hunger and their rivalry and cupidity for markets, and their desire to appropriate vast uninhabited, continental spaces, and we shall be free from the chances of strife and conflict. It is only to the extent that we are able to conquer those cravings for land and for markets, and to the extent that we are able to conquer the vulgar, though deep-seated, prejudice of color, that we shall be able to realise that ideals of humanity and justice, and then only will this Assembly become a real federation of the world and a lasting fount of peace.

The International Labour Conference

In 1921 as well as in 1922 this Conference was held at Geneva under the presidency of Lord Burnham. The first Conference at Washington in 1919 (*see I. A. R. 1920*) was really only a preliminary meeting, the second Conference at Genoa in 1920 (*see I. A. R. 1921*) was specially convened to deal with maritime questions. The third and fourth Conferences at Geneva were far more important than the previous ones. The third Conference opened on 25th October 1921. It was the first great general Conference and was attended by over three hundred persons. The Conference is the nearest example of a Parliament of the World that is known. Every country of importance, fifty-four States in all, except Russia and the United States, is represented. Each country has two Government representatives, one delegate from the employers and one from the employed, and each delegate might bring as many experts as there were subjects on the agenda. The Conference is in all essentials a popular, not an official body. In this it differs from the Assembly of the League of Nations which is purely official. On all the commissions and committees, both standing and special, the members sit together without distinction of class and to a large extent work together. The Labour Office is controlled by a Governing Body on which eight principal industrial nations have permanent representatives, together with four representatives of the employers and four of the workers.

On the opening day, 25 Oct. 1921, the president, Lord Burnham, was elected and delivered an address. On the second day the hours of work for agricultural labourers were discussed. The French Govt. challenged the right of the Conference to discuss the question as they did not want the interference of that body to ameliorate the lot of agriculturists. The French Labour delegate, however, strongly condemned his Govt. member's opposition. Mr. Joshi, the Indian Labour delegate also spoke on the subject and said that while it was very difficult to legislate for workers under peasant proprietors, such was not the case with reference to tea, coffee and rubber plantations. He supported the French worker and was supported in turn by the British and other delegates. Of other matters which engaged the Conference was technical and agricultural education, disinfection of wool to check anthrax and the minimum age of trimmers and stokers in ships.

The most important subject discussed was, however, the constitution of the governing body. This question first arose at the

Washington Conference in 1919 when dissatisfaction was felt by the non-European delegates, and a resolution expressing it was passed. This question was therefore placed on the agenda of the Third Conference in 1921. That Conference came to the conclusion that full justice could not be done to all parties unless the Versailles Peace Treaty was changed. The governing body consequently framed certain new proposals. These are set forth on p. 243. At the Third Conference in 1921 Mr. Joshi made out a strong case for the inclusion of India and non-European countries on the governing body, and spoke as follows :—

Mr Joshi's Speech

Mr. President, Ladies and Gentlemen, I generally approve of the report which the Commission of Selection has placed before you this morning, but there are a few points in which I differ from the proposals of the Commission as they were placed before you just now.

The question of the representation on the Governing Body, of the extra-European countries, is a very important one, not only from the point of the interests of the non-European countries, but from the point of the interests of the Conference itself. We want this Conference to be really international, we want it to be joined by all the countries of the world, we want that this Conference should not only benefit the Governments, employers, and organised workers, but we want it to benefit the large masses of unorganised workers of the world, especially of the Asiatic countries. If you agree with this view, you will easily see how important this question is.

At present the number of countries which have joined this organisation from the extra-European world is a little more than those from the European world, but their attendance is somewhat smaller, on account of some difficulties, and on account of the fact that they have not yet seen the importance of this organisation. But, Sir, this state of things will not last long.

I am quite sure that within a short time the extra-European countries will see the importance of joining this organisation, and it is only then that this organisation will be truly international. Speaking from the point of view of a worker, and addressing my comrades of the Workers' Group, I say this—that all we, workers, know that if our working conditions are to be improved rapidly, or even at all, they can be improved only by international effort. National efforts made for a long time have failed to give the workers what they wanted, and all the workers in the world have now realised that their conditions can be satisfactorily improved only by international action. We therefore must take care in this Conference to make this organisation truly international, and to bring all the workers of the world to take interest in this Confer-

ence; and one of the means of making them take interest in it is to make them feel that they have proper representation on this body. It is from that point of view that I appeal to my comrades in the Workers' Group to see that the workers of the extra-European countries be properly represented on the Governing Body. Some people seem to think that representation on this organisation should be governed by the amount of organisation of the workers in their respective countries. I differ from that point of view. This organisation is not merely constituted for the organised workers; it is more intended for benefit of the unorganised workers.

Coming to the Report of the Commission, I should like to say a few words as to their recommendations. In the first place, the Commission recommends that the Governing Body should consider the desirability of certain changes in the Peace Treaty. I do not agree with this view. I do not think that any change in the Peace Treaty is necessary. The number of extra-European countries is much larger than the number of European countries, and, when all these extra-European countries join this organisation and are represented at the annual Conference, I am quite sure they will be able to secure adequate representation for themselves on the Governing Body. I do not feel, therefore, that there is any necessity for making a change in the Peace Treaty. From the point of view of the extra-European countries, there is, in my opinion, a danger in fixing, by a change in the Peace Treaty, the proportion of representation on the Governing Body to be allotted to European and extra-European countries. If the proportion is fixed to-day, it will be much smaller than the extra-European countries deserve, and, being fixed in such a manner, it will be difficult to get it changed after a few years when the extra-European countries are better represented in the Conference. I feel, therefore, that, from the point of view of the extra-European countries, the fixing of a certain proportion of representation between the extra-European countries and the European countries will not in the long run, prove to be at all in the interests of the extra-European countries.

Then, Sir, there is another proposal, namely, with regard to substitutes. I was on the Sub-Commission which discussed the matter, and my impression is that, in connection with these proposals, there was a certain recommendation made that, out of the six substitutes given to the employers and the six given to the workers, there should be a proportion of substitutes fixed for extra-European countries. Unfortunately, I do not find any reference to that in the Report at all. I hope the Reporter will give some explanation of this.

I differ from the view of the Commission as to the giving of power to those countries which are already represented on the Governing Body,—power to appoint substitutes from their own country. That proposal means giving to those countries which are already represented on the Governing Body instead of one, and I do not think there is any necessity for it.

Then there is the question of the proportion of seats on the Governing Body reserved for the three groups. In the case of the Government Group, the Report recommends that one-third of the seats should be allotted to extra-European countries, but in the case of the workers' and employers' groups, the Report recommends that only one-sixth of the total number of seats should be so reserved. I fail to understand why this difference has been made by the Commission of Selection. If the extra-European Governments deserve a representation of one-third, I do not see why the workers and employers should not have the same representation. The only explanation, to my mind, of this difference, is that the Governments have two votes each to the workers' and employers' one, and the Commission of Selection thought that if they could satisfy the Members of the Government Group of the extra European countries there would be no need to trouble about the representatives of the employers' and workers' groups. There is no other explanation, to my mind, of this difference. It may be said that the workers' and employers' groups of non European countries are not satisfactorily represented here. That may be true, but what is the best way of inducing them to come here? To my mind, it is to let them feel that they are treated very generously here.

There is another point. If the number of extra-European countries who have sent employers' and workers' Delegates is very small, I would nevertheless ask the Conference to remember the number of workers they represent. The Indian Workers' Delegate and the Chinese Workers' Delegate (they were here) would represent 500 million wage-earners, while the whole of the European Workers' representatives would not represent that number.

I feel that there is not much force in the argument used that in this Conference to-day the number of Workers' Delegates from extra-European countries is not very large. I am sure that if the workers from the extra-European countries feel that they are generously treated here, the number of their representatives will increase year by year. I hope that this Conference will take a very generous view of the demand made by the workers and employers of the extra European countries, and that the proportion which has been fixed by the Commission of Selection for their representation will be changed in their favour.

International Labour Conference

GENEVA, 9TH. NOVEMBER 1921

The Secretary-General's Report

On November 9th 1921 the report of the Secretary-General of the International Labour Office was the matter of discussion. Mr. Joshi, the Indian Representative was given the first chance to raise a question of enquiry, highly important to India

Mr. Joshi said.—Mr. President, Ladies and Gentlemen — The first question about which I should like the Director to give an explanation is the appointment of people of different nationalities to the staff of the International Labour Office.

As the Labour Organisation is international, its composition should be truly international, and therefore its staff should contain members from all the countries of the world—at least from those countries which are Members of the Organisation. From the Report we find that the Staff of the International Labour Organisation mostly includes Members from four countries, namely, Switzerland, England, France, and the United States of America. The other countries of the world are very poorly represented on the staff. I see from the Report that the Director makes it a point of efficiency, and therefore refuses to lend countenance to the argument that the Staff should include Members of all different nationalities. I should like to know from him whether it is not an element of efficiency that people on the Staff should have personal knowledge of the different countries which are Members of the International Labor Office? Personally, I believe that the Staff of the International Labor Office cannot work efficiently unless they possess personal knowledge of the different countries. Therefore, I feel that the Director should change his policy and should try to put on the Staff people from the different nations, especially from Asia and countries like India, Japan and China. Sir, I do not base my argument on the principle of securing a few jobs for my own countrymen; there is enough work for my own countrymen to do in my own country. But I base my argument upon this ground, that we, in Asia, and especially in India, want some of our men to be interested in the International Labor movement and we want some of our officers to catch the international

spirit. But I do not think they will really secure this advantage until some of the members from our country are placed on the staff of this Office. Moreover, if some people from Asia, particularly, India, Japan and China, are placed on the staff of the International Labor Office, these people will catch a sympathetic spirit for the International Labor movement. If they do that, when they return to their country after some years of service in the Office, they will prove themselves to be the missionaries of the International Labor movement. I base my argument chiefly upon this principle, that I want some of my countrymen to come here and to learn the International Labor movement and then to return to my country to be the missionaries of this movement. I should like the Director to give us some information on this point.

There is another question upon which I should like to have an explanation from the Director, and it is this. The International Labor Organisation maintains some agents in some of the countries of the world to collect information and to distribute information throughout the different countries, such as England, France and the United States of America. But I find that the International Labor Organisation does not maintain any agent in any of the Asiatic countries. I should like to know from the Director whether he does not attach any importance to securing information about the Asiatic countries, such as India, Japan and China, with regard to Labor questions, and if he does attach importance to it, I should like to know why he does not maintain any agents in any of the Asiatic countries. If it is difficult for the Director to secure information about any countries in the world, those countries are not England, France or the United States of America. He can secure all the information he requires about those countries from the newspapers and from the organisations for the different movements, such as the Labor movement and the Employers' movement, and he can also obtain information from the Government publications. But I am quite sure that he must find it very difficult to secure information about Asiatic countries. Therefore I feel that it is absolutely necessary for the International Labor Office to have agents in Asiatic countries, such as India, China and Japan, because then, and then only will the International Labor Office be fully informed on these questions.

The Secretary-General replied to the speech as follows :

The Secretary-General : The question which has been raised by Mr. Joshi is not by any means a new one to the International Labor Office ; it is one with which we have been familiar for some

time. The question was much discussed in the Commissions and in the Assembly of the League of Nations, and the Office is well aware of the necessity of having as extensive an international staff as possible.

I have explained in the Report which is before you, in Section 47, the conditions under which the staff of the International Labor Office is recruited. "According to article 395 of the treaty the staff of the Office shall be appointed by the Director, who shall, so far as is possible, with due regard to the efficiency of the work of the Office, select persons of different nationalities. A certain number of these persons shall be women".

You will notice that the first consideration is that the staff shall be efficient, and that subordinate to that is the provision that persons of different nationalities shall be selected. This is the policy which the International Labor Office has followed.

We have already, in the International Labor Office, the representatives of 21 nationalities. It is true, as Mr. Joshi has pointed out, that the members of the staff are predominantly French and English, but the reason for that is that the work of the Office has to be carried on in the two official languages of the Organisation. It has frequently happened in our experience that extremely well-qualified persons in some special department are not sufficiently conversant with the French and English languages in order to express their thoughts and their ideas properly in those two languages and it has been necessary to add to them a staff of persons who are competent to put their ideas into proper form in either English or French.

However, the Governing Body and the Director will not lose sight of the necessity of augmenting the staff from members of other and distant nationalities, in proportion as it is necessary to obtain information, and to avail themselves of their assistance.

I might say, although we have not yet an Indian in the Office, we have an ex-member of the Indian Civil Service with the staff, who performs most useful work in keeping in touch with what goes on in India by following matters of national life from newspapers and so on, and we have already taken steps to secure two Indian officials. Negotiations are in progress with the Indian Government with a view to obtaining the services of these two Indians.

I may also say, as Mr. Joshi has mentioned, that we have had for some time, one permanent Japanese official, and we have also another Japanese official who has been seconded to us.

Mr. Joshi also raised the point of national expense. Always with the wish that the Office should have at its disposal as much information from distant countries as possible, he asked why we have no national correspondent in India, as we have in London, Paris, Berlin, Rome, and Washington. Well, if the Governing Body had only the means of establishing national offices in cities of these different countries, and in other cities of Europe, it would welcome the opportunity with joy. The reason why there are not more national offices is, that there are not more funds, and if I may say so, without malice, it is the very representatives of those distant countries, who were anxious to diminish our budget at the Fourth Assembly of the League of Nations. It is necessary, therefore, if they desire to have more offices of this kind established, that they should give instructions to their representatives on the League of Nations to provide further means of establishing them.

There are, of course, two other ways in which information may be obtained. The first is those means which depend on the Office itself. But there is also another way which I would recommend to the notice of the Delegates who are here from all countries. The countries themselves may help the International Labour Office very much by establishing special services for the supply of information to that Office. I would like to cite the case of Japan, which, for some time now, has had a delegation with the International Labor Office under the leadership of Mr. Inuzuka. He has a delegation with him composed of 18 Members. Of course, I realise it is not possible for other countries whose exchanges are not so favorable as Japan's, to send delegations of this size to Europe, but it might be possible for countries to send to Geneva either a social attache or agent, or to make arrangements with their countries for a special supply of information to be sent to the International Labor Office.

Therefore, in conclusion, in reply to this question, I beg to say that the International Labor Office is doing all it can to make its staff as international as possible, and, secondly, I hope that all the Delegates of the countries here will do their best to secure to the International Labor Office such information as it is possible to obtain from all the countries belonging to the Organisation.

In the course of the debate on other items of the Report Mr. Gupta made a speech but fortunately has not involved the Government of India in giving his opinion on the status of the International Labor Conference of the League of Nations. Mr. Gupta's speech came as a great surprise to many when he made out that the Conventions and Recommendations passed by the Conference are "not

more than mere suggestions." It was an unfortunate pronouncement and I for one do not see what was the necessity for Mr. Gupta to take that line and try to lower the dignity and importance of the Labor Conference. Such words on the lips of a labor leader may have some meaning and significance but coming from a Government delegate, they are somewhat unfortunate. Mr. Joshi made a reference to the speech of Mr. Gupta when he spoke on the Maritime Commission Report.

Mr. Gupta (India)—Mr. President, Ladies and Gentlemen, it is not in my capacity as a delegate of the Government of India that I am here to say a few words on the very important, nay, almost vital question that is under discussion now with regard to the real functions of this Assembly, and as to how far this Assembly has been able to realise its duty, and as to how far it has been able to satisfy the aspirations and hopes which have been raised in the minds of its members and of the outside world. I cannot pretend to speak on behalf of the Government of India, because any view that I might express now will not bind my Government, in any way. Nor is my Government, from this particular point of view, namely, the realisation of the expectations raised by this Assembly, in any need of defense or explanation, for, as I said on a previous occasion, the Government of India is one of the few Governments who have been able to ratify and to carry out its obligations as far as it has been possible and practicable. As I said, Ladies and Gentlemen, it is a very important issue which has been raised. I think a great deal of the mist and confusion regarding the subject will be cleared away if we realise what the functions are of this Body, what its powers are, and what it is capable of performing. I do not think it will be maintained for a minute that this is a Legislative Assembly, capable of legislating for nations which have joined this Organisation. No matter by what name we call the suggestions and the recommendations we make—whether we call them Conventions or Recommendations—they are, when stripped of technicalities, no more than mere suggestions for the consideration of the Governments before whom they are placed. But that does not take away, in my opinion, the value and importance of this Organisation, which is the only Organisation that has ever existed, in modern times at least comprising all the interests concerned, namely, Governments, employers and workers, which have anything to do with the alleviation of the conditions of laborers. It may not have been able to achieve very much which appeals to our imagination at the present time, and much does not come up to our expectations probably, but we must allow for the short time during which it has been at work. In my opinion the great value of this Organisation is the creation of public international-

al opinion. If we are able to do that we shall achieve what is really the ultimate object of this Assembly. For what, after all, is at the back of the legislation and enactments of different Governments? It is the enlightened public opinion of the country concerned. If we are able to achieve that we shall, perhaps not to day, but at no distant time, persuade those Governments to fall in line with the suggestions which we are making. Not for a moment do I suggest that there are not various directions in which improvements can be made, both in the constitution and in the procedure of this Assembly, but what I do wish to maintain is that we must not have ill-conceived notions or wrong notions of its powers, and allow ourselves to be disappointed because these imaginary things have not come to pass. Addressing myself for a moment to my brother Labor delegates who have expressed a note of dissatisfaction, I might say this—that if different countries have not been able to ratify the Conventions, it must be due to one or two reasons. Either, first of all public opinion in the countries concerned has not perhaps been ripe to carry out the suggestions which we have placed before them, or perhaps the conditions obtaining in that country are such that any general recommendation which we have been able to make is not suitable for that country, at least at the present stage. Therefore, I say to my brother Labor delegates that they must have patience, and they must allow time for public opinion to be created in those countries. As my friend Mr. Crawford suggested, it would be a very good thing indeed if branch organisations were started in different countries, inter-connected with this central Organisation to create public opinion in those countries. I can quite understand the difficulty of the position of my fellow Labor Members. They have an impatient constituency to satisfy, and when they go back from this Assembly naturally they will be asked what schemes of amelioration they have been able to bring with them. I heartily sympathise with them.

For twenty years of my life, I have been an Administrator in Bengal. The chief object of my duties was to raise the condition of the masses of my countrymen. There is no duty which is more sacred to me than the task of raising the condition of the masses of my countrymen. Knowing as I do, what that duty is to me, I can quite realise how the same feeling is raised in the minds of my fellow Labor Members, and that other Members who represent other Governments, have the same kind of sentiments. But want of co-operation, the want of putting oneself in the position of the men who are responsible for carrying out legislation on those lines, will not help us. I, therefore, appeal to my brother Labor Members to have patience, and to have the spirit of co operation, because it

is on this fundamental principle of federation and co-operation that this Organisation mainly rests.

I have nothing more to add, but I will say this, that perhaps some amount of confusion has been created by not being able to realise exactly what the function of this Assembly is, and also, to some extent, by the want of patience in allowing the great measures which have been discussed to have sufficient time to sink into the minds of the people and to have time to fructify.

The Maritime Commission of the International Labour Conference

Early in November 1921 the Maritime Commission of the International Labour Conference at Geneva recommended eighteen as the minimum age for stokers and firemen excepting in the case of Japan and India, where a minimum of sixteen was fixed. This was subject to (1) a certificate of physical fitness, (2) employment being confined to coastal traffic, (3) regulations of employment after consultation with the most representative organisations of the employers and workmen in these countries.

Mr. Joshi (India)—I approve generally of the Report of the Maritime Commission, but I rise to take exception to some of the statements regarding India and Japan which the Report contains. I will read some of those statements to which I take exception :—
"The point of view of these countries was based on consideration of earlier and more precocious physical development." "In these countries a young person of sixteen years of age is often a full-grown man, and can work under conditions similar to those under which a European of eighteen years of age can be employed. It has been considered that, in the interest of vocational education in these countries, youngmen should be permitted to begin to acquire the experience necessary for their future career at an earlier age."

I should like to know from the *Reporter* of the Commission what is the meaning of "earlier and more precocious development" which is said to take place in the case of youths in India and Japan, Is it meant that in India lads become full-grown men at the age of sixteen, while they become full-grown men at the age of eighteen in Europe? I do not believe that the growth of youths in India stops at the age of sixteen. I believe, if they are engaged in the engine-room of a ship at the age of sixteen, their growth will be checked to some extent.

Then, again, it is stated that they want to give this concession to India and Japan to provide a sort of training for the Indian and Japanese youths.

Sir, I have heard this argument several times, and I am really disgusted to hear it again. Is it a training for a young lad who cannot read and write to go on a ship and be engaged as a trimmer or as a stoker? The same argument I have heard several times used in the case of lads of nine when they are to be employed in factories. They employ the lads in India at the age of nine or ten as a sort of training or education. The Government will not give the people a literary education or send them to school: there is no compulsory education, so they want to give this employment as a sort of education and training for young lads. I am very sorry to see that the Commission has approved of these statements and put them in the report. I, therefore, do not approve of the expectation that is being made in the case of India in this respect. But, Sir, although I do not approve, I am not going to move an amendment. I am quite sure if I move an amendment, this Conference will pass it, but I do not take that course, and my reason is this. Yesterday you must have heard from the Government delegate of my country that he regards the Conventions and Recommendations of this Conference as mere suggestions, the Governments may accept or may not accept. I do not take that view of the Conventions and Recommendations of this Conference. I consider the work of the Commissions as negotiations, and I consider the results as binding upon all those who approve of those negotiations. But, Sir, I know the attitude of my Government towards these questions, especially towards our seamen. You know that last year the Genoa Conference was held and it passed several Conventions and Recommendations. Our Government sent a large delegation to Genoa, but when the Conventions and Recommendations were considered by the Government they refused to accept them. The seamen of my country are sorely disappointed at the attitude of the Government towards this subject. Unfortunately you all know, having heard yesterday the discussion, that this Conference has no effective method of protesting against the action of any Government not ratifying the Conventions and Recommendations. I, therefore, feel that I shall not be serving the interests of the seamen in India if I move an amendment, and even get it passed, and diminish the responsibility of the Government delegates of my country to that extent.

Mr. Chatterjee (the Govt. representative) made a reply to Mr. Joshi in the following speech.

Mr. President, Ladies and Gentlemen, I crave your indulgence for a few moments only, in order to give a few explanations with regard to some of the statements made by my friend Mr. Joshi, the Delegate of the workers of India.

I think Mr. Joshi has rather misunderstood the entire trend of the *Reporter's* statements with regard to the Recommendations of the Maritime Commission. He has lost sight of the fact that India has agreed to the age of 18 for Trimmers and Stockers for ocean-going vessels, and has asked for a slight modification only with regard to coastal trade. The *Reporter's* speech has made it quite clear to you that India, in this respect, has gone very much further than Japan, and exactly the same modifications that India has asked for have been asked for by many of the maritime countries in Europe also, although they have not been granted by the Commission.

Mr. Joshi has objected to the statement that in India boys of the age of 16 are much more developed than boys of the same age in Europe. I do not think that anybody in this Assembly will deny that in Asiatic countries children do grow much more rapidly than children in the Northern and Western hemispheres. This fact was clearly recognised in the Treaty of Peace, where it was laid down that countries with special climatic conditions should always be entitled to special consideration in regard to the Draft Conventions and the Recommendations that were to be passed in this Assembly. It is because at Washington such special modifications were made in the various Draft Conventions and Recommendations that were passed, that we, in India, were able to accept practically all the Recommendations and all the measures proposed, substantially and for all practical purposes. I must express the gratitude of the Indian Government Delegates that this modification has been accepted, and I think that we shall now have very little difficulty in persuading the Indian Parliament also to accept the measure as proposed, with this modification.

Then Mr. Joshi turned to the argument that it is no use raising the point that if you reduce the age from 18 to 16 the boys will get some facilities for training. Mr. Joshi suggests that these boys who cannot read and write at the age of 16 will then go to school at the age of 16 and learn to read and write between the ages of 16 and 18. It should be remembered that the Representatives from India were quite willing to agree to the age of 18 for ocean-going vessels. Trimmers and Stockers employed in India and going on ocean-going vessels have to work in the heat of the Indian Ocean and of the Red Sea, whereas Trimmers

and Stockers who are only employed along the coast of India enjoy a very much milder climate which inures them to the hardships of maritime life, if they get this earlier training. That is what we really referred to.

Then again, Mr. Joshi has raised the old argument of the age of 9 for the employment of children in factories in India. Mr. Joshi is perfectly well aware that the Indian Government have themselves suggested to the Indian Parliament that the age of 9 should be raised to the age of 12, and they have gone even further than the Recommendation made at Washington in suggesting that the age of the half timers should be raised from 14 to 15. And I also regret that he should have taken exception to the statement made by my colleague Mr. Gupta in this Assembly yesterday. Mr. Gupta was talking of the legal implications of the Draft Conventions and Recommendations passed by this Assembly. He never suggested that the Draft Conventions and Recommendations would not be seriously considered by the Indian Government. Mr. Joshi is fully aware that the Draft Conventions and Recommendations of Washington were placed before the Indian Parliament as soon as that Parliament met. All the Draft Conventions and Recommendations that required any steps to be taken were placed before the Indian Assembly, and the Indian Assembly supported those Draft Conventions and Recommendations to the best of their ability, and practically all of them were accepted by the Indian Parliament in both their Houses.

The President—I must remind Mr Chatterjee that he has only two minutes left.

Mr. Chatterjee—I have only to refer to Mr. Joshi's statement that the Draft Conventions and Recommendations at Genoa have not yet been accepted by the Indian Government. I do not want to tire this Assembly with a detailed account of all that has taken place, but most of the Recommendations that were passed at Genoa have received the most careful consideration by both the Central Government in India and the Provincial Government. In addition, at a recent Meeting of the Indian Parliament, it was decided that the majority of these Recommendations should receive further consideration.

Proceedings of the International Labour Conference 1922

The International Labour Conference of 1922 was held at Geneva from the 18th October to the 3rd November. The original agenda circulated to Governments contained only three items, namely, the reform of the governing body so as to secure some minimum representation on it, the periodicity of the Conference, and the collection of emigration statistics. Besides these, the Conference considered the following three items: the Directors' report, method of amendment of the Convention, and unemployment. There were also certain resolutions. The Conference resolved itself into a number of commissions or committees, of which the committee of selection, or subjects committee, was the chief. On this committee the Government of India were represented by Sir Louis Kershaw. Mr. Joshi was elected by the Labour group as a substitute member. The first three items on the agenda were considered by this commission, upon which the Government of India and Indian employers of labour were represented.

As regards the reform of the governing body, the constitution was: twelve members representing Governments, of whom eight were permanent members, including India, which had been recently included, and four were elected by Government delegates; besides six representatives of employers and six of workers, or 24 in all. The reform suggested by the governing body was that the total number should be raised to 32, of which 16 should be Government representatives, and of these only six should be permanent members, unseating Canada and India, and that the others should be elected. Out of these, four should be non-European. The permanent six members were to include Japan and the United States. Thus, out of 16 Government representatives, non Europeans were to have six. This proposal was opposed by the delegates of the Government of India on this committee, but the proposals of the Governing Body were carried by a majority. In the general conference, however, the Canadian Government delegate moved an amendment which was seconded by Mr. Joshi, raising the number of permanent members to eight, so that Canada and India might get their places. This amendment was carried by a majority. Mr. Basu in his speech made a feeling appeal to the English and French delegates and the European delegates at large. As regards Workers and Employers the new proposals made were that they should have

eight seats each, of which two shall be reserved for non Europeans. Knowing that the non European countries are at present sending four workers' delegates, Mr. Joshi contented himself with moving that the words 'at least' be inserted in the clause reserving two seats. This, however, was not accepted, though he made strong speeches in support of his amendment, both in the Committee and in the general conference, pointing out, as a non European, that he was not prepared for non-European workers to be in a permanent majority, and also the importance of treating them fairly in order to make the Conference truly international.

As regards the amendment of the Standing Orders the only important change proposed was that which enabled the Conference to appoint the governing body as a committee of selection or subjects committee. Mr. Joshi opposed this change in Committee but was defeated. Determined however to secure his point, if possible, he again opposed the proposal in general conference, and succeeded in getting it defeated by a large majority. His points were that as the governing body was the executive of the Conference, the latter had to consider the action of the former, and it was not fair, therefore, that the governing body should be in a position to fix the subjects to be discussed in Conference. If the governing body did not like certain matters to be discussed, as a committee of selection it would have power to prevent discussion on that matter. This argument strongly appealed to the Conference. His further point was that distant countries could not be represented on the governing body, but, as their delegates attended the Conference, they could at least be members of the committee of selection.

As regards the frequency of the holding of the Conference, a proposal was made to do away with the necessity of holding annual conferences, and of allowing the governing body to summon them either annually or biennially. The Government of India was in favour of a biennial conference. Mr. Joshi, however, supported the annual conference on the ground that these conferences were useful in maintaining enthusiasm for Labour improvement. Although the new proposal was defeated in committee, it was opened for discussion in the general Conference which, however, decided in favour of holding the Conference annually.

In dealing with the Directors' report, Mr. Joshi was the first speaker pointing out that the statement of accounts should be given in greater detail, and that the praise given by the director to the Government of India should have been more discriminating, as their Labour policy latterly was becoming reactionary.

The Conference adopted a recommendation requesting the Government to supply to the International Labour Conference standardized information regarding emigration, and a resolution regarding the necessity of co-operation between different countries to relieve unemployment, and of suggesting various remedies.

As the Conference found the subject of the amendment of the Convention too tough for solution, it was left open for further study and consideration in the future.

Mr. Joshi had given notice of his intention to move a resolution asking the Conference to appoint a special committee to investigate the condition of life and work of the working classes in Oriental countries, and report to the next Conference. The committee of selection had approved of placing his resolution before the Conference in an altered form, asking the International Labour Office to make a preliminary investigation and report to the next Conference. This amendment he accepted. In the general Conference, however, Sir Louis Kershaw moved an amendment that the Governments of the countries concerned should be communicated with as regards the possibility of such an enquiry. This amendment was carried. The Greek Government delegate moved a further amendment that the word 'Eastern' which was wrongly used by the official draftsman for Mr Joshi's word 'Oriental', should be substituted by the word 'Asiatic'. This amendment was carried by a majority. Sir Louis Kershaw, who did not want the resolution carried, drew the President's attention to the fact that there was no quorum, it was, therefore, declared lost. When the resolution, as amended by Sir Louis Kershaw, was put to the vote, although it secured a majority, the total number of votes cast was found to be insufficient for a quorum, and it was, therefore, lost. This clearly showed how the European countries were indifferent to questions affecting the workers of Eastern countries.

The International Labour Office maintains offices of its correspondents in London, Washington, Berlin, Paris and Rome. In 1921 as well as in the last year in his speeches on the Directors' report Mr. Joshi had pointed out the necessity of maintaining similar offices in India and Japan. In the last Conference he persuaded his Japanese colleague to propose a resolution which he seconded, recommending the proposal which was then sent by the Conference to the governing body for consideration.

During the discussion on the report of the Credentials Committee, Mr. Joshi entered an emphatic protest against the action of the Government of India in not sending Advisers to the Worker's delegate, although their appointment was recommended by the All-

India Trades Union Congress. He also protested strongly against the action of the International Labour Office which had made a suggestion in an official circular letter that there was no necessity for the appointment of advisers in last year's Conference. He pointed out that the office could not issue such a suggestion without a mandate from the last Conference.

Lord Chelmsford at the League of Nations

Lord Chelmsford, however, took up the cause of India. At a recent meeting of the Council of the League of Nations he pleaded successfully India's claim to a place upon the governing body of the International Labour Office. In putting the case for India, he said :—

I desire to thank the Council for its courtesy in allowing me to represent India's case before it to-day. I crave the indulgence of the Council while I develop that case, because I am conscious that the Council might have thought it sufficient for me to have presented on behalf of India a memorandum in regard to this question, but India feels so very deeply on the matter that I felt bound to ask for permission to speak

In 1919 this matter was decided by the Washington Conference, and India suffered a very grave disappointment on that occasion. I happened at the time to be Viceroy of India, and I can very well recollect the strong feeling of disappointment expressed by India when that decision was taken. India, however, showed no pique or resentment in the matter, and when the Washington resolutions were transmitted to the various Governments, India, I believe, was the first country to pass those resolutions into statutory enactment.

India has also, apart from its disappointment over the decision of Washington, been somewhat bewildered by the attitude of the League towards her claims. Two committees of the Council have been considering questions concerning India, one to consider her capacity to pay towards the expenses of the League, and the other to consider India's status as a country of industrial importance. When it is a question of paying her share towards the expenses of the League, India has the capacity to pay. When it is a question of the industrial importance of India, India finds that her total population, through the use of the relative criteria, is used to water down the figures of her industrial population.

I need not remind the Council of the way in which this question has come before it, as this has already been described in the report of Viscount Ishii which has just been read, and in the other papers before the Council. I wish to speak now of the report of the committee to which this matter was referred, and I should like to say at once that I appreciate in full the skill and industry which has been shown in that report. I may say emphatically, however, on behalf of India, that I am bound to differ most fundamentally from the principles which have been adopted by those who investigated this matter. In the memorandum from the Indian Government which is before the Council (Annex. 420A,) India has already subjected the Committee's report to a very searching criticism, and I shall not repeat to-day the arguments which are contained in that memorandum. It may be asked, 'What constructive proposals have you to make in place of those contained in the report which your memo-

random has purported to destroy? I suggest that the committee which investigated this matter need have gone no further than the preamble to Part XIII of the Treaty of Peace, and I will ask the Council to allow me to read the preamble and Article 387 which follows it, because it is upon that preamble that I shall base India's substantive case to-day.—

'And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required; as for example, by the regulation of the hours of work including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wages, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organisation of vocational and technical education and other measures;

'Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the condition in their own countries,

ARTICLE 387.—'A permanent organisation is hereby established for the promotion of the objects set forth in the preamble'

I think it is clear from these words that the human element should be the chief concern of the International Labour Office, and, therefore, it is the human factor which must be of paramount importance in deciding what constitutes a state of chief industrial importance. It population alone were to count, India's claim would, I contend, be indisputable. There are, however, two objections which might be urged to this. It might be said that the ratio of the wage-earning population to the total population must be taken into consideration. Why? This is one of the criteria appearing in the report of the committee, but surely the wage-earning population does not cease to have a claim because it lives side by side with a large number of people with whom the International Labour Office is not concerned. There is a second objection which may be urged, namely, that the trade union organisation of India is rudimentary. There is no mention of any such condition in the preamble to Part XIII of the Peace Treaty. Further, I would urge very strongly that for this very reason it is necessary for the International Labour Office to encourage India to perfect its industrial organisation. Consider how useful it would be for the Labour Office when it is examining the case of backward populations in connection with industries, if it had to help and to guide it a representative of India who was thoroughly conversant with the conditions of the industrial population of that country. Again India is not reactionary in this matter. I beg to repeat that India was probably the first, or one of the first, countries to convert the resolutions of the Washington Conference into statutory form. I shall not dwell on the question of the population, since in paragraph 7 of the memorandum from the India Delegation the whole of our argument on population is fully developed. I should like to say, however, that whatever figures are taken, whether M. Gini's or our own, and whatever reasonable deductions are made from those figures, the figure of the wage-earning population of India must still remain decisive, if the human factor is given the importance indicated by the Treaty.

I pass now to the other criteria which are mentioned in the report of the committee: railways and horse-power. India is not afraid of being tested by

any of these criteria. As regards railways it appears as third among the nations. As regards horse-power it appears as ninth. Why should the development of maritime tonnage be regarded as a criterion? If it is a criterion at all it is a criterion of commercial and not of industrial importance and even here, if the human factor is taken into consideration, India has 141,000 maritime workers as lascars on British ships and on ships of other nations. The fact should surely appeal to the Council, if the human factor is taken into account.

Let me make a concrete test of the value of this criterion. I suppose the United States of America before the war, if this test were applied—I mean the test of its development of mercantile tonnage—would not have ranked as a great industrial state at all. Surely, merely to make this statement, as a result of this test, is to prove it, as Euclid says, as absurd. Why not take trade as some indication of the industrial position? When it was a question of India's capacity to pay, the League itself included this criterion in the table designed to settle India's contribution. From the trade figures of 1913, India was ranked fifth; from the figures for 1919, India was ranked third. These figures are taken from table 2 in the memorandum by the Secretary General on the allocation of the expenses of the League of Nations.

I pass over the relative criteria which are dealt with in paragraph 4 of the memorandum from the Indian delegation. I feel sure that anyone who reads paragraph 4 of that memorandum will realise that it has fully met the arguments in the corresponding part of the committee's report. Similarly I will pass over the weighing method adopted by the committee; this would have been unnecessary had it not been for the adoption of the unsound principle of relative criteria. I proceed now to develop India's substantive claim. I am most anxious to be as concise as possible, and therefore, if the Council will allow it, I will read the last paragraph of our memorandum because it states that substantive claim as concisely as possible.

As evidence of India's industrial position, let me remind the Council very briefly of the part she played in the war. In doing so, I am making no appeal to emotion, but merely giving proof that what she did could only have been done by a great industrial State. As regards the mining industry it was her coal that largely equipped all the shipping of the East. Her wolfram, manganese, mica and saltpetre industries were indispensable to the Allies. It was scarcely possible to conceive how the Allies would have fared without jute products. Her cotton and woollen industries to a large extent supplied the needs of the British and some of the Allied forces. Her hide industry supplied boots for the Indian and English Governments. The iron and steel industries of India were responsible for the railways in Palestine, East Africa and Mesopotamia. India served as a base for food supplies for all the campaigns in the East.

I have almost hesitated to place these facts before the Council, because it might appear that I was attempting to prove too much. India, however, is a long way off and she is scarcely known even in Great Britain. I have been there over five years as Viceroy, and therefore I am speaking of what I know. If any member of the Council would care to assure himself that what I have said is strictly accurate, there is a book in the library here from which I have taken these figures, namely, 'The Moral and Material Progress Report for India, 1917-18.'

Mr. Joshi on the Director's Report

On the 20th Oct. 1922, the Director of the International Labour Office introduced his report for discussion. Mr. Joshi said in the course of his speech :—

We have got in my country what are known as Indian States. They have not yet ratified any of our conventions and recommendations. These Indian States can not be considered as outside the League ; as a matter of fact, they are in the League. I know that their representative attends the Assembly of the League of Nations as a member of the Indian Delegation and I suggest that the Director of the International Labour Office should interview the representative of the Indian States and use his influence with him to persuade him to give effect to the recommendations and conventions drawn up by this Conference.

Maternity Report

The fourth point to which I wish to make reference is the Maternity Report presented by the Government of India to this Conference last year. I then asked the Director whether he was going to submit this report to the governing body and place the view of the governing body before this Conference. I think I am right in saying that the Director stated that in the course of time the report would be presented to the governing body. But I do not gather from his report that this has been done. I again suggest to the Director that this report should be placed before the governing body or directly before the Conference. The Government of India in that report declined to take any steps or to do anything in regard to the maternity question, and personally I think it is high time that they did take steps in this matter.

The fifth point to which I wish to draw the attention of this Conference is the reference in the report to special countries—countries which are considered to deserve special consideration on account of their climatic and other conditions. Last year, in my speech on the report, I suggested that the International Labour Office should make a special study of the conditions of life and work in those special countries and that the Conference ought to pay some attention to those countries.

There are many countries which are not represented here by the Workers' Delegates, specially the Oriental countries, which are considered to be special countries. There is an idea in some quarters in this Conference that it should pay special attention

to those countries where the workers are organised. In my opinion it is a great mistake, a very sad mistake, to neglect those countries where the workers are not organised. As a matter of fact, the report admits the danger of neglecting these countries. The organised workers not only have to meet the opposition of the employers in their own countries, but they must understand that there is great danger to their interests from the unorganised workers themselves. I therefore, earnestly hope that the workers' group in this Conference, and, indeed the whole Conference, will devote special attention to these countries. If the Conference does not take special measures to consider the conditions of life and work of the working classes in the special countries, I propose myself to move a resolution in this Conference on this matter.

The Government of India

Then, sir, I would like to say one word about the praise which the Director of the International Labour Office has bestowed upon the Government of India. I admit that praise is not wholly unmerited. There is no doubt that the Government of India did their best to ratify the conventions passed at Washington, but I am afraid their attitude towards the Conference held at Geneva is not the same. The Director ought to have known by this time that they had practically refused to ratify the Geneva conventions and recommendations. I do not know whether they ratified entirely any of these conventions and recommendations; they may have ratified one convention conditionally. I do not think they have done any thing more than this.

Therefore, although I consider that the Government of India do deserve some praise for their attitude towards the conventions and recommendations passed at Washington, I request that the Director of the International Labour Office should be more discriminating in his praise of that Government. My fear is that unless he does that, the attitude of the Government of India towards the conventions and recommendations passed by the last Conference will be still more reactionary. Some of the conventions and recommendations passed last year at Geneva have already been considered. The last meeting of our Legislative Assembly considered the recommendation concerning the weekly rest day in commercial undertakings, and the Government of India refused to do anything beyond sending copies of the recommendation to the Provincial Governments. They did not even ask for reports from these Governments.

Now, if we can judge what is to follow from their attitude towards the other recommendations and conventions, I think the

Director of the International Labour Office will have cause to regret praising the Government of India in these unqualified terms.

I bring my remarks to a close after having said only one word regarding the suggestion which I made to this Conference last year that the International Labour Office should open branch offices in Oriental countries. I cannot see why they should maintain offices in Berlin, London, Paris and Washington and not in India and Japan. Does the Director think that he has sufficient information about these countries while he cannot get information about the conditions of life and work in London and Berlin? Surely if there is any necessity to have branch offices in any countries, it is the Oriental countries. Very few delegates in this Conference know anything about the conditions of life and work in those countries, and if the International Labour Office maintains offices there, the Conference will be in a much better position to judge of those conditions.

The Constitutional Reform

At the sitting of the International Labour Conference at Geneva on October 30th, Mr N M. Joshi, speaking on the second report of the Commission on Constitutional Reforms, said —

The Conference will remember that these proposals arose out of some dissatisfaction which was felt by the non-European countries when the first Governing Body was elected at Washington. The Governing Body considered this question at last year's Conference. After the last Conference, the Governing Body again considered the question, and the proposals which we have before us have been considered by the Commission especially set up by this Conference, but during the course of developments of these proposals, it seems to me that some change has come about, not only in the proposals, but, in my humble judgment, even in the original object out of which these proposals emanated.

Those who were dissatisfied at Washington in the first place did not suggest, nor did they want, any change in the Peace Treaty. Most of them thought that their object would be served very well if a recommendation of this Conference were made to the several groups that reasonable representation be given to the non-European countries. They were quite sure that if a recommendation were made by the Conference to the groups then the recommendation would be fully respected. They did not want, nor did they suggest any change in the Peace Treaty. We must therefore scrutinise carefully the reasons why a change in the Peace Treaty has been suggested and why the present proposals have been made.

Let us see what the present proposals are. In the first place

they increase the number of members of the Governing Body from 24 to 36. They also reduce the number of States of chief industrial importance from 8 to 6, and take away two of the present members from that list. They give to the non-European Governments 37 and half per cent of the total representation, but in the non-European world 25 per cent of the representation.

I want the Conference very carefully to consider whether the non-European world, taken as it is to-day, is only equal to one quarter of the whole of the European world which has joined the League of Nations. I do not think anyone here will suggest that the non-European world is so small as these proposals indicate, certainly not as small as to be only equal to 25 per cent of the European world. I do not think anyone here will suggest that we have only one quarter of the population of Europe. We may not be as developed industrially as Europe but, if you take the available facts and figures into consideration, we shall certainly be found to possess an industrial development equal to more than 25 per cent of European development.

It is true that there are only four workers' delegates from non-European States attending this Conference, but you must remember that we four do not represent small countries. The European world has certain advantage over us; Europe is divided into a very large number of countries, fortunately or unfortunately, our world is not cut up in that way. We are only a few countries but you must remember that our countries are bigger, not only that but the four workers' representatives here represent four very large countries, differing greatly from each other and separated from each other by large distances. One representative comes from Canada—the American world. Another comes from South Africa and two comes from Asia—one from India and the other from Japan. The distance between India and Japan is such that the time required for travelling from India to Japan is much greater than that required for the journey from India to Geneva. We, therefore, are not in the same position as European countries, and I feel that you cannot treat the non-European representatives on the same basis as that on which you treat the European representatives. It is possible for the European representatives to represent different countries, but it is not possible for the non-European representatives who come here to represent countries other than their own. I feel, therefore, that the proposals which the Commission has made have not done justice to the non-European States as regards their representation on the Governing Body.

Then, Sir, these proposals are not only intended for to-day or for the next few years, but, as I judge, for all time. The Chairman

of the Commission has admitted that a change in the Peace Treaty is very difficult. If you want to get a change in the Peace Treaty your proposals must be such that they are favourable to the present Members of the Council of the League of Nations. If they are not favourable to the present Members of the Council of the League of Nations, you can never hope to get a change in the Peace Treaty, and the proposals, I must admit, have been framed in that manner. From the list of eight States they have taken out India and Canada who are not Members of the Council of the League of Nations. So they cannot refuse to ratify these changes. They could not take out any other country, because if they had taken out the Government of any other country there was no chance of these changes being adopted.

Knowing as we do that a change in the Peace Treaty is very difficult, I, as a Delegate of the workers of the non European world, and of India especially, cannot consent to any changes which will permanently fix the representation of the non European workers at only 25 per cent of the representation on the Governing Body. In this connection the Chairman of the Commission said that the representation mentioned in these proposals is only the minimum representation. Sometimes the minimum has a tendency to become the maximum, and if we want to prevent the minimum becoming the maximum it is necessary that we should make it clear by suitable words. If the proposals intend that the representation given to the non European States should be the minimum, that point ought to be made clear by adding the words "at least" to the proposals. "At least" so many States out of so many, or "at least" so many delegates from the non European States out of so many. If they will consent to put the words "at least" before these figures, we might for the present accept these proposals, but in order to make it quite clear that the representation that these proposals offer to the non-European States is the minimum representation, it is quite necessary that the words "at least" should be added.

Not only are the proposals in this way unjust and unfair to the non-European States but when they deal with the Governments, the employers and the workers, they are also unfair as between the various groups. They give to the non European Governments 37 per cent of the representation on the Governing Body, but in the case of the employers and workers they only give 25 per cent. I do not know why this distinction should be made. To day the Government Delegates who attend this Conference may be more numerous, but it is not the fault of the workers and the employers that their representatives do not attend these Conferences. The Governments of those countries do not send the Workers' and Employers' Delegates.

Therefore, it is not right that you should penalise the employ-

ers and the workers of the non-European States in this fashion. If 37 and half per cent representation is given to the Governments, the same percentage ought also to be given to the workers.

The Conference will have thus seen that these proposals do not really give great advantage to the non-European States at all. They were never asked for by the non-European States. If that is so, why have they been made? I hope that it will not be considered uncharitable on my part if I suggest that these proposals have not been made for the advantage of the non-European States but have been made to give further advantage to the small countries of Europe. That is the conclusion to which I have come after examining the proposals very carefully.

For these reasons I propose to oppose all these proposals in the Report of the Commission as a whole.

Mr. Basu at the International Labour Conference.

The following is the text of the speech delivered by Mr. B. N. Basu, member of the Council of India, at the International Labour Conference at Geneva in October, 1922 :—

Gentlemen, I am not going into what has been so thoroughly discussed in this conference this morning namely, the procedure we shall have to follow in amending article 393 of the Treaty of Peace. It has been felt, however, that that article requires amendment in certain important particulars. One of those is the increase in the strength of the Governing Body, necessitating an increase in Government representation from the present number of twelve to sixteen members. The next amendment (the amendment which I am opposing on behalf of India) is that on this governing body there should be representation of six named States. That is an innovation to which I, as belonging to a non European State, cannot agree. It is an innovation for which, as my friend pointed out, no satisfactory or valid reason has been given. The Treaty of Versailles laid down the principle of the selection of this Governing Body, namely, that eight of the Government representatives should be nominated by the eight States of chief industrial importance. That was a principle which we can all easily understand, but what is the principle now? I call upon those who have put forward this amendment to name the guiding principle of that change. How is it that we go back upon the well understood principle in connection with the International Labour Conference, that the representation should be confined (if representation is to be confined at all) to States of chief industrial importance? So far as appears from the published proceedings, I have not been able to gather any convincing reason. Then, gentlemen, it was thought, in a democratic assembly like ours,

that we should leave the whole of the sixteen members to be elected. That was a position which was taken up in the commission, but that was rejected, and it was felt that there should be a nucleus. Well, I frankly admit that there is considerable force in the argument that there should be a nucleus. But if there is to be a nucleus, why should you confine it to the States that they have named? At one time it was contended that the fixing of the nucleus, except in the way now suggested, had given rise to difficulties. If I may say so, it was the illiberal spirit in which the organising committee approached the question which gave rise to difficulties, and my Government from the very first opposed the selection by that committee of the eight named States.

We, the Government of India, put up a strenuous fight. In this fight, my friend, Sir Louis Kershaw, took a prominent part, and the thanks of India are due to him for the services which he has rendered to her in this connection.

Well, it was only a month ago, that the Council of the League of Nations took that question into consideration and decided upon the eight States of chief industrial importance, among which India was included. That gave, I may say, universal satisfaction in India. But what will be the feeling now in India, if you go back upon that finding so soon after it was arrived at? What will be the reason assigned for this change? That has to be borne in mind because no valid and sufficient reason has been assigned. My friend, the proposer of this resolution very aptly maintained that Canada was a large contributor to the funds of the League of Nations. I may say to him and to the conference, without presumption and without wishing to brag about it, that India is a large contributor; that she is one of the principle contributors to funds of the League of Nations; and that if the fact of contribution is to be considered in the determination of this question, then I say that India should occupy a very important place in that consideration.

Then, gentlemen, there is another aspect you must bear in mind. Under the existing conditions, we have eight States out of twelve. Under the proposed alternation, we have six States out of sixteen. What is the reason for this backward movement? Is it because the recent decision of the Council of the League of Nations opens the door to countries which you do not wish to be represented on the Governing Body of the International Labour Office; It may not be so; I do not wish to say that it is so; but what will be the inference in India? That is what you have to bear in mind. Gentlemen, I ask you in all seriousness, you, who, as representatives of the civilised world, are sitting here to decide important questions affecting the fate of nations, do you feel yourself justified in drawing

the sponge over a resolution which recognises the claims of India and Canada only a month after, before the ink is dry on the paper on which that resolution was recorded? I must ask you to bear in mind that we in the East have not always had—it may be for reasons which cannot be justified—complete confidence and trust in the West. Are you going to deepen that feeling of distrust or do we meet at these International Conferences to dispel this atmosphere of distrust? What will be the effect of the amendment which is now suggested? Will not that feeling of distrust be deepened? We have begun to have a feeling, which did not exist before, that probably, after all Europe was beginning to realise that claims of justice must be given precedence over other considerations—considerations, as my friend Mr Lapointe said, of policy and force. We were beginning to feel that what our ancient religions emanating from the East had failed to achieve was at least being achieved by the great experience of suffering and trial through which humanity has passed during late years. We were beginning to hope that a new covenant of peace had arisen in the League of Nations. Do not, for God's sake, dispel that covenant of peace by creating an atmosphere of distrust and suspicion. Gentlemen, I beg you not to send me away from this conference to my country carrying the message of despair that no justice may be expected from Europe to the East. I am sure it will not be so. I am sure I shall not be entrusted with the responsibility of carrying that message, and in saying so, I make a sure appeal to the Commonwealth of nations which constitute the Great British Empire, for they and we in India are bound together by a hundred indissolubilities. I make a no less sure appeal to France, for she and we have been associated now for centuries. We in the East have always regarded France as the most idealistic of the nations of the West. The association between France and India has been sanctified by mutual suffering and mutual tribulation. Will France tell us to go away? Will she turn back on those high ideals, for which she has fought and suffered in the past, for which her name is famous before the world? I am sure she will not.

I have made my appeal to the common-wealth of Great Britain and to that great illustrious country, France, and I make a no less sure appeal to the representatives of the other nations attending this conference. Remember what it is that is involved. Do you or do you not wish to have associated with you in this great work which you have undertaken the teeming millions of my country, a frugal and industrious people, with a civilisation the beginnings of which are lost in the dim mists of antiquity, but a civilisation which still runs through the daily channels of our life.

India in the Colonies 1921-22

Indians in the Kenya Colony

1921-22

FOR DETAILS OF PREVIOUS HISTORY, SEE

I. A. R. 1920 & 1921.

The historical connection of India with East Africa was long antecedent to the arrival of European settlers in the country or the establishment of British power. The foundations of the prosperity of the territories concerned were laid centuries ago by the enterprise of Indian traders and settlers, who have been the chief contributors by their industry and wealth to the development of that prosperity of the country which it has in its present high state. It may not unfairly be claimed that to the resources of India and the enterprise, capacity, industry, and personal sacrifice of Indians the East African territories owe not only their existence, but even their preservation during the late war "as fertile and prosperous provinces under the British Crown." At the present day "the Indians outnumber the European settlers by some four to one. They control, by far the greater part of the trade of the country and pay the bulk of the taxes. With slight modifications, the Indian system of law prevails, and until quite recently the local currency was Indian, the rise and fall of the exchange being based on trade and financial relations with India. The clerical staff of the public services and the railways are manned by Indians, as is the mechanical staff of the railway workshops. The building and allied trades are almost entirely carried on by Indian contractors and skilled artisans. Thus, in population, trade, industry, and commerce the predominance of Indian interests is overwhelming; and it is safe to say that were the Indian element to be suddenly withdrawn, these territories would speedily become derelict and revert to barbarism; for, climatically, they are far more suited to an Indian than to a European population." With such preponderating importance to the well-being of the Colony, the Indians do not clamour for privilege or special treatment but only for freedom from the unfair domination of the later intruder. ~~As a matter~~ of fact, the woes of the Kenyan Indians are of recent origin, being the legacy of the Boer overflow to the Colony after the South

African War. Since that time the tocsin of racialism has pervaded the administration of East Africa and between the years 1911—1919, when Indians had no representatives in the Legislative Council, the European settlers got through law after law to deprive the Indians of every valuable right.

Trouble began in 1902 when by law it was enacted that the Nairobi Uplands were reserved for Europeans and lands in the Lowlands around Mombasa were for Indians. Further, European allotments were unlimited while those to Indians were restricted to 100 acres per person. The simple minded, politically uneducated and ununited Indian settlers could do nothing against this violence on their political rights. Then came the War, and from August 1914 to February 1919 there was Martial Law in the land and public grievances could not be ventilated. The Mining Ordinance of 1912 expressly excluded all Indians from an important industry. The Crown Lands Ordinance of 1915 gave a power of veto to the Governor over transfers of land and he used it to oust the Indian gradually from farming and to fix up all good lands in the hands of Europeans. The same year Prof. W. J. Simpson who was deputed by the Colonial Office made a report recommending racial segregation whereby Indians were to be excluded from inhabiting the best portions of the town of Nairobi and a few other towns. This report was kept a secret till 1916 and put into operation in 1919 by the Segregation of Races Rules and the Town Planning Scheme Ordinance. (*See the Economic Commission's Report which outrageously slandered the Indians—I. A. R. 1920 & 1921.*) Nor was this all. The bitterest blow of all was the soldiers' settlement scheme, which was so administered that, while about 1,500 farms extending over a million acres of superior land were reserved for European ex-soldiers, the Indians who claimed recompense for patriotic war services were either turned out or asked to wait for the residuary crumbs.

In July 1920 the Nairobi uplands and other better places became the *Kenya Crown Colony*, while the rest of the lowlands including Mombasa and its neighbourhood became the *Kenya Protectorate*. The object of this division was to confine the Indians as far as possible to the Mombasa district and reserve the delectable Uplands around Nairobi for Europeans. While the Indians asked for bare justice, the White Colonials made it plain that they intended to make Kenya another White preserve.

The Indian agitation dates from about the end of 1919. Some time before the British East Africa Indian Association had been formed at Nairobi and strong deputations were sent to the Home

and Indian Governments. On January 30th 1920 Lord Chelmsford, then Viceroy of India, declared on behalf of his Government that the Indian Government took their firm stand on the principle that in a Crown Colony or a Protectorate British Indian subjects ought not to be given a lower status than any other British subject. What were called "strong representations" were said to be made by the Indian Government to the Colonial Office with, of course, no result.

On May 21st 1920 Lord Milner, then the Colonial Secretary, addressed an important despatch to the Governor of the Kenya in which the two Indian representatives (out of 14 elected members) of the Legislative Council hitherto nominated were allowed to be elected by the Indians themselves. But the obnoxious racial segregation was left untouched. This despatch raised a storm of unavailing protest and numerous public meetings were held. Numbers of Indians resigned their public offices and a campaign of boycott and non-co operation was threatened in a large scale.

So far the racial Segregation and the want of popular franchise have been mentioned as the disabilities; but there are other grievances too. For example, the denial to Indians of the right to trial by jury; the exclusion of Indians from the right to practise Medicine or Law even if duly qualified; the inadequacy of educational facilities to the Indians, and the constant threat by the authorities to pass the Removal of Undesirables Ordinance by which Indians could be deported at will and their emigration stopped.

In 1921 the situation became very grave owing to the increased hostility of the European settlers and the direct and indirect support they got from the authorities both in the Colony and at Home. The European settlers had, a few years before, organised themselves into a very strong association and speeches were delivered from time to time by prominent European settlers of an extremely heated and intemperate nature. Mr. Churchill had, by this time, replaced Lord Milner as the Colonial Secretary. Instead of an open avowal like Lord Milner, Mr. Churchill followed his usual diplomatic policy. Early in the year he was devastating Indian Trade in Kenya by jumpy shifts of the currency of the country. From the Indian rupee the Currency was changed to Shillings. In July 1921 the Government issued instructions to the Banking Houses and to the various Treasury Offices that they should by a certain date replace all silver Rupees by an equal number of Florins. This lasted till 31st December 1921. Then the currency was changed to Shillings—all Florins to be changed at 2 Shillings a Florin; and so on, the question still hanging on Mr. Churchill's polychromatic career.

Early in May 1921 all efforts to arrive at an amicable settlement or compromise locally in Kenya failed. The most recent, and probably the last of these, was a round table conference between representatives of the European and Indian communities, presided over by the Governor of the Colony, Sir Edward Northey, the very man who was the adviser of Lord Milner in the matter of his Kenya Despatch. At this conference all the Indian claims were put forward and debated in the most straight-forward fashion, but neither party would give way one iota in principle, and the result on each point was—a deadlock. The report of this Conference is given in the following pages.

In May 1921 the agitation about Kenya had succeeded in reaching the ear of the world, and the Standing Committee of both Houses of Parliament on Indian affairs, inaugurated with the Indian Reforms Act of 1919, took the matter in hand and with Lord Jelington as president sat as a commission of enquiry. The report of this Committee is given on page 270.

Deputations representing all parties went from Kenya to lay their views before this Committee, and also a few Englishman who had some knowledge of Indians in Africa, including Mr. H. S. L. Pollock, also spoke before the Committee. The Indian case was very finely put by Mr. Mahomed Hussain Malik who had spent seven years in East Africa, and was then in London preparing for the bar. The summary of his evidence which puts the whole Indian claim in a nut shell is given below.

• Mr Malik's Evidence

Mr. Malik declared that he knew of no Indian in any part of East Africa who is not prepared to put the interests of the sons of the soil ahead of those of the 'non-native', be they Indians—who are pioneers there—or others who followed in their wake. That, he emphasised, is the avowed policy of the Indians in East Africa. The sincerity of that declaration, he pointed out, is acknowledged by the leaders of the African community. Sir Appollo Kagwa, the Prime Minister of "The Native Parliament," had told him that his people (the East Africans) appreciated the Indians, and that they wished them to remain in the Colony because they were improving the country. A similar statement had, he wrote, been made by Sir Appollo and Mr. Stailes Enganya, the Chief Justice of the Uganda Native Tribunal, to Mr. C. F. Andrews when he recently visited East Africa. An address, recently presented by the Young Uganda Association (Native African) to Mr. A. M. Jeevanjee, whose work in connection with the building of the Uganda Railway is well-known, read, in part :—

"We also beg to inform that relations between the Indian community and ourselves are very cordial and we assure you that the same will continue. We also like to state that the Indian community is helpful to natives in more than in this direction."

That such statement should have been made is remarkable, Mr. Malik stated, because "not a few of the White settlers have for years sought to poison the minds of the Africans against Indians." He had himself, he related, heard a European say to Africans in a public place: "Wahindi Mbava Sana", meaning "Indians are very bad."

According to Mr. Malik, Africans, in spite of such propaganda, appreciate Indians because they have known Indians longer than any other outsider: they can more quickly grasp Indian methods of farming and industry, and Indian civilisation, because they are not so complex as Western methods and culture; Indians have not maltreated them by using "kibokoes" (flogging) upon them, or in other ways; and Indians have helped to train and to civilise them.

Mr. Malik stated that although Indians opened up East Africa they do not desire preferential treatment. They do demand, however, equality of opportunity with the other "non-natives" there—equality of opportunity in agriculture, planting, trade, commerce, official posts and, above all, in municipal and legislative matters, for "without equality in the last respect, equality in any other respect cannot be maintained."

Mr. Malik then proceeded to outline the inequalities from which Indians in East Africa at present suffer. In regard to land they are excluded from the Highland area, and their opportunity to acquire land even in the Lowland area is restricted and sales are so manipulated as to increase the prices to be paid by Indians; while they are handicapped regarding the acquisition of plots and property in commercial and residential areas. As regards trade and commerce, they suffer from the handicaps imposed upon them respecting the purchase and occupation of land, and also from the divorce between Indian and East African currency recently effected which had the effect of driving trade away from India. As regards official posts, they are excluded, in practice, from higher appointments, and more especially, the Executive Council. As regards municipal matters, though Indians form the majority of the non-indigenous population in municipal areas and pay the bulk of municipal taxation, Indian representation on Municipalities is only a fraction of that enjoyed by Europeans, even when the official element is excluded. As regards legislative matters, the inequality in regard to seats in the Legislative Council is even more flagrant

than in the case of municipalities. So long as this inequality remains, Mr. Malik declared, Indian interests can never be adequately safeguarded.

As regards medical and sanitary institutions, the exclusion of Indians from the higher ranks of the Medical service reacts upon the entire Indian community in East Africa. The system of Municipal representation tends to the levying of taxation, largely provided by Indians, upon quarters not used by them. This fact is completely disregarded by persons who advocate segregation, which offends the Indian national pride and, if persisted in, regard to commercial areas, would prejudice the Indian commercial position. "In no case", Mr. Malik stated flatly, "will Indians tolerate such a system".

Owing to the municipal and legislative handicaps imposed upon Indians in Kenya they enjoy far poorer educational opportunities than do Europeans. Mr. Malik mentioned, as an illustration, the instance of the loan given by the Government in March 1921, for educational purposes, which as finally settled, is to be apportioned thus: £40,000 to Europeans, £40,000 to "natives" and £20,000 to Indians. Both the "natives" and Indians, he declared, deserved better treatment, firstly because their educational needs are more clamant, and secondly because they pay more in taxation. Directly and indirectly the "natives" contribute about 50 per cent while Indians and Europeans contribute in the proportion of 3 to 2.

In order to remove the inequalities of opportunity and to safeguard Indian interests, Mr. Malik recommended, in his Memorandum, the reversal of the present property policy: the withdrawal of the segregation system: the admission of Indians to the higher appointments, especially to the Governor's Executive Council; and adequate representation of Indians on all Municipal bodies and the Legislative Council, as determined by population and rates and taxes.

In conclusion, Mr. Malik wrote that it is neither suited to the Indian national pride, nor to their interest, to be placed upon a separate register. So far as Indians are concerned, property should not be the sole qualification as the element which will come in through. For instance, an educational test will be of a progressive character, and especially useful in the protection of the interests of the Arabs and Africans who should be given due and adequate representation.

The cross-examination by Lord Islington, Chairman of the Committee, and his colleagues lasted from an hour and a quarter to