

Wednesday, 18th January, 1922

THE  
**COUNCIL OF STATE DEBATES**  
(Official Report)

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**SECOND SESSION**  
OF THE  
**COUNCIL OF STATE, 1922**



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# COUNCIL OF STATE.

*Wednesday, the 18th January, 1922.*

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The Council assembled at Metcalfe House at Eleven of the Clock. The Honourable the President was in the Chair.

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## RESOLUTION *RE* CONFERENCE OF REPRESENTATIVES TO CONSIDER POLITICAL SITUATION.

The HONOURABLE MR. LALUBHAI SAMALDAS: Sir, I beg to withdraw 11 A.M. draw the Resolution in my name:—

“ This Council recommends to the Governor General in Council that a conference of representatives of the several political parties, members of both Houses of the Legislature as well as non-members, be summoned by His Excellency the Viceroy to consider in consultation with members of Government the present political situation and to suggest means of restoring it to its normal condition.”

The Resolution was, by leave of the Council, withdrawn.

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## RESOLUTION *RE* SEPARATION OF BURMA FROM THE REST OF THE INDIAN EMPIRE.

The HONOURABLE MAUNG PO BYE: Sir, I beg to move the Resolution that stands in my name:—

“ This Council recommends to the Governor General in Council to be so pleased as to take early steps to make an inquiry by appointment of a commission or otherwise to examine the question of separation of Burma from the rest of the Indian Empire with a view to collection of information and opinion, and in order to determine how the question would affect the Indian Empire as a whole and Burma separately.”

The Resolution in its bare form may be looked upon as an unnecessary side issue in the midst of the controversial political atmosphere prevailing as an anxious moment for a round-table conference, etc., but to Burma it is not a side issue, but a very important affair as it would most likely result in the creation of a great event, an epoch, in the annals of the country.

When things are fully explained, it will be seen that there is a complaint requiring a careful inquiry, a diagnosis to be made out whether the complaint is of mere imaginary or of substantial character calling for treatment with great care and attention.

To do away with any misapprehension that may be entertained with the object of this Resolution, I want to point out very clearly that the Burmese people do not conceive any idea that the interests of the Indians in Burma are in any way to be affected or prejudiced. Any man of common sense can discern clearly that the relations between Burma and India, whether separation takes place or not, must inevitably be so close and their mutual inter-dependence must be so great that it would be impossible for Burma to inflict any injustice or injury on the Indian inhabitants of Burma without that injustice or injury recoiling on the heads of the Burmese people and without incurring retaliation from India affecting greatly the interest of Burma.

[Maung Po Bye.]

We, the Burmese people, have a very strong national sentiment, our consciousness to preserve our race and our nation in our country is the chief object for which we looked to the Indian brethren and the Central Government to help us, and to do justice to us.

The first point is of a political character. It began from the report of the Local Government of Burma, when Reform was initiated as a tentative scheme. It is a question of relations between the Provincial and the Central Governments.

I would briefly quote a few extracts, which embraced the undivided opinion of the Local Government and the entire population of Burma, that—

“Burma is a separate country, a distinct nationality and her people belong to an entirely different family of races. To the Burmese the Indian is just as much an alien as the European. Burma does not therefore fit into the scheme of an Indian Nation governed by Indians. She wishes to preserve intact her special characteristics and genius and to contribute her national individuality to the common stock of nationhood embraced within the British Empire. While, however, she gratefully acknowledges the protection and support which she derives from her membership in the Indian Empire, she is entitled to ask for recognition that she is a separate entity with a separate future before her . . . . At the same time, while she has no desire that the affairs of Burmans in Burma should come under an Indian governed State, she on her side has no wish to take any part in the control of Indians in India.”

The Government of India in submitting the proposal for a new constitution for Burma pointed out that the report of Mr. Montagu and Lord Chelmsford took the view that—

“Burma was not India, and that its problems were altogether different . . . . Historically and geographically Burma is only by accident a part of the Indian Empire . . . .”

The Joint Select Committee of Houses of Parliament are of the same opinion and expressed that—

“Burma is only by accident part of the responsibility of the Governor General of India and that the Burmese are as distinct from the Indians in race and language as they are from the British.”

To these weighty and substantial conclusions I, as a Burman, should not add any more.

It is desirable that, owing to special and distinctive needs, Burma should work out her own salvation, and for that she should first of all have a permanent representation with the Government of India as well as with the Home Government in order that her interests do not suffer for want of adequate representation.

What representation has Burma now with the Home Government and the Government of India? With the former there is none. With the latter there is only a Burman in this Honourable Council and another Burman in the Legislative Assembly, and what these two Burmans or the full force of Burma members can do must be well known to the Honourable Members.

Would this be called an adequate representation? In the Executive side there is not a Secretary, and a member is beyond the reach of a Burman mortal.

The higher appointments given to Indians in the services in other provinces are of much higher ratio and Burma is still a long way behind.

The Burmese people could not help notice that there are Indian representatives in the Secretary of State's Council, in the Standing Committee of Indian affairs, in the Imperial Conference of British Empire, and in the League of Nations, and they have to remain wondering whether those Indian representatives have ever set foot in Burma.

I have known no instance as yet that the Executive Members of the Government of India ever visited Burma for the purpose of acquiring first-hand knowledge from the sons of the soil. The inter-provincial interests of eight Indian Provinces are analogous and common in ninety-nine cases out of a hundred, whereas Burma's interest may be said to be one out of a hundred.

Under these circumstances, can the Honourable Members of this Council imagine that the Government of India is always well posted with the affairs of Burma and possesses first-hand knowledge from the Burmese people.

Burma has suffered longer and more than many people can imagine.

When Lord Ripon's Reform Scheme was introduced and a start was given in India for local self-government, Burma was left severely alone.

About the middle of Lord Lansdowne's Viceroyalty the Indian Councils Act was amended and the Imperial and Local Legislative Councils were reformed and reconstituted, and Burma was left without a Legislative Council.

The reform of Lords Morley and Minto increased the size of the several Councils with a larger number of elected members and placed the local self-governments on broader basis. What effect was given to Burma? No Legislative Council with elected members was introduced, and the local self-government institutions were not efficiently worked.

For the Montagu-Chelmsford reform the Honourable Members know that Burma is about to get her own share.

The Local Government of Burma is still continuing to report on a very sore point which the people of Burma felt most keenly that Burma not having the practice of Morley-Minto reform is now scarcely fit to adopt the Montagu-Chelmsford reform.

There is absolutely no reason to consider that civilization of the people of Burma was in any way behind those of other Indian Provinces for the last 600 years, and I defy any one to prove it.

On the other hand, Burma could show that her people were highly educated in their own vernacular before the advent of British rule. I would just mention one item for consideration and comparison that, in 1870, when the law of free and compulsory education was to be introduced in England, the percentage of school-going population was 15. There was no contemporaneous record for Burma for that period, but in 1881, when the census was taken in Burma, it shewed that the school-going percentage was 16, whereas India proper could show only 19.

For a period of not less than last six centuries about 50 per cent. of Burman adult males were literate, and Burma now still holds the highest record of literacy of people above other provinces.

As regards expansion of trade and commerce in Burma, I need not go into statistics, but it suffices to assert that under the British rule the pace is set to proceed quicker and in longer strides and there is every prospect of

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outstripping many other provinces. The country is replete with agricultural, industrial and mineral resources for development much greater than most of the other provinces.

What was the cause of denying the past reforms and delaying the present one?

The whole cause was entirely due to Burma being allowed to be governed only by autocratic and bureaucratic official rulers, without there being any representation in the Councils of Government of India and Home Government and no responsible Council even an executive now exists in Burma.

The words of the Head of the Administration as an autocrat was strict law from the time of the annexation of the country to the Indian Empire and up to the present.

The Burmese people did not agitate until recently, say, three years since the Secretary of State's announcement on 20th August 1917, and that fact of non-agitation was taken adversely against the interest of the people, and Burma has been treated as a back-water province, and the consequence of one man's rule, without representation at the proper quarters, has rendered the country to suffer and it is still suffering.

In the matter of current events of agitation in Burma, I have to say only one word and that is, that the Government of Burma resorted to working the moribund law, the Indian Defence Act, which is a red rag to the agitators and the peaceful alike. It is a law regarded in other provinces as inadvisable to work.

When that Act was passed it was not meant for the Burmese people.

It is an Indian heritage and it proved, as an established fact, that Burma got punished for the accident of being part of the Indian Empire.

The next point is of an economical character.

Burma was a self-contained country and there was no need of help from foreign lands in the matter of ordinary commodities for the people; but with the advent of British rule the country was thrown open to the world, while the people are quite strange to the new order of things.

The enterprises of Europeans and Asiatics to acquire wealth in Burma have no distinction in rights and privileges. The Japanese and Chinese immigrated into the country and practised trade and commerce, developed industries and owned landed property in the same way as a Britisher and the Indian. The Britishers and the Indians are the citizens of the Empire in equal position as the Burmese, but the same cannot be said of the Japanese and the Chinese. The Chinese cannot find an easy and open field in India proper because the Indians are more than a match for them in the matter of business, labour and thriftiness, whereas the Burmese in Burma for want of training and experience cannot stand the competition and are being beaten in almost all kinds of business. The Capital town of their country, Rangoon, has become a cosmopolitan, if not an Indian, town, and the rural areas are being affected in the same way steadily.

All paying business of a substantial form, as trade, commerce and industry, is almost entirely in the hands of other people. The Burmese are not fit to stand the severe application of the law of the survival of the fittest in the field of economic competition.

My earnest appeal to this Honourable Council is, please do not allow things to slide, which would lead the Burmese people to be in perpetual sorrow for the days that their country had been annexed to the Indian Empire.

The more a Burman studied the rights and the privileges of the citizens of the British overseas dominions the heavier pang he felt for his disabilities for the accident of his becoming a citizen of the Indian Empire and not the full fledged citizen of the British Empire.

If India requires dominion Home Rule and the independent fiscal unit of the country, Burma requires not a whit less, perhaps more, urgently to stem the tide of depredations for the material stability of the country economics. If what Indians say is true that they are having European exploitations in India Burmans can say that they are having European and Asiatic exploitations four-fold heavier.

The next point is the financial relations between the Government of India and the Government of Burma.

The report of Lord Meston's Committee has given Burma some relief, but there still remain many important points to be put forward by Burma in the form of a heavy bill to be made against the Imperial Exchequer if an equitable basis for levying of contributions from Provinces to the Central Government is once settled.

The Committee's report pointed out that the question of the levy of the contributions met with a serious obstacle in the disparity and inequality of burdens on different provinces, and the authors of the report found no alternative remedy in the method of fixing the amounts to the assessment in the ratio of the gross surplus of revenue estimated that each province should enjoy under the new allocation of resources recommended by the Committee.

A short extract may be quoted where Burma was mentioned in the report.

"The provinces which caused us most anxiety were Burma and Bihar and Orissa. In the former the coming improvement in its revenues has been largely discounted by the heavy commitments necessary to give Burma the reasonable administrative conveniences which it now lacks. The Province as we have satisfied ourselves, is far behind India proper in what its Government does for the people."

The Committee recommended no initial contribution for Bihar and Orissa, but for Burma it was put down as 64 lakhs, which is a lakh more than that of Bengal.

The Government of India recently remitted the initial contribution of Bengal.

Bengal has a great advantage over other provinces, particularly over Burma in the matter of stabilizing revenue of the agricultural land in the way of a permanent settlement system, whereas in Burma the rate of land revenue is elastic and continually raised, and if the incidence of taxation is taken acre for acre Burma pays twice or thrice higher than those in Bengal.

I want this Honourable Council to consider why the people of Burma should go on paying taxes higher and higher to make up sufficient funds for India, while some other provinces are left off paying contributions although a very favourable percentage of taxation exists in those provinces. I do not for a moment propose to raise the taxation in other provinces, but my claim

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is for Burma to have a fair and equitable treatment in the matter of contribution to the Central Government's fund.

In the matter of standard contributions recommended by the Meston Committee, please note what the committee expressed in the report. It runs thus—

“In recognition of the admitted fact that this method, of *fixing the provincial contributions*, would largely affirm existing inequalities, they advised that the whole question should be re-investigated by the statutory commission after 10 years' working.”

It is a very tall order that inequalities must remain for ten years and to a young country like Burma, unprovided even with administrative conveniences, and in the largest need for improvement in many ways even to come up to the standard of other provinces, it would be a case of more for breaking down than for making up the administrative system.

There are many subjects the Government of Burma could claim with irresistible force to be made provincial instead of remaining central, but the bogey of unsettled financial contribution stood in the way and in a very awkward position too. I would enumerate a few without going into detail as the Resolution is not for the settlement of accounts, but for inquiry into accounts with a view to settlement of great necessity.

The Port of Rangoon has been declared a major port, just it took away the Provincial control as if the Government of Burma is not an authority on the spot and the work is being run under its immediate control. Delhi or Simla is not in a better position than Rangoon itself for supervision and local knowledge. It is not a gate-way to any province except for Burma, and no other province is interested in its administration.

The declaration is at least not in accordance with the principles of Provincial Autonomy, and there is not a strong reason to believe that Rangoon port affairs would be better managed in Delhi or Simla, where Burma's representation is disproportionately insignificant. If it is an exigency for the requirement of His Majesty's Navy as a port of call, for supply or for defence of the Empire, Burma Government can attend far better and more expeditiously than India. Burma has distinctly one advantage in the supply of oil fuel if other things are equal. If the Customs revenue as Imperial revenue is any consideration to be depended on the proper working of the port, why Burma Government can attend both, run the port and collect the revenue not less efficiently, and it is simply a matter of adjustment of accounts for the revenue.

The Customs revenue from Burma is purely Burma's acquisition and no other province has any interest in it; it is quite a different case from other provinces like Bombay, Bengal and Madras, where the interprovincial interest exists. This is another factor where Burma's case requires special consideration in the allocation of revenue resources.

There is another very important point of financial arrangement to be arrived at, it is the cost of maintaining a large force of Military police for the frontier defence of Burma. For the North-Western defence the Government of India maintains the army and pays the whole cost out of the Imperial fund, but for the North Eastern defence, Burma still has to contribute a large sum out of the Provincial revenue. The military police, so far as frontier defence is concerned, should be paid entirely out of Imperial funds, and the Government of Burma should be called upon to pay for the civil police only as in the case of other provinces. There was a



large force of military police of Burma made to serve in Europe and Mesopotamia during the war, and some battalions have still not returned yet. Such a force is purely military and no police about it.

Burma's expenditure out of the Provincial revenue in the matter of equipment and payment of pension for such force should be very carefully adjusted.

The expenditure on military in Burma is about three quarters of a crore, and Burma pays to India something like six crores net per annum, not including the Government of India's receipts from Posts and Telegraphs. It is a great question for Burma to be enlightened how she stands out of the expenditure of the Central Government if compared with other provinces.

Burma does not wish to court favour and shirk payment of every pie of her share of the National debt of India and the cost of the protection of the Indian Army and the British Navy, but she claims justice in the financial relations in which she considers disparity and inequality of burden on her exist.

My humble suggestion for the points of inquiry is in a very crude form. I am stating what the Burmese people aspire to have.

1. Burma should be separated from India as far as all subjects of the administration of the Province are concerned, except the Army, the Navy and Foreign affairs, which should remain with the Government of India and the Home Government as heretofore, and Burma to contribute a certain amount of its revenue as may be decided by the Home Government after inquiry and report by the Commission.

2. Burma's representatives with the Government of India and Home Government should take no part in the administration of Indian affairs nor the Indian representatives of other provinces in that of Burma, and Burma's representatives in the Indian Legislative Chambers should retire altogether.

3. There should be Burma's representatives with the Home Government and with the Government of India in the Executive Council.

4. The Secretary of State for India should be the Secretary of State for India and Burma, and the Governor General should be the Governor General of India and Burma.

5. The Governor of Burma should be appointed by the Home Government from the United Kingdom.

6. Dominion Home Rule should be introduced at an early date and the Governor and Executive Council should have Reserved Subjects as the Home Government may decide during the transitory state of introduction of responsible government.

7. The Governor should have the full power of veto as laid down in the Government of India Act of 1919; and the Governor should deal direct with the Home Government in all subjects, except the Army, the Navy and Foreign affairs which should be with the Government of India.

8. The Government of Burma should have the power of an independent fiscal unit in the British Empire, subject to the control of Home Government.

9. The financial relations between the Government of India and the Government of Burma should be examined and revised every five years,

[Maung Po Bye.]

and if there is a conflict of opinion between the two Governments, the decision of the Secretary of State shall be final.

10. All Europeans, Indians and other Asiatics, who are British subjects and who have a stake in the country, should have the same rights and privileges as the Burmese people.

There is one explanation more to offer that the Burmese people do require the good-will and co-operation of Europeans and Indians to establish a real responsible government in Burma and invite them to live and prosper with Burmans as citizens of the free state of Burma within the British Empire.

In conclusion, I have to say that the Resolution is pure and simple, for the issue of a Commission of inquiry, and there should not be any objection or opposition.

The inquiry should be conducted by a statutory commission, as the questions involved require independent determination by a majority of members having no interest either in India proper or in Burma.

I believe I have made out a plain case to meet the approbation of the Honourable Members of this Council for favourable decision.

The HONOURABLE MR. SETHNA: Sir, I have heard the Honourable Member's speech with great interest. What he desires is a commission to inquire into the question of the separation of Burma from the rest of the Indian Empire. He has not, however, informed us whether he is speaking for himself alone, or whether he is the spokesman of any recognised body or bodies of Burmese public opinion. I think, Sir, that, before taking any steps in regard to the appointment of a committee or commission, there should be a consensus of opinion to be forwarded to Government. For aught I know, this is the first time this question has come before this Council, and, as far as I know, Burmese opinion has not expressed itself publicly in the manner in which the Honourable Member has declared it to be in this House to-day. I would, therefore, ask the Honourable Member to allow this matter to stand over for the present and to do all in his power to move organisations throughout Burma to assure Government that it is the wish of a large section of the Burmese public to have separation in the manner he desires.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: I would ask the Mover of the Resolution to withdraw it on certain grounds. The first thing, Sir, to think of is that, after all, we are all Asiatics and want to be together. Why break Burma away from India? Why let Burma break away from us? I hope, Sir, that the Resolution will be withdrawn. The other difficulties to which the Mover referred could be easily put right by representing matters to Government. In these circumstances, I would ask that the Resolution be withdrawn.

The HONOURABLE MR. LALUBHAI SAMALDAS: Sir, may I congratulate my Honourable Friend on the splendid manner and the moderation with which he has put his case before the Council. I do not know if other Honourable Members have been to Burma or not, but I have twice been to Burma and seen the country, and I do think there is a demand from people there of Burma for the Burmans—whether it is artificial or natural is a different matter. There is also a feeling that the country is being

exploited both by Indians and by Englishmen, and as I hear this morning for the first time—a fact I did not know before—also by the Chinese and Japanese. But perhaps my Honourable Friend does not realise that the Indians in Burma have really tried their best to increase its trade and industries, and also to help them in starting industries. It may be exploitation, as some of the Burmans themselves think. Personally I do not think it is.

As regards the question whether there should be more Members in the Legislative Assembly or in the Council of State, or whether there should be a Burman representative in the Legislative Council, these are all questions that can be decided later on. My Honourable Friend knows that a Committee presided over by Sir Frederick Whyte, the President of the Legislative Assembly, has recently gone into all these questions. That Committee's Report, when it is published, will perhaps give us some idea as to how it is proposed to meet the demands of the Burmans for self-government. I have myself the greatest sympathy with the idea underlying the Resolution of my Honourable Friend, that Burma must have self-determination. If they want to be with us, with India, we shall be glad to have them. If they want to be outside the control of the Government of India, we can have no objection. What they want, if I understand my Honourable Friend aright, is what we here have been calling Provincial Autonomy, for he says the Foreign Department, the Army and the Navy, shall be under the Government of India, while the other departments will be under the Provincial Government. In view of the fact that the Report of Sir Frederick Whyte's Committee has not yet been published, a new Committee working on the same lines would be redundant, and I do not think will serve any useful purpose. I would, therefore, ask my Honourable Friend to withdraw his Resolution, not because I do not agree with the reasons for his demand, but because I think we ought to await the Report of Sir Frederick Whyte's Committee before taking any further action in the matter.

The HONOURABLE MR. S. P. O'DONNELL: Sir, I think it will be agreed that, whatever views may be held on the subject of the separation of Burma from India, the inquiries on which this Committee would have to embark would necessarily be of a long, laborious and protracted nature. Burma is racially and geographically a distinct country from India. That is a fact which cannot be ignored when considering the form of government which it should enjoy. But Burma has been associated with India for a not inconsiderable period, and it is now linked with India by many and intimate ties; and it is perfectly clear, in view of the existence of these ties, that the task which would fall to the Commission would be far from easy and far from short. Consider, for example, the military requirements of Burma. At present Burma is part of the Indian Empire, and if her frontiers are threatened, she has behind her all the resources of the Indian Empire. If Burma were to be separated, it would be necessary for her to have her own Army, and the Commission suggested would have to determine what the strength of that Army should be. Possibly the forces required would have to be far more numerous and far more expensive than those at present maintained in Burma. Also the composition of the troops would have to be considered. The troops maintained in Burma at present are mostly Indian troops, and the Commission would have to determine from what sources in future the Burma forces should be recruited. It is thus clear that on this side the task of the Commission would be by no means an easy one.

[Mr. S. P. O'Donnell.]

Again, there are the commercial relations between the two countries. It is not always realised how close these relations are. India supplies the large labour demands of Southern Burma. Indian traders have penetrated the whole of Burma. Rangoon, the capital of the province, is very largely an Indian town. India is dependent on Burma, in times of scarcity, for large supplies of rice. On the other hand, Burma depends on India for coal. It is clear that separation might seriously affect these relations. It might impede or reduce the interchange of commodities between the two countries. It might affect the supply of labour to Burma. Here also, therefore, it is clear that the Commission would have to examine many difficult questions. Then there are the problems connected with finance and currency. The Commission would have to consider what the effect of separation would be on the finances of Burma, a matter which would demand prolonged inquiry and the hearing of much expert evidence. There are doubtless other matters, such as the Services; but I have only attempted to indicate the more outstanding issues.

Now it is not my intention to suggest any conclusion whatever regarding the desirability or otherwise of separating Burma from India. The Honourable Mover of this Resolution made it perfectly clear that, in his opinion, there can be only one answer. Although he suggests the appointment of a Commission, he seems to regard the finding as already settled. It is quite unnecessary, however, for this Council to come to any conclusion on the general question of separation. It may be that the interests of Burma will be best served by separation; it may be that those interests will be best served by continued inclusion in the Indian Empire. The point I wish to make is, that as several other Honourable Members have already said, it would be premature and inopportune to appoint this Commission now. That was the view taken by many non-official members at the meeting of the Burma Legislative Council held some months ago. They did not conceal their opinion that separation is the ultimate destiny of Burma. At the same time, they made it perfectly clear that the present is an inopportune moment for taking up this question. That also is the attitude of the Local Government. They consider that separation is bound to come, but they strongly deprecate raising the question at the present moment. The reason for that is perfectly obvious. Burma is on the eve of great changes. The Committee appointed to inquire into the questions of the franchise and the classification of subjects has submitted its report. That report is under consideration, and it will not be long now before Burma receives a new constitution which will bring her into line with the major Provinces of India. There could not well be a more inopportune time, therefore, for embarking on the inquiries proposed. One of the objects suggested by the Resolution is the ascertainment of opinion. I do not know why the Honourable Member has put that in, because he has made it clear that he regards separation as the only possible course. But in any case a commission is not the proper machinery for ascertaining opinions. As soon however as the new constitution comes into force, there will be ample means of finding out what the people of Burma desire, for there will be a Council elected on a very wide electoral franchise, a franchise probably wider than that enjoyed by any of the Provinces in India. Surely the proper course is to wait till this Council has come into being and till it has had time to take stock of the situation and formulate its views. I hope, therefore, that the Council will agree that whatever may be the merits of the proposal as regards separation this is not the time to bring it forward.

The HONOURABLE MAUNG PO BYE: I only meant to ask for an inquiry. I may be a separatist at the present moment, but at the inquiry I may change, the whole people of Burma may change. We only want statistics, opinions and information to be collected and I do not mean to start separation at once. If the inquiry is not allowed a Burma member can do nothing more. I hope the Government would not start too late.

The HONOURABLE THE PRESIDENT: The question is that the following Resolution be accepted:—

“This Council recommends to the Governor General in Council to be so pleased as to take early steps to make an inquiry by appointment of a commission or otherwise to examine the question of separation of Burma from the rest of the Indian Empire with a view to collection of information and opinion and in order to determine how the question would affect the Indian Empire as a whole and Burma separately.”

The Resolution was rejected.

#### RESOLUTION *RE* EXEMPTIONS UNDER THE INDIAN ARMS ACT, 1878.

The HONOURABLE LALA SUKHBIR SINHA: The Resolution that stands in my name runs thus:—

“This Council recommends to the Governor General in Council to exempt from the operation of prohibitions or directions contained in the Indian Arms Act, 1878, or the Indian Arms Rules—

(a) Head or Manager, as well as

(b) other major members of those joint Hindu families which pay Rs. 20,000 or over as land-revenue.”

It may be said that I have come again to this Council for the exemption of more persons, because I moved a Resolution in this Council last March for the exemption of Members of the Legislature and Magistrates. But this Resolution stands on an entirely different basis. So long as the system of exemption will continue, such questions are bound to come, and the cases of those who are affected will have to be considered by the Government. This is one of such cases. Under clause 6 (g) of Schedule I of the Indian Arms Rules, 1920, all zamindars in the United Provinces who pay Rs. 20,000 or more land-revenue have been exempted. In Oudh all the taluqdars without regard to any amount of land-revenue have been exempted. But in the Agra province and also in Oudh among the zamindars there is a general complaint from the joint families. In these families, though they pay Rs. 20,000 or more, even the head or manager has not been exempted, perhaps on the ground that the members of the family are not individually paying the required amount of land-revenue. But I beg to submit that they are responsible individually as well as jointly to pay the amount of land-revenue, *viz.*, Rs. 20,000 or more, and it makes no difference whether the zamindar individually pays Rs. 20,000 or pays as head of the joint Hindu family. This principle has been adopted in the Council Election Rules as well as in the Municipal and District Board Election Rules, and under those rules, the heads or managers of joint Hindu families and even representatives of banks and other societies have been given the right to vote. Similarly, I do not see any reason why the head of a joint Hindu family or of any society or bank or firm should not be allowed this right of exemption from the Arms Act. This right of exemption has been given to zamindars as a recognition of their services and loyalty to Government, and, therefore, the Indians appreciate this right very much, and it has been appreciated for a very long time. If

[Lala Sukhbir Sinha.]

Government decides once for all that there will be no exemption, the question will end there. But if the right of exemption will continue, I think the rights of those who are affected should be considered. The interpretation made by the Government in the case of joint Hindu families, I have quoted above, is not correct. They say that those individual members of zamindars who personally and individually pay Rs. 20,000 or more are to be exempted, but not any members of a joint Hindu family or even the head or manager of such a family. It may be said that these heads or managers may get licenses. It is true that any person may apply to the Magistrate for a license. If that is so, why should any exemption be made at all? Those who are now exempted may do the same thing and apply for a license. They can apply to the Magistrate as others do and get their licenses. But it is a great botheration to have to apply for a license, and pay Rs. 10 for a pistol and so on. It is to save this trouble of getting licenses every year and having to pay for the license that this right of exemption has been given, and it ought to be extended to those who are fit for it. Such joint families in the U. P., I think, will be very few. If the heads or managers of such families are exempted the number will not go beyond fifty or sixty. If all the major members of the families are exempted the number may not go over two hundred. This is my approximate estimate, and I cannot mention the exact figures. There may be some cases in the Punjab also. In the Punjab, so far as I know, there are very few big zamindars, but still there may be a few cases. In Madras and the other provinces there may be some cases where the joint Hindu families have not been exempted. Therefore, on the principle of exemption made to zamindars in the United Provinces and Oudh, I request this Council to recommend to the Governor General in Council to exempt the heads and managers of joint Hindu families, as well as all major members of those families who pay Rs. 20,000 or more as land-revenue.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Sir, I support the Resolution to this extent. I think, Sir, the various arms should be defined. There should be some committee or some body should be asked to consider this. If the followers of one religion or one particular sect of people are allowed to possess swords or anything else, I am not against it, but the thing is that we are all your subjects, we want an equal status. We are not allowed to keep swords, while one particular section is allowed. They should not be sorry if we asked that swords, particularly in the Punjab, or say in the whole of India, should be considered as non-licensable,—that one should be allowed to keep a sword. But if not, then it should be stopped for everybody. I do not see that keeping arms is a very nice thing. It may be of some help to zamindars to have them for keeping off the various things which affect their crops. At the same time, the same things can be rather awkward, as they have found, especially in the Punjab, which I may say is a province in which they really do not speak but they do lots of other things. So what I want, Sir, is that there should be equality amongst everybody for keeping arms. And as for zamindars, I think they are on the side of the Government,—they always will be on the side of law and order, at any rate. So I think if they get arms, they will use them in the right direction. Therefore, I do support the Resolution to that extent.

The HONOURABLE NAWAB MUZAMMIL-ULLAH KHAN: Sir, I cordially support the first part of the Resolution that the heads of families—the few heads of joint Hindu families who are paying so much as Rs. 20,000 as

land-revenue,—they will be very few—should be exempted. To exempt others would incur the displeasure of those people who do not belong to joint Hindu families. Therefore, I cordially support the first part of the Resolution of my friend.

The HONOURABLE SAIYID RAZA ALI: Sir, I am really surprised that in this age, in 1922, when equality is being preached and when special privileges are being attacked right and left—and very properly—my Honourable Friend should have thought it proper to move a Resolution of this character. Sir, there is not the least doubt that it was very wrong of Government to make any exemptions whatsoever under the Indian Arms Act. Those who sow the wind must reap the whirlwind, and Government now naturally find that, having deviated from the right path once, they are confronted with the present demand. May I ask my Honourable Friend if he is prepared to claim special privileges for any section of the community, with what face can he ask Government that those privileges which are enjoyed by certain specially favoured sections of the community should be done away with? The Resolution is wrong in principle, and naturally, if adopted, it will lead to Government's position being rendered more difficult than it is to-day. I have no quarrel with the system of Hindu joint family. I wish it good luck. But I attack the Resolution on principle. And as I said, Sir, it is really very sad that a Resolution of this character should have been brought forward in the age in which we are living. I strongly oppose the Resolution.

The HONOURABLE MR. S. P. O'DONNELL: Sir, the rule to which the Honourable Lala Sukhbir Sinha has taken exception is the outcome of the general principle underlying the Arms Act. As Honourable Members will doubtless remember, the old rules included a very long list of exemptions. When these rules came to be examined as the result of a Committee which sat in 1918, it was finally decided that exemptions should be cut down to the lowest possible extent. It may be that, as the Honourable Saiyid Raza Ali has said there ought to be no exemptions at all. However, the principle adopted was that there should be a very small list of exemptions. One of the classes exempted was that of the great landlords in each province. Originally in the United Provinces the exemption extended only to the Taluqdars of Oudh, for this reason that the Taluqdars were a determinate class defined by Statute. The United Provinces Government subsequently represented that a similar concession ought to be extended to the great landholders of Agra. In the case of that province it was necessary to fix a monetary limit, since there was no other means of defining who were and who were not great landholders. It was thought that the payment of Rs. 20,000 as land-revenue was a reasonable limit. The suggestion now made is, that not only every landlord who pays Rs. 20,000 land-revenue, but every major member of a joint Hindu family whose estate pays a land-revenue of Rs. 20,000 or over should be exempted. Now, the acceptance of that proposal would, in the first place, be inconsistent with the general principle that there should be a very small list of exemptions. In the second place, it would involve a differentiation in favour of the joint Hindu family, for which there seems to be no sort of justification. Take the case of a joint Hindu family consisting of five members. I have selected the number five as more favourable to the Honourable Lala Sukhbir Sinha's proposal, but of course the number of members might run up to 20. Suppose that their estate, which pays a land-revenue of Rs. 20,000, were partitioned, each member would then pay Rs. 4,000 as land-revenue, and none of them would have any claim whatever to being exempted.

[Mr. S. P. O'Donnell.]

Why then should they be exempted, simply because they are members of a joint Hindu family? Is there any sense, logic or reason in that? It has been suggested that the Resolution should be accepted so far as the head of the family is concerned. But the head of the family, though he manages the estate is in all other respects on the same footing as the other members of such a family, and has no special claim to be considered a great landlord. It seems to me, therefore, Sir, that the Honourable Lala Sukhbir Sinha has really made out no case whatever. He and I are old acquaintances, and I believe he has a considerable assortment of arms adequate for all his purposes. He has of course to pay license fees, but so have others, and I do not suppose that the payment constitutes an excessive drain upon his monetary resources.

The HONOURABLE LALA SUKHBIR SINHA: Sir, the Honourable Saiyid Raza Ali has said that this is not the proper time to move this Resolution. But, as I said before, so long as this system of exemptions continues, such cases will come up and ought to be considered by the Government. The Honourable Mr. O'Donnell has said that if a joint family has five members and if they are divided, each member will pay only Rs. 4,000 as land-revenue and cannot be called a great landlord, but will he induce members of joint families to be divided up, which we do not like? The Hindus appreciate very much the joint Hindu family system in this country. Government also, I believe, are opposed to partition.

They have put limits beyond which partition cannot go. It is simply to keep lands intact and not to partition them. Sir, when this principle has been adopted in elections to Councils and Municipal Boards, why should it not be adopted in the case of exemptions under the Arms Act also? If a person is the head of a joint family which pays Rs. 20,000 as land-revenue, he and every major member of that family ought to have a right of exemption. If they are divided, they ought not to have that right. But if they live together, the major members should have that right. Therefore, Sir, I strongly recommend this Resolution for the acceptance of this Council.

The HONOURABLE THE PRESIDENT: Would the Honourable Member like me to put his Resolution in two parts?

The HONOURABLE LALA SUKHBIR SINHA: Yes, Sir.

The HONOURABLE THE PRESIDENT: Then, I will put the major part of this Resolution first.

The question is that the following Resolution be accepted:

"This Council recommends to the Governor General in Council to exempt from the operation of prohibitions or directions contained in the Indian Arms Act, 1878, or the Indian Arms Rules—

- (a) the Head or Manager of those joint Hindu families which pay Rs. 20,000 or over as land revenue."

The Council divided as follows:—

AYES—9.

Ayyangar, Mr. K. V. R.  
Chettiyar, Rao Bahadur S. Rm. M. A. A.  
Jaffer, Khan Bahadur E. H.  
Kale, Mr. V. G.  
Khaparde, Mr. G. S.

Muzammil-ullah Khan, Khan Bahadur  
N. M.  
Ram Saran Das, Rai Bahadur Lala.  
Sukhbir Sinha, Lala.  
Umar Hayat Khan, Colonel Sir.



## NOES—22.

Akbar Khan, Major Mohamed.  
 Amin-ul-Islam, Khan Bahadur.  
 Barron, Mr. C. A.  
 Bhurgri, Mr. G. M.  
 Borooah, Mr. C.  
 Cook, Mr. E. M.  
 Edwards, Major-General Sir W.  
 Forrest, Mr. H. S.  
 Froom, Sir A.  
 Harnam Singh, Raja Sir.  
 Lloyd, Mr. E. S.

Mayhew, Mr. A. I.  
 Murray, Sir A. R.  
 O'Donnell, Mr. S. P.  
 Raza Ali, Saiyid.  
 Sarma, Rao Bahadur B. N.  
 Sethna, Mr. P. C.  
 Shafi, Mian Sir M.  
 Tek Chand, Diwan.  
 Wood, Sir J. B.  
 Zahir-ud-din, Khan Bahadur S.  
 Zulfiqar Ali Khan, Sir.

The Resolution was therefore rejected.

The HONOURABLE THE PRESIDENT: I do not propose to put the\* second part of the Resolution. Since the major portion is lost, the other part goes—

\* “This Council recommends to the Governor General in Council to exempt from the operation of prohibitions or directions contained in the Indian Arms Act, 1878, or the Indian Arms Rules—

(b) other major members of those joint Hindu families which pay Rs. 20,000 or over as land-revenue.”

## RESOLUTION RE ROUND-TABLE CONFERENCE.

The HONOURABLE MR. SETHNA: Sir, I beg to move that—

“This Council recommends to the Governor General in Council to convene immediately an informal joint sitting of the two Houses excluding press representatives and visitors to settle on what lines a round-table Conference of all party leaders should be held.”

I have ventured to bring forward this Resolution in the hope that, if it meets with the acceptance of this Council, it will help to persuade Government to handle the present situation in such a manner as may prove acceptable to all parties. It will be no exaggeration to say that the situation in the country to-day is perhaps as critical as it may have been at any other time during the British occupation—not even excepting the days preceding the Mutiny. For years past a change has been going on all over the East, and notably in India, which constitutes an epoch in our history, with the same significance perhaps as the French Revolution in the history of continental Europe. But, bearing in mind the horrors which accompanied the birth of political liberty in continental Europe, it is necessary that we should proceed in this country with due care and caution. A century and a half ago there was not a single leading power in Europe—I mean on the continent of Europe—which could have boasted of a constitutional form of government. To-day there is no State in continental Europe which has not some sort of constitutional government based perhaps on the model of that Mother of Parliaments, the British House of Commons. The East India Company, at first a purely commercial organisation, developed, as we know, into a great Empire which, it cannot be denied, has brought to this country a real unity and a strong central Government. But Great Britain has awakened India by opening to her the door of Western education, as a result whereof, we cannot wonder, India has ever since been struggling for a constitutional form of government. Many have been the professions made by Government in the past for granting equality of status and further political rights to Indians—which professions, I am sorry to say, have been honoured more in the breach than in the

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observance. And I say this is unfortunate both for the Governors and the governed. But we do believe that the angle of vision has now really turned, to judge from the memorable pronouncement of 20th August, 1917, whereby constitutional self-government by successive stages has been definitely promised.

The acceptance or otherwise of this pronouncement constitutes the main point of difference between the political parties in this country. There are at present two schools of thought. The Moderates, or as we call them, the Liberals, have faith in the present professions of Government, and in that faith they accepted the reforms at the time when they came into existence a year ago. On the other hand, the Extremists, or as we now know them better the non-co-operators, doubted and still doubt the honesty and sincerity of Government, and insist upon immediate and complete self-government. It is well said that successful administration consists in an intelligent anticipation of coming events and, no matter whatever may be said to the contrary, it is abundantly clear that both the Home Government and the Government of India did not intelligently foresee the events that have happened in this country during the last 15 years, or that, if they did, they certainly did not handle the situation in such a manner as might have proved of benefit both to the Indian population, as well as to themselves.

It is a reasonable conjecture to make that, if the Montagu-Chelmsford Reforms of 1921 were conceded to the country in 1909, when the Morley Minto Reforms came into existence, perhaps the history of India during the last ten or fifteen years would have been different, and, what is more, India would have been prepared by now to receive gradually and peacefully the final instalment of complete self-government as an integral part of the British Empire. Such foresight would have added greater lustre to British statesmanship, and would have prevented the present unrest and the present deep-rooted discontent. In fact, India has now been so thoroughly awakened that what the Government thought was a generous gift in 1919 is rejected wholesale by one section of the public, whilst the other already, within twelve months, is clamouring for a further and more substantial advance in reforms.

To enable Government to carry on its work successfully, it is necessary that it must have the support of one section of the public or another which is prepared to co-operate with it. The Liberals accepted the Reforms, and our present Councils are filled from among their ranks. The work done by them has been considered very satisfactory. But it will not go well with the Government if several of the leading Members in both Houses and in the country begin to waver and to believe that the measures adopted by Government at the present moment in handling the situation are not conducive to the best interests of the country. The non-co-operation movement since its inception has passed through many different phases, as we know. The Moderates have kept studiously aloof from it. It was in fact dying a natural death, but for the present repressive measures adopted by Government, which has given non-co-operation a new lease of life and added force. Non-co-operation, we know, gains public acceptance the more readily when its doctrine is translated into that gross and degenerate form in which we have seen it in Malegaon, in Dharwar, in Bombay, and within the last five or six days in Madras, and, last but not least, in Malabar. After the riots in Bombay and in spite of the riots,

the Bombay Government did not think it necessary to introduce any repressive measures. Other Provincial Governments—I presume with the consent of the Government of India,—the Governments of Bengal, Bihar and Orissa, the United Provinces and the Punjab have adopted measures which are certainly not acceptable to the great majority in this country. Such proceedings on the part of Government are welcomed by the non-co-operation party because they set aglow the fire which was fast going out. There is no denying that *hartals* have grown in number and increased in significance. They are the outcome of the tactics of terrorism and the inflammatory propaganda practised among the ignorant and the unthinking classes of the public. Direct defiance of authority has been preached and practised, and civil disobedience is recommended by people who do not pause to think that civil disobedience is but another name for civil war, which in its turn must mean bloodshed and many other concomitant evils.

I understand that it is the duty of Government to protect all those who are on the side of law and order, but the burning question of the day is, whether the repressive measures adopted by Government will prove our salvation. If Government think that repression will help to chasten and quiet India, it can at best be only for a time.

His Excellency the Viceroy, in the course of more than one of his speeches, has forcibly impressed upon us that the British Parliament is the paramount authority which alone can extend further concessions to this country. May we respectfully ask him if the British Parliament and the British public with their past traditions will tolerate the sort of repression that is going on for any length of time in this country? Lord Meston, who is so thoroughly familiar with this country, in an article he recently, contributed to one of the English monthlies, says—

“To lay hands on the ring-leaders of the movement to-day would probably mean disturbances much more far-reaching than those of the spring of 1919 involving more extensive military operations and consequent loss of life.”

Sir, a panicky pessimism helps nobody but the revolutionaries themselves. Be it remembered it is not the men but it is the ideas behind the men which are explosive and formidable.

We quite realise that the task of the Government is by no means easy. But can the Government afford, I ask, to disregard the sentiments of the Moderates who have stood by them through and through, Moderates who have studiously kept away from the Non-co-operation Movement, who will have nothing to do with violence, and it is manifest that Moderates to-day, both inside the two Houses and outside in the country, do not approve of the action of the Government of the present day.

We are asked, why should we object to measures which Government are adopting for the purpose of the safety and security of law-abiding citizens? The answer is plain. They have put into force the Criminal Law Amendment Act. When this Act was introduced the Mover, the Honourable Sir Herbert Risley, gave the Council clearly to understand that it would only be put into motion against revolutionary associations and against societies of bomb-throwers. It is yet for the Government to prove that the Congress and the Khilafat Volunteer movements which have been proscribed under this Act are revolutionary. The Government may have something up their sleeve and we should welcome any information or any light which the Honourable Member in reply may throw on the subject. In addition, from the manner in which the Seditious Meetings Act is just now enforced, it appears there is an attempt to prevent the liberty of speech

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that is practised in all free countries. Further, Government ought not to forget that it was only a few months ago that the Legislature demanded the repeal of the very Acts which have just now been set in motion. But above all, the reason why the present form of action is alienating the Moderates is because of wholesale and indiscriminate arrests for political offences, and, worst of all, the very brutal and cruel manner in which sentences of maximum rigorous imprisonments are inflicted upon political offenders. These, Sir, help to alienate the Moderates who have throughout been with Government so far.

Such being the condition at the present moment in this country, a round-table conference has been suggested from all sides. The influential deputation which waited upon His Excellency the Viceroy in Calcutta was informed by His Excellency that he would not mind a conference, provided of course, and he was perfectly right, that the non-co-operators were in a better frame of mind, and they were prepared to stop *hartals* and civil disobedience. As the Council knows within the last five days a representative conference of prominent Indians of all shades of opinion was held in Bombay which lasted for two days. At its deliberations Mr. Gandhi was present and after much pressure was brought to bear upon him, he agreed, upon certain conditions, to stop *hartals*, picketing of liquor shops and civil disobedience, and only up to a certain date, pending the result of the Resolutions being laid before His Excellency the Viceroy and His Excellency in reply agreeing to a round-table conference.

If a round-table conference is summoned either in pursuance of the deputation which waited upon His Excellency or in pursuance of this Resolution, if passed, it will not be able to effect much unless it is determined beforehand how and on what lines and for what ends it is to work. One of the objects of my Resolution, therefore, is to deal with the methods to be adopted and other allied matters. One cannot help foreseeing that, if a round-table conference is not held to-day or to-morrow, it is bound to be held in the next few weeks or the next few months, and it will be to the interest of Government, as I shall point out later, to have such a Conference.

As a vague and barren talk of a conference cannot enlighten the Government and the public as to what people who talk of a round-table conference mean, I may be permitted roughly to outline the manner in which I would recommend the holding of such a conference. I would propose that it consists of four different groups, the first to consist of representatives of Government, the second to consist of representatives of the two Houses of the Legislature, the third and fourth of representatives of the Moderates and the Extremists, respectively. It may be argued that because the Council consists of Moderates why should they have a separate representation? I think that this group from the Legislature will perhaps be the most important in the Conference, because of the fact that they are the elected representatives of recognised constituencies in the country, and what is more, they have worked in conjunction with Government during the last twelve months under the new reforms, and they will be able to say how far they have proved satisfactory, or to what further extent they would desire them to be carried in the near future. In regard to the Moderates, I regard them as the rightful successors of the old Congress, and therefore representing the views of educated Indians, as also of the strong middle classes. Then there is a certain section of Indian politicians who, for reasons best known to themselves, have kept aloof from one side or the other

--at times they are with the Moderates and again on occasions with the Extremists.

In order not to leave them out, I would suggest to them that, for the purposes of this conference, they should temporarily ally themselves to the one side or the other if they wish for a representation. I would not have the conference an unwieldy body. If each group is asked to send six or at most eight men, I think the one or the other number ought to suffice. Each group should elect its own leader who would be the spokesman for his party.

Each of these four groups should preferably act as separate units and consider the situation for themselves and take up a reasoned and reasonable attitude, not only as to how to deal with the unrest, but as to the manner in which it should be handled at present and in the future. A questionnaire, comprehensive and precise, might be prepared, and the members might be invited to give their replies, and this would clear the ground for a conference.

Sir, I consider that the Government, the non-co-operators and the Legislature could easily select their representatives. There might be some difficulty in regard to the Moderates because of their not having similar central organizations. The difficulty could be overcome by Government inviting the National Liberal Federation and some of the other principal moderate bodies to send between them six or eight representatives, as the case may be.

Then at the first stage of the proceedings of the conference I would suggest that, with the exception of course of Government, the other three parties should place their views of the case and place before the Government their irreducible minimum in each case. An interval might be allowed thereafter to enable Government to consider themselves the proposals made by the three parties and also to enable them to place themselves in communication with the Home Government.

At the second stage of the conference, Government might well be expected to pronounce their tentative views as to how far they were prepared to go in the matter of further concessions and what policy of progress they hold out for the future. At the last stage if a satisfactory understanding is arrived at between all four parties, it will indeed be a great achievement and prove of lasting good to the country.

But, Sir, in common with several friends I have very grave doubts, if Mr. Gandhi, to judge from what he said at the Bombay conference, will be disposed to attend a conference convened by Government. Having been present myself for two days at the Bombay conference, I confess I doubt if in his present frame of mind he will be tempted to come. My friend on the left, who was also present, says he will. If he does, it will be a terrible climb down for him.

Mr. Gandhi, in the course of the speech he made, observed that he pined for an opportunity to meet his moderate friends and to prove to them that he was as reasonable to-day as his moderate friends admitted he was until two years ago. I certainly cannot consider him at all reasonable to-day. In fact, Sir, I will go the length of saying that perhaps Mr. Gandhi is now troubled with a disease, ordinarily known as megalomania. Mr. Gandhi has got himself appointed Dictator by the National Congress. To my mind he imagines himself to be not only the Dictator for all-India, but for all Asiatic peoples. His speeches before the Conference have already appeared in the press, but his attitude in the Committee was certainly more dictatorial. It is quite likely that he will not

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come to a Conference if Government invites it. But, on the other hand, whilst I have known and understood Mr. Gandhi to be an idealist, I have also seen during the last few days that he is such a great tactician that there are equal chances that he may as readily climb down and attend the conference if it suits his purpose.

If Mr. Gandhi attends the conference well and good. If he does not, I say even then it is necessary for Government, in its own interest, to have a round-table conference. I say in its own interest because Government must have the support of one party or another: and Government to-day are losing the support of the Moderates, on whom they rely. It is, therefore, urgently necessary for Government to lay their cards on the table before all the parties. If the non-co-operators stand out, then Government can tell the Moderates and the representatives of the Legislature how far they are prepared to go and stop repressive measures: and if they satisfy these two parties, I for one hold that the country at large will thereafter feel bound to help Government in all its legitimate efforts to maintain law and order. It is therefore that I propose that a conference should be held of all the parties, and that we should also invite Mr. Gandhi. If he does not come, let us go on without him, and convince the country that Government gave him every opportunity which he will not avail himself of. The country must thereafter lose confidence in him.

I recommend a joint sitting of the two Houses, and perhaps a word is necessary as to why I recommend a joint sitting. I do so because a joint sitting will secure a free and full exchange of views, and Government and the Legislature will thereby come to close quarters, and Government could state their case without formality and, let us hope, without fear of publicity, and the avenues of a settlement including the conference question could be explored in a calm atmosphere, and all the necessary preliminaries could be threshed out. The Conference, amongst other matters, should take in hand and consider:—

*Firstly*, a full and frank discussion of the present situation, its causes, immediate and underlying, its gravity, complexity and trend;

*Secondly*, the attitude of the Government, its handling of the unrest and its considered views to cope with the present and immediate future;

*Thirdly*, the position of the Legislature and of the well-wishers and supporters of the reformed Government with regard to Government's recent activities and impending developments; and

*Lastly*, the urgent necessity for the Government of India to forcibly impress upon the British Cabinet and the Premier the need for speedy action for the formulation and initiation of a further constructive policy.

Considerations of prestige have often weighed with the Government of this country in the past. I hope considerations of prestige will not weigh with them at such a juncture as the present. And let me remind you that even the British Premier when he saw that the Irish question was very gloomy and the sky thick overcast with threatening clouds, he of his own took the initiative for a conference with the Sinn Féiners, with the good result that we know. If His Excellency Lord Reading, with the sagacity and courage with which we associate his name, forcibly impresses upon the Home Government the necessity for urgent action, and if he can get Mr. Lloyd George to take up this matter in right earnest, there is no denying that he will prevail upon the British Parliament and the British public to respond to the considered wishes of the people of this country.

The visit of the King-Emperor in 1911 was signalised by the repeal of the partition of Bengal, which won back many millions of disaffected people in this country. Let us hope that the visit of His Royal Highness the Prince of Wales will be signalised by the announcement of a further constructive policy: and that such announcement will be made even before he leaves the shores of India, and that the announcement will be the means of restoring once again peace and plenty to this land we hold so dear.

The HONOURABLE SIR ALEXANDER MURRAY: Sir, so far as the question of a round-table Conference is concerned the position has altered considerably since the Resolutions down for discussion to-day were drafted or even since they were ballotted for. And I will frankly say that my own views on this question have undergone a change as the result of the meetings of the so-called representative Conference of leaders that have taken place in Bombay during the past few days.

No one can deny that we live in troubled times, and I feel sure it is the earnest desire of every Member of this House that every effort should be made to end the present state of affairs and restore the country to normal conditions. But what I am not sure is that the proposal contained in the Resolution now before us is likely to have the desired effect. Indeed, my feelings at the moment incline me to believe that a Conference on the lines suggested will serve no useful purpose, and I intend, therefore, to vote against this Resolution.

As we all know, the attempt to hold a round-table Conference in Calcutta last month broke down, chiefly for the reason that the leader or leaders of the Non-co-operators not only refused to attend, but refused also to stop *hartals* and other activities against the Government pending the result of the discussions. From what I have read in the newspapers of the proceedings at Bombay over the week-end, it seems to me that the leader of the Non-co-operation movement continues to adhere to his non-co-operation policy even so far as a conference only is concerned. I say 'leader' advisedly instead of 'leaders', for, since the question of a Conference was first raised, Ghandi has been appointed a Dictator by his fellow non-co-operators, with the result that now more than ever is he responsible for the policy of his party.

It is quite true that Ghandi attended the Conference held in Bombay, but he did so only to advise and help, and not as member or delegate. It follows, therefore, that, so far as we know at present, the leader of the non-co-operation movement is not prepared to take part in a conference on equal terms with the leaders of other political parties. We have present here two Honourable Members who were present at the Conference in Bombay. One says Ghandi will attend a round-table Conference; the other says Ghandi will not attend. Typical of the Ghandi movement, isn't it? This alone, to my mind, would render infructuous any round-table conference, no matter how anxious other political leaders may be to arrive at a common understanding.

In order to explain what my objections are to this Resolution, I would like, Sir, to refer to what took place at Bombay as evidence that the conditions precedent to a Conference formulated by party leaders there are such that no self-respecting Government and no self-respecting Member of the Indian Legislature could possibly accept them. I consider I am justified in referring to these conditions for the reason that they are the considered opinions of a representative conference of leaders who have anticipated our

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deliberations regarding a conference and have laid down in advance the terms on which they would be willing to come in—terms I say which no self-respecting Government or legislators can accept. The first condition proposed—and this is a condition we will be asked to consider no matter who arranges for a conference—is that all notifications and orders issued under the Criminal Law Amendment Act of 1908 and the Prevention of Seditious Meetings Act of 1911 be withdrawn, and all persons convicted or under arrest under these orders should be released. Now we hear and read a lot about these two Acts, and of the loss of freedom of the Press, of liberty of speech and of liberty of association that results from the use of these particular laws. May I remind Honourable Members that the first private business discussed in this House was a Resolution moved by our now Right Honourable Colleague, Srinivasa Sastri, as the result of which a Committee was appointed to examine the repressive laws on the Statute-book and to report whether all or any of them should be repealed or amended. I wonder how many of us have read the report of this Committee which was published in the Gazette of India Extraordinary, dated 19th September, 1921. I have a copy here and wish I had time to quote freely from it.

A point I wish to make is that nine Members of the Indian Legislature signed this Report, of whom seven are Indians and only two Europeans. Apart from Dr. Sapru, whose opinions as Legal Member of the Government may in some quarters be considered prejudiced, the Indians who signed are Sir P. S. Sivaswamy Aiyer, Mr. J. Chaudhuri, Mr. Samarth, Dr. Gour, Mr. Shahab-ud-Din and our Honourable Colleague Mr. Bhurgri. He will be a bold man who will say that any of these gentlemen are reactionary. Yet what did they do? They agreed with a recommendation to remove certain special laws from the Statute-book excepting Part II of the Criminal Law Amendment Act and the Seditious Meetings Act—

“which cannot be abandoned until the present tension created by the non-co-operation movement has been relieved by the action of its leading promoters.”

As, no doubt, the Honourable Mr. Bhurgri will take part in this debate, I would like to read his own words to the meeting. The last words of their Report are :

“We advise that the repeal of the Prevention of Seditious Meetings Act, 1911, and Part II of the Indian Criminal Law Amendment Act, 1908, should be deferred for the present. Their retention is necessary in view of recent occurrences and possible developments, which we cannot but regard with the gravest apprehension.”

Now, this was not an expression of opinion lightly arrived at. It was their carefully considered opinion after examining, I think it was, 29 witnesses. They referred to what they did in paragraph 2 of their Report, where they said that they had examined witnesses. They also say :

“We have also considered the opinions of Local Governments and some written statements sent by witnesses or by recognised associations. In addition we perused a large amount of documentary evidence in the shape of reports of disturbances, and so on.”

They also make a special point in paragraph 16 of saying :

“There remain these two Acts,” that are quoted and which have been referred to by the Honourable Mr. Sethna. “It is around those two Acts that controversy has centred and regarding which we have been careful to obtain a full expression of opinion.” They further go on to say : “These Acts are first attacked as being ‘unconstitutional’”, and they explain the reasons that prompted them to the conclusions they arrived at.



Now, this is not an old Report, for it is dated 2nd September last and the Committee's meetings were held in July and August.

Some Honourable Members will, no doubt, say the position has changed since that time. Of course it has, and changed for the worse too, in my opinion. But who is to blame most? The Government for showing to Ghandi and his followers too much leniency to start with, or Ghandi and his fellow non-co-operators for taking undue advantage of that leniency and converting this onetime peaceful country into a house of disorder where no man, or woman either, is safe from intimidation and unlawful oppression.

Sir, I personally hold to the opinion that the law should be enforced, that Government should put down with a firm hand intimidation of every description in order that the people of this land may once more be able to proceed with their lawful vocations without fear of assault or social boycott of any description. If anybody chooses to break the law, he does so with his eyes open and should take the consequences. There is no sense in setting out deliberately to break the law and then crying out because "some of our respected leaders and citizens," who ought to know better, "have been arrested and imprisoned."

Has Ghandi not openly said that the Non-co-operators are at war with the Government? They have declared rebellion against it. These are his own words in a signed article in his paper "Young India." Surely, in the face of this declaration of war it is up to Government to use all the powers at its disposal to maintain law and order.

Another condition proposed by the representative conference of leaders is that all the *Fatwa* prisoners should be released. Why should they? They, too, broke the law with their eyes open and should take the consequences.

Yet another objectionable condition is that His Excellency the Viceroy should be clothed by His Majesty's Government with the authority necessary for the purpose of arriving at any settlement which may be come to as the result of the Conference. How can this be obtained at a moment's notice? In any event why should His Excellency have his hands tied and be bound to commit the peoples of the British Empire to any settlement that may be arrived at? Are the Houses of Parliament at Home to have no say in this settlement? Are the Members of both Houses of the Indian Legislature to be bound by this settlement without having opportunities of discussing the whole merits of the case in full Sessions? So far as I can gather, everybody is to be bound except the non-co-operators.

But, even assuming that Government and the supporters of Government were agreeable to accept the other conditions suggested by the representative Conference of leaders in Bombay, Ghandi still persists in maintaining that he will be entitled to proceed with the enlistment of volunteers and with his preparations for civil disobedience. Could anything be more fatuous? On the one hand, Government is asked to release all persons arrested and imprisoned under the Criminal Law Amendment Act and the Seditious Meetings Act; on the other hand, Ghandi is to be entitled to go on enlisting his volunteers and making his preparations for civil disobedience,—two of the principal offences—in respect of which proceedings have been taken under the Acts referred to.

Further, I wholeheartedly object to the implication contained in one of the Resolutions passed by the Party Leaders in Bombay that civil disobedience can be, and ought to be, resorted to in the event of other means

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ailing to secure redress for the country's grievances and the status of full responsible government. This, in my opinion, is nothing more or less than a threat. It amounts to saying to Government if you do not settle the Khilafat question—which, after all, is an international question and not a purely Indian matter; if you do not re-open the Punjab question and go into all the merits of the case over again; if you do not give *Swaraj* forthwith,—if you do not do all these things, and if you do not get authority for His Excellency the Viceroy to settle all these matters, then civil disobedience may—indeed, ought to—be resorted to.

Sir, I think I have said enough to explain why I object to the calling of a round-table conference at the present time. A day may come when leaders of political parties in this country may profitably meet together, but that day, Sir, in my opinion, is not yet.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: I support the Resolution but only up to a point, and this “but” is something like Gandhi's “but” about his getting *Swaraj*. The whole thing, Sir, is that the country is in a state of war, and war may be carried on by guns, by words or by deeds. The deeds which are now going on spell bloodshed, as everybody knows, in Malabar, in Madras, Calcutta, Bombay and elsewhere. The whole thing, Sir, is that we, the representatives of the people here, have either to predominate or those who want to get the present Government out. I do not understand, as far as I have seen, who is going to come in if the present Government go out. The truth is that Bolshevism is at the bottom of the whole trouble. On the one side is Bolshevism and on the other side are the representatives of the people. All that I want to put forward, Sir, is that, if such a round-table conference is going to come off, of those who are great advocates of it let two or three, Sir, first communicate with the other party for a truce. If they find there is a common basis on which they can work, then no harm will have been done. But the whole thing is rather difficult. There is a saying, Sir, that—

“ten beggars can sleep under one canopy, but two Kings cannot remain in one together.”

If, Sir, Gandhi wants to be the Dictator, then how is this Government going to carry on? One side or the other must surrender. It is for this, Sir, I say that no time should be wasted. Always when negotiations are going on people take the opportunity to make mischief, and all that I want, Sir, is that there should be no time lost; but if our friends want a conference let them first have an informal one and see whether they can come to any understanding. If they find the conference is going to be a failure, then what is the use of going on with it? All that I want to say is that such a conference, which may spoil things and make things even worse than they are, is not worth having. But as a preliminary move, let both Houses appoint their men, and then let them negotiate with their foes and see whether there is any common ground. If there is not, then it is no use going on with it.

The HONOURABLE MR. BHURGRI: Sir, my Honourable Friend Sir Alexander Murray was good enough to refer to me in his speech, because I happen to have been—fortunately or unfortunately—one of the members of the Repressive Laws Committee. I am glad my Honourable Friend has given me this opportunity to clear up the position. Reliable evidence was placed before us in that Committee . . . .

The HONOURABLE THE PRESIDENT: Do I understand the Honourable Member proposes to reveal matters which transpired in the Committee and which are confidential?

The HONOURABLE MR. BHURGRI: No, Sir, I was only going to explain why I supported certain proposals.

The HONOURABLE THE PRESIDENT: To that extent only.

The HONOURABLE MR. BHURGRI: Yes. I will not disclose even names.

Reliable evidence was placed before the Committee that there were certain associations which were anarchical in their object and character, and that actually revolver practising was being carried on by some of them secretly; and it was thought that Government should keep power in their hands to suppress such associations. I considered that there was sufficient evidence to warrant this, and I think every other non-official member of that Committee who supported Government, was prompted by this move. And now, Sir, instead of that, we find Government using this Act indiscriminately not against associations of that nature, but against all sorts of associations, good, bad and indifferent, proclaiming one province after another. I say I have a positive complaint against the Government that there has been a positive breach of faith in this. So much as regards the Repressive Laws Committee.

Sir Alexander Murray has referred to the Bombay Conference. May I tell him, as one of the conveners of that conference, that this idea that something ought to be done to save the situation was started long before His Excellency the Viceroy made his speech at Calcutta. It was then considered that the time had come for a conference between Government and the people's representatives; and when the Malaviya deputation waited on His Excellency, and His Excellency himself said that he was prepared to have a round-table conference, provided certain preliminaries were agreed to, we decided to approach Mr. Gandhi to see how far he was agreeable to it. Well, at Ahmedabad during the Congress session, some of us went there for this purpose, but there was no time for any general discussion of this question with Mr. Gandhi. So it was that this Bombay conference was called, and I may tell you that, before and after this Bombay conference, there have been many private conferences between some of the leading public men and Mr. Gandhi. The position now is this. Mr. Gandhi does not say that he is not prepared to come to a round-table conference. He says:—

“I will come unconditionally, not as a representative of the Congress, but in my individual capacity, in any Conference with Government. I will come there and press my own views.”

I think that is a thing which everybody is quite entitled to say; whether he can convince you or not that is another matter. But he says:—

“If you want the Congress party to come and if you want that the atmosphere should be cleared for the success of such a conference, then I have got certain preliminaries to urge.”

I should like to remind my Honourable Friend, Sir Alexander Murray here that His Excellency the Viceroy himself has said that the Government were prepared to withdraw the notifications, provided Mr. Gandhi also withdrew his hostile activities. The only new condition precedent to a

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conference which was agreed to by us at Bombay was the release of *Fa'wa* prisoners. We feel that the Muhammadans of India will never agree to come to a conference with Government without Messrs. Muhammad Ali and Shaukat Ali being there.

The HONOURABLE SAIYID RAZA ALI: Hear, hear.

The HONOURABLE MR. BHURGRI: It was the Mussulmans, not so much Mr. Gandhi, who insisted on this condition. If Sir Alexander Murray thinks that a round-table conference with Mahatma and other non-co-operation leaders will be of no use that is a different matter. But I feel that if we are going to make an attempt to understand each other, and to understand the Government of India's position about the Khilafat question and other questions at issue, then surely we will have to concede that the leaders of the movement must be in that conference. That is also the reason why we ask for the release of the Ali brothers.

My Honourable Friend made a point that Mr. Gandhi says:—

“During the truce I will go on with my volunteers.”

True he says that. But he says, he is stopping all civil disobedience, all *hartals*, and he will have his volunteers to carry on the work of *swadeshi*, national education and preaching against the use of liquor. If any one says that he is going to use these volunteers for civil disobedience or for anything else of a hostile character, then I can understand him. But I want to tell the House that Mr. Gandhi says positively that he will stop hostile activities the moment you do the same. As a matter of fact, I am told that yesterday he must have got the Working Committee of the Congress to pass a Resolution stopping civil disobedience till the 31st of this month.

The HONOURABLE THE PRESIDENT: Order, order. The Honourable Member must address his remarks to the Chair, and not to Sir Alexander Murray.

The HONOURABLE MR. BHURGRI: I beg your pardon, Sir. I was simply looking at the Honourable Sir Alexander Murray. The position in short is this. Mr. Gandhi is prepared to stop his hostile activities in the nature of *hartals*, in the nature of picketing, in the nature of civil disobedience, but he says that he must go on with the work of *swadeshi*, with the work of national education and with the work of preaching against liquors without picketing.

Then, Sir, my Honourable Friend came down very heavily on us, those who were in the Bombay conference, for being party to a Resolution which says that as a last resort when all other means have been exhausted, civil disobedience may come in. I ask my friend that when every other source has been exhausted and there is no hope of any reconciliation, and there is absolutely no hope from the Government, is it that my Honourable Friend will have us resort to armed rebellion or resort to civil disobedience? I ask him to tell me if there is any third method? If not then we say, civil disobedience may come. This is what we mean by the Resolution, but we first say: Let us exhaust all other means, explore other avenues which we have as yet not done; let us have a round-table conference which is one of the means now open to us. When this and all other means are

exhausted and there is no other means, then I submit the only way open to a country like India will be civil disobedience. I frankly say that if I am convinced to-day, which I am not, that there is no other way and that all means are exhausted, I will certainly support civil disobedience. That is really the position the Conference took after a great deal of deliberation.

Now, Sir, granting that Mr. Gandhi is unreasonable, granting that the non-co-operators do not come to any reasonable terms, does that really answer for the present attitude of the Government who have known for the last two years that there are some legitimate grievances which require to be redressed? Mr. Gandhi's strength comes because these grievances are there, not because he is a Mahatma, not because he wears a *langōti* and walks bare-footed. These may have had some influence with some people, but surely all those who are behind him will not be behind him if the grievances are removed. I ask Government, is it right that even if non-co-operators are unreasonable, Government should neglect this aspect of the question, and should not find out a satisfactory solution independently? I want an answer to that. We want Government to come to a round-table conference and convince us and the world outside that they are reasonable, and that Gandhi and his party are uncompromising and that therefore the blame lies on the latter. We want Government to show that they are prepared to go a reasonable length to meet legitimate demands. That is what we want Government to do, and nothing more than that. For that can clear the whole air and put the blame on right shoulders. I appeal to Government to consider and arrive at a decision before it is too late. The country's condition is really one which cannot but be described as extraordinarily critical; and I feel that, if once civil disobedience is started—I am against it, and I am trying my best to avoid it—if that is started, I do not know where the country will be landed.

The HONOURABLE MR. BOROOAH: Sir, I am quite a new man, still my sense of duty prompts me to speak a word on this important matter. I come from the most remote north-eastern corner of India. My province is far away from the great centres of the Indian Empire, and was so long renowned for the admirable peace and security it afforded us; but what is the situation to-day? We have altogether lost our peace of mind. There is hardly a house in the province that has not been affected.

There is disagreement between father and son, brother and brother, husband and wife. People are daily being put into prison; and although we cannot see eye to eye with them, still we cannot but feel for these people; for they are either our brothers or sisters or our friends. On the eve of my departure for Delhi, I received reliable information to the effect that there was a movement on foot not to sell food-grains to the tea garden coolies of Assam, or to sell only at exorbitant prices. Now, Sir, if this is really going to happen, I can only say that the effect will be simply disastrous. I want *Swaraj* as much as any other man in India does, but I want it with as little harm as possible, and I want peace and order in the country, and facilities to the people to do their business in the meantime. The measures adopted by Government to preserve peace and order have rather aggravated the situation. This state of affairs cannot certainly be allowed to go on any longer: and this is why we are asking Government to find some remedy, in consultation with the leading representatives of the people. It is possible that some parties may not join; but even then it is the duty of the Government and every well-wisher of the country to

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find out means for the removal of the unrest. We are quite prepared to render our humble assistance and do our humble bit, by all legitimate and honourable means. After hearing the Honourable Mr. Bhurgri, I am of opinion that a round-table conference will do good, but even if it fails to do any, the Government has nothing to lose and it will not bring about any harm. We shall at least have the satisfaction of feeling that both the Government and ourselves have done our best in the matter.

With these words, Sir, I beg to support the Resolution.

The HONOURABLE THE PRESIDENT: The Council now stands adjourned to 2-30 P.M.

The Council re-assembled after Lunch with the Honourable the President in the Chair.

The HONOURABLE MR. S. P. O'DONNELL: Sir, no one will deny that there is much in the present condition of the country which must give cause for anxiety to every well-wisher of India, nor that any proposal, which promises a practical and satisfactory solution of our difficulties, deserves the most careful consideration. Unfortunately, the proposal put forward to-day is not one of that character. I shall give my reasons for that view later; but before doing so, I must deal with certain arguments which have been advanced as grounds for holding that a round-table conference should be held. In the first place, these are the criticisms which have been passed by the Honourable Mr. Sethna and the Honourable Mr. Bhurgri in regard to the action taken by Government under the Criminal Law Amendment Act. The Honourable Mr. Sethna has said that the Government has embarked on a repressive policy, that there have been indiscriminate arrests, and that there have been brutal sentences of rigorous imprisonment. Now, Sir, what are the facts? The Government took action against these volunteers only with the greatest reluctance. From the very beginning the Government has made it clear that, in regard to the non-co-operation movement, its policy was one of non-interference limited only by the necessity of suppressing violence and incitements to violence, and of maintaining law and order. Up to November last almost all the steps that were taken were taken under the ordinary law. At that time, however, Government was faced with a new situation, a situation which demanded other measures. Government was confronted with associations, the members of which habitually practised violence and intimidation and obstruction. I know that has been denied; I know that it has been suggested that, although there may have been a few isolated individual cases of intimidation, nevertheless intimidation was not habitually practised. But the facts are undeniable. In regard to Bengal, they were set out in a speech by His Excellency the Governor, which emphasised the intolerable situation which had arisen, the numerous complaints of intimidation and molestation received from all parts of the province, the impossible position in which the police were being placed, and the rampant spirit of defiance of law and order. They were given in regard to the United Provinces by His Excellency the Governor of that province. So far as the Punjab is concerned, I would refer Honourable Members to recent debate in the Punjab Legislative Council and as illustrating the activities of the volunteers in that province, I will read out to the Council a telegram which has just been received. It is as follows:

The Commissioner of Ambala wires :

"Deputy Commissioner of Rohtak wires volunteers have taken possession of the Town Hall, Jajar. They have stopped the octroi. They are picketing the city gates. Violence is increasing."

That illustrates the methods of these volunteers. The Bihar and Orissa Government has sent up a long list of cases of assault and intimidation, and of course that list includes only a fraction of the total number of cases that have occurred. It is idle to suggest, as has been suggested, that faced with these developments Government should have relied only on the ordinary law, idle because the ordinary law is useless unless you can produce definite evidence of a particular act against a particular person, and as the Committee on the Repressive Laws, of which the Honourable Mr. Bhurgri was a member, recognised, when intimidation is widespread and prevalent, evidence is never forthcoming. The Honourable Mr. Sethna has said that, when this law was originally introduced, some undertaking was given that it would be used only in regard to the anarchical conspiracies in Bengal. I have not been able to look up the reference, but I dare say it is the case that when that law was introduced what the Government at the moment had primarily in view was action against anarchist associations in Bengal. But is it to be argued that a law which is in existence, and which is perfectly applicable is not to be applied merely because all the contingencies in which it might legitimately be applied had not been foreseen at the time it was passed? Then, Sir, the Honourable Mr. Bhurgri has said that in applying the Criminal Law Amendment Act the Government has been guilty of a breach of faith. I have listened to that statement with amazement. It is perfectly true that, in their report, the Committee did refer to the question of secret associations. They say :

"We have received information of a possible recrudescence of secret associations in another part of India."

But may I refer the Honourable Member to some other remarks made by the Committee. The Committee say :

"As regards Part II," that is, Part II of the Criminal Law Amendment Act "the conspiracy sections of the Indian Penal Code might meet the case if, but only if, evidence were forthcoming. It was in no small measure the impossibility of obtaining evidence owing to the intimidation of witnesses that led to this enactment. As we have already seen, there is definite evidence of certain organisations encouraging acts of violence or resorting to intimidation. Recently in Delhi it has been necessary to declare certain Associations of Volunteers unlawful under section 16 of this Act. We have carefully examined the circumstances which led to this action. The Volunteer movement began with 'social service,' but the adherents soon developed a definite tendency to interfere with the duties of the police and the liberty of the public."

"They then began to intimidate and terrorise the general body of the population. There was a tendency towards hooliganism. It has been proved that some of these associations resorted to violence, that their behaviour at Railway Stations and public meetings was objectionable and rowdy; that they obstructed the funeral of an honoured citizen and held a most undesirable demonstration at the house of another. They actively interfered with the elections by threats and picketing. There was every reason to believe that their activities, if left unchecked, would lead to serious disorder. The conclusion we have arrived at is, that some of these Volunteer Associations in Delhi were seditious organisations, formed for the purpose of intimidating loyal citizens, and interfering illegally with the administration of the province. The result of the action taken by Government has been, we are told, to destroy the worst features of volunteer activity in so far as it was synonymous with rowdiness in the city of Delhi."

Now no one has ever suggested that the Volunteer Associations at Delhi were of the same kind as the associations in Bengal which dealt in

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bomb-throwing and assassination. These associations were proclaimed because they were associations which practised violence and intimidation, that is, associations whose activities were of the same kind as those of the associations against which Government has recently taken action. No one has regretted more than the Government that it has been necessary to make arrests and institute prosecutions and particularly that action has had to be taken against persons of education and position. But if people not already members of these associations deliberately join them with the sole purpose of courting, provoking and compelling arrest, are Government to blame if arrests are made?

Then we have been told that indiscriminate arrests have been made. On the contrary, every Provincial Government has done its best to keep down the number of arrests. Large numbers of volunteers have been released almost immediately, while others have been let out simply on giving an undertaking.

Then the Honourable Mr. Sethna said that brutal sentences of rigorous imprisonment were passed. He seemed to suggest that in all cases rigorous imprisonment was imposed. I have not got any statistics on this point, but my impression is that in the majority of cases the punishment imposed has been simple imprisonment though, in some cases, certainly rigorous imprisonment has been imposed. Moreover, sentences are most carefully reviewed by the Provincial Government. For example, I may refer to the cases of the two Malaviyas and the case of Lala Lajpat Rai. I understand that in the latter case the sentence of rigorous imprisonment has been remitted. I may add that the Government of India are considering whether any modification of the law is possible which will provide an effective means of dealing with intimidation and violence that shall not meet with the criticisms which have been levelled against Act XIV of 1918.

Then as to the Seditious Meetings Act. May I point out that this Act is in force only in a small number of places and that it is employed for purposes which the Committee on Repressive Laws considered legitimate. Referring to the fact that these Acts had been applied to certain areas the Committee observed :

" We consider it probable that if in those areas to which the Seditious Meetings Act has recently been applied, no preventive action, other than that possible under section 144 of the Criminal Procedure Code, had been taken, the dangers of disorder would have been appreciably increased, and the number of prosecutions under these punitive sections would have been larger which might have had the effect of exasperating public opinion. We would point out that in some cases referred to in Appendix B, the riot was directly connected with such a prosecution."

Now, Sir, reference has also been made by the Honourable Mr. Sethna to the question of constitutional reforms. I am very anxious that we should all appreciate what the question is that we have to consider to-day. We are not discussing to-day the question of constitutional reform. It is always open to any Honourable Member at any time to raise that question; but the issues we are debating to-day relate exclusively to the holding of a round-table conference. I might indeed point out that the Act of 1919 has been in force for little more than a year. I might point out that, so far as I am aware, no Resolution proposing the revision of that Act has been carried in this Council. I prefer, however, not to stress these



aspects of the matter. I desire merely to emphasise the fact that the question we are considering to-day is simply whether a round-table conference is a practical, satisfactory and desirable solution.

Now what is the position with regard to a round-table conference? As Honourable Members are aware, a deputation waited on His Excellency the Viceroy with a request that a round-table conference should be held. Honourable Members will recollect the speech delivered by His Excellency on that occasion. I will merely cite one particular passage. His Excellency said:

“ I wish with all my heart that it had been possible to deal with these problems in a large and generous spirit worthy of such an occasion in the history of India. Had there been indications to this effect before me to-day in the representations which you have made in your address on the part of the leaders of non-co-operation: had the offer been made to discontinue open breaches of law for the purpose of providing a calmer atmosphere for the discussion of remedies suggested, my Government would never have been backward in response. We would have been prepared to consider the new situation in the same large and generous spirit, and I would have conferred with the Local Governments for this purpose.”

I think it will be agreed that if the holding of a conference at that moment was made impossible, it was made impossible not by any action of Government, but by the attitude of Mr. Gandhi and his party. And what has been their attitude since? It will be remembered that, in the debate in the Subjects Committee, Pandit Madan Mohan Malaviya's Resolution was rejected by an overwhelming majority. It will be remembered further that it was made clear that if a conference were to be held, it must be a conference which would meet merely to register the decrees of Mr. Gandhi and his associates. Since then there have been further discussions in Bombay to which reference has been made to-day and certain proposals have been put forward in the form of a Resolution which has been passed by a number of eminent politicians. The proposals in that Resolution purport to be put forward in response to the sentiments expressed by His Excellency the Viceroy. And what do we find? As regards the Government there are various conditions which no Government could accept, or which it would be useless to discuss. And as regards the activities of the non-co-operators what is it that is suggested? Not that the enrolment of volunteers should stop; not that the volunteer associations should be disbanded; not that seditious propaganda and the seducing of soldiers and policemen should cease, but merely that *hartals* and picketing and civil disobedience should be abandoned. And what is the attitude of the Non-co-operators and of Mr. Gandhi? Mr. Gandhi has said that personally he was quite willing to attend a conference without any conditions, but that the position was quite different in so far as the Congress and Non-co-operators were concerned; “ there was a wall between the non-co-operators and the other parties and it could not be broken down without the former surrendering a vital principle and the latter joining them. A conference was not their goal, but a proper declaration of penitence on the part of Government.” Further, he has insisted on the right during a conference to enrol volunteers and to make preparations for civil disobedience.

The Honourable Mr. Bhurgri suggested that what Mr. Gandhi had in mind was his campaign in favour of *khaddar*, and the abandonment of drink.

The HONOURABLE MR. BHURGRI: *Swadeshi*, national education and liquor.

The HONOURABLE MR. S. P. O'DONNELL: Very well, but I can find nothing to bear out that statement in the reports of what Mr. Gandhi said. Sir Sankaran Nair, who I suppose is as well acquainted with what Mr. Gandhi meant as the Honourable Mr. Bhurgri, says that Gandhi insists upon his freedom to make all active and intensive preparations during this period by enrolment of additional volunteers, and active propaganda to carry on his campaign of civil disobedience. And may I refer the Council to some further remarks of Sir Sankaran Nair?

"I have come to the conclusion along with many others, that any further conference with Mr. Gandhi and his followers is useless, and that he will not be a party to what I consider any honourable settlement, or that any settlement will be faithfully carried out.....Mr. Gandhi does not want a conference or a settlement except on his own impossible terms, and any stray observations made by him amid a cloud of statements supporting any other view are only calculated to mislead."

Now, that being the attitude of the non-co-operation party, it seems to me that it is absolutely useless to discuss this question of a round-table conference. The discussion can lead to no results. The fundamental condition without which all talk of a conference is vain, namely, that there should be a cessation of the illegal activities of the non-co-operation party is entirely lacking. I hope that that view will commend itself to the Council. I hope the Council will recognise that such being the attitude of the non-co-operation party if the Council accept the Resolution they will place themselves in a false and undignified position. I hope they will also recognise that the acceptance of this Resolution by the Council will constitute an encouragement to that party and to the forces of disorder. (Loud applause).

The HONOURABLE THE PRESIDENT: (Addressing the Honourable Mr. Khaparde). I will inquire, in the first place, whether the Honourable Member desires to move the amendment that stands in his name?

The HONOURABLE MR. G. S. KHAPARDE: Yes.

The HONOURABLE THE PRESIDENT: If that is so, I would ask him to look at the amendment and see if it reads.

The HONOURABLE MR. G. S. KHAPARDE: I move my amendment No. 2, the first Resolution being withdrawn by the Honourable Mr. Lalubhai Samaldas. In that amendment No. 2 I have to ask for a little indulgence. By mistake some few words ought to have been omitted which have not been omitted. The amendment which I move will be—

"This Council recommends to the Governor General in Council to convene immediately a round-table conference of all party leaders to consider the present situation and make recommendations."

The HONOURABLE THE PRESIDENT: In this connection I have received an amendment from the Honourable Lala Sukhbir Sinha which has practically the same effect, and I cannot permit him to move it.

The HONOURABLE MR. G. S. KHAPARDE: In moving this amendment I wish to state that the word "parties" which I have got in my amendment means "parties in the two Houses." It does not mean parties all over the world. The other point I wished to submit about is, that in the beginning I was myself somewhat inclined in favour of a round-table conference, but, considering that we are discussing the subject here and

the same subject is being discussed at this very moment in the other House, a round-table conference is not likely to bring out more. We shall know what the other House said about it this evening, and the other House will know what we said about it to-day. So a round-table conference would not do much; but if this Honourable House is inclined to hold that a round-table conference should be held, I certainly do not object. I let it alone. But I think that this round-table conference, if it is to take place, should be confined to the two Houses.

The HONOURABLE THE PRESIDENT: I think that the Honourable Member must make his meaning clear. "Party leaders" does not necessarily mean "party leaders of the two Houses." A round-table conference of representatives of both Chambers is apparently what the Honourable Member means?

The HONOURABLE MR. G. S. KHAPARDE: That is so. In my manuscript I had "in both Houses," but this has been omitted.

The HONOURABLE THE PRESIDENT: I think I should again read it to the Council so that there should be no mistake as to what it is. The Resolution as amended finally by the Honourable Mr. Khaparde runs as follows:—

"This Council recommends to the Governor General in Council to convene immediately a round-table conference *representative of both Chambers to consider the present situation and make recommendations.*"

The HONOURABLE MR. G. S. KHAPARDE: My reason for saying this, is that in this House we represent under the existing law all persons that the constituents have elected and are entitled to elect. Then the next thing is that, even in this Bombay conference to which reference has been made, I find that members of both Houses are representatives appointed by the Bombay conference to confer with the Government, and among them are Sir M. Visweswaraya, Mr. Seshagiri Aiyar, the Honourable Mr. Bhurgri, then there is Dr. Gour. So there are Members of both these Houses among the representatives appointed by this Bombay conference. If this is so—and in both the Houses we have got people who are able to represent the people, those who are outside,—I do not see that anything is to be gained by calling representatives again from all the parties in India or all over the world. We are here to legislate, to advise, to pass Resolutions and to take all measures that we think right for improving the condition of our country, and also to work the law as it exists. If that is so, I fail to see where strangers come in, how they come in, and why we should admit them. These are questions which weigh very heavily with me, and, therefore, I propose that if at all a conference is accepted by this Honourable House, it should be confined to Members of the two Houses and, of course, the Members of the Government, because I lay stress on these three things as my Honourable Friend in making his speech I think made a mistake. That mistake was, he thought, that there were only three parties. There was the Government, there were the Moderates or Liberals as they call themselves, and, lastly, he said Extremists. Now, I want to submit that there are no Extremists or people who can be called Extremists because Extremists are bomb-throwers and violent. If there are such people, there is no use of calling them in. His Excellency the Commander-in-Chief will deal with them on a different field and under different conditions altogether. What I say then is, that these Extremists go out altogether. What remains? He afterwards said, there are the Government, there are the Liberals and there are the non-co-operators. I submit he was again wrong, because there are humble people, not so few as you would imagine, nor

[Mr. G. S. Khaparde.]

altogether devoid of influence in this world, and they are neither non-co-operationists nor are they Liberals. I submit there are people, not so few  
 3 P.M. as you imagine, nor altogether devoid of influence in this world; they are neither non-co-operators nor Liberals. They stand and claim to stand somewhere between what was the old Moderate party, which called themselves Liberals on the one hand, and those who call themselves non-co-operators on the other side. We are neither Liberals nor Moderates nor non-co-operators. We are responsible Independents. We claim to judge each measure as it comes on its own merits. If it is beneficial, we adopt it, if not, we oppose it,—that is the position we hold. We do not belong to the non-co-operation section nor to any other section wedded to supporting any particular movement. We claim to judge everything on its own merits. We are the humble followers of that party: and they are not so few as people imagine. They do not write to newspapers nor make speeches or otherwise advertise themselves, but they exist all the same, and are in the background,—they are the backbone of the Indian public as I humbly submit.

There is another mistake also which the Honourable Mr. Sethna makes. He also recognises that there are these Independents and he cannot escape them altogether. He said that these Independents ought to coalesce either with the co-operators or with the non-co-operators. According to our creed and our notions of things, we do not belong to the Moderates nor do we ever claim to go with the non-co-operators, so that advice which Mr. Sethna gave falls altogether.

Now, there is a third point. He thinks that at present the situation is such that there is no way out of it, except that we either become non-co-operators or we become co-operators; there is no third way, as I thought he imagined. He thinks also that the conditions have come to such a pass that, unless we invite these people who decline to co-operate with us and unless we take their advice, we cannot get on at all; we cannot exist; our existence depends upon the good-will of these people who state that they do not want to co-operate with us, who say that there are no representatives of the people here, and who say that they do not recognise Government: that it is on the good-will of these people that our existence—that is the existence of India as a nation—depends. I humbly submit that this is the position. Well, I do not think that things have come to such a pass that either we must request them to come to our help or we must suffer extinction altogether. Well, such a state of things has not yet come to be. As I also happen to be a real Indian, I know and believe that things have not come to such a pass that we should now seek to abdicate our functions, that Government should abdicate their functions, and that we should appoint a Dictator. That position has not yet been reached. So, if at all this Honourable House decides to have a conference of the two Houses and Government members, what is there to be done? Mr. Sethna wants that the lines along which such a round-table conference is to be held should be settled. Now *what* are the lines on which the conference is to be held? “Lines” means what? In what place is it to be held, in what manner is it to be held, what are the subjects to be considered? What are the lines? We all understand, we are all here interested in the welfare of India,—we all want that India should advance, and we all know that India should get Dominion rule as early as possible—those are the lines on which we are here, and we ask, what other lines are there? Are there any other lines beyond these? Are

we to say, with the Congress, that there are some laws which we give you permission to disobey, and that there are other laws which you may obey if you like? I do not think such a thing is possible. At least so far as I know of constitutional law,—and I do not set myself up as an authority on constitutional law—I do not think there are two classes of laws, one class which may be obeyed, and another class which may be disobeyed. Such a distinction is unknown at least to jurisprudence that I studied, and about which I have been arguing up to this time in the Courts. Therefore, it is that I propose to omit the words “on the lines” and also the words “Press representatives and visitors.” Why should we exclude them? Are we going to be a secret conclave of certain people sitting here? Why are we afraid of our proposals and our counter-proposals being discussed in the Press? That is not very democratic. Democracy hates secrecy, I think; and to such an extent that in England they say that even foreign relations ought to be discussed on the floor of the House. If that is so, why this secret conclave of certain Members to determine on what lines the thing is to go. Those lines are indefinite themselves. These are the objections which I feel to this Resolution, and I move my amendment. It has been read out, I suppose owing to my own fault, but it has been read out twice, so I need not read it out again a third time; but I earnestly hope that if at all this conference comes off, it will be confined to the Members of the two Houses and Government, and that no stranger will be brought in because there is no provision in the law, so far as I am aware, under which a stranger can be brought in, except in one instance and that is when you take the votes of the whole country, that is when you have a plebiscite, and where every man, woman and child is asked, “do you want to remain in this country or go out of this country.”

and you take the votes of all. There is no provision that I know of, and I suppose Government might very well say,—

“under what section or under what rule do you make this proposal to us; excepting a plebiscite, there is no third way of bringing in strangers.”

These are the objections which I feel and which weighed with me. So at the risk of being characterised, I suppose, as a reactionary or anything of that kind, I still think that this conference, if it is held, should be confined within the limits set by my amendment.

With these few words, I submit my amendment for the consideration of this House.

**THE HONOURABLE THE PRESIDENT:** The question now before the House is the original Resolution and Mr. Khaparde's amendment. They can be discussed together, and therefore I do not propose to restrict the debate to Mr. Khaparde's amendment. I now see that of the Honourable Lala Sukhbir Sinha, which is not the same amendment as that proposed by the Honourable Mr. Khaparde. The Honourable Lala Sukhbir Sinha will be given an opportunity to move his amendment later.

**THE HONOURABLE LALA SUKHBIR SINHA:** Sir, the original Resolution of my friend Mr. Sethna is limited to a joint sitting of both Houses, but in my amendment I suggest that the words—

“a round-table conference of representative leaders of all shades of opinion, of Indians and Europeans in India including Members of the Indian Legislature with a view to consider the present political situation and find out ways and means of a satisfactory settlement of the questions which have brought about this situation”

be inserted after the words “to convene.”

[Lala Sukhbir Sinha.]

The Resolution as amended will then run as follows:—

*“ This Council recommends to the Governor General in Council to convene a round-table conference of representative leaders of all shades of opinion, of Indians and Europeans in India, including members of the Indian Legislature, with a view to consider the present political situation and find out ways and means for a satisfactory settlement of the questions which have brought about this situation.”*

Sir, to my mind the time for having a limited sitting of both these Houses is gone. The time for such a meeting was before the Government decided to adopt this policy of what is called repression or to bring the Criminal Amendment Law more generally into operation. Sir, this suggestion has been in my mind for the last nine months. When Lord Reading landed in this country, I made this suggestion to him at once, in September last at Simla I gave notice of a similar Resolution, but a discussion of that Resolution could not be brought about. In December last I wired again to the Viceroy at Calcutta to have a round-table conference as soon as possible.

Sir, it is said that by this measure which has been taken by the Government much of the non-co-operation movement has gone down or will go down. But, Sir, there is a great difference of opinion about this matter. The majority of people do not think that this action taken by the Government is putting down the existing movement. I come from the United Provinces, and I can tell this Council from my personal experience that this feeling of non-co-operation is going deeper and deeper every day. Aman Sabhas have been started in the United Provinces and the Governor, Sir Harcourt Butler, has said in some of his speeches that the Aman Sabhas were working well and that the movement is going down, I mean the non-co-operation movement. With due deference to Sir Harcourt Butler, I disagree with him. I find from my experience that these Aman Sabhas have in fact not put down this movement, and these repressive measures and these arrests, which I may call indiscriminate arrests, are giving more force to this movement instead of putting it down. Sir, there are many Moderates, many Liberals, who have helped and are still willing to help the Government in preserving law and order. There is not a single right-thinking man in this country who wants any breach of the law, any bloodshed or any decline in the strength of the Government. Sir, what we want to find out is, whether this policy adopted by the Government at the present moment is the only one of putting down this non-co-operation movement, I mean this violent movement. If Government thinks that it is the only way of putting it down, then, of course, I think there is no need of any conference, but, if Government thinks that there may be some other means of putting it down and having the co-operation of others, then I think it is most desirable to have a round-table conference as soon as possible, and to this conference should be recruited people of all shades of opinion. If, for instance, the conference is limited to Members of this Council and of the Legislative Assembly, then Pandit Madan Mohan Malaviya, Mr. Jinnah and others will not be able to come. There are many leaders who are well-wishers of the country, who are supporters of the Government in preserving law and order, and I see no reason why they should be excluded from this conference. Sir, it is said that the non-co-operation leaders will not come. I find from various speeches that the Honourable Mr. Sethna says they will not come, but, on the other side, the Honourable Mr. Bhurgri says they will come and that Mr. Gandhi will come. When there is this difference of opinion, why should we say they will not come. If they come, so much the better; if they do not come, let

them not come. There are many Moderates, many people, blaming the Government for not having consulted them before adopting this policy. But, if in a conference all are agreed that the measures taken by Government are the only measures necessary to meet this situation, then all will join with the Government in putting down this non-co-operation movement: and there will be a great sympathy in the country with the Government. Therefore, I commend my Amendment for the acceptance of this Council. I think the time has passed for a joint sitting of these two Houses. A round-table conference should be held as soon as possible including people of all shades of opinion, so that they may be able to express in the conference what they feel on the subject and what they suggest to be done, so that people may come forward to help the Government in preserving law and order.

**THE HONOURABLE THE PRESIDENT:** The question now before the Chamber is that in the Resolution as originally proposed the following amendment should be made—

after the word "convene" the following clause should be substituted, namely:  
*"a round-table conference of representative leaders of all shades of opinion, of Indians and Europeans in India, including members of the Indian Legislature, with a view to consider the present political situation and find out ways and means for a satisfactory settlement of the questions which have brought about this situation."*

There are thus three proposals for a round-table conference. The first proposal is for a round-table conference after reference to the Legislature. This is the proposal both of the Honourable Mr. Sethna and of the Honourable Mr. Khaparde. There is now the Honourable Lala Sukhbir Sinha's amendment. He proposes to bring into the conference persons who are not Members of the Indian Legislature without reference to the two Chambers. I think it will facilitate the course of this debate to dispose of that amendment first. The point before the Council is this: that, in the event of a round-table conference being considered desirable by this Council, what form it should take. The debate must be strictly confined to that point.

**THE HONOURABLE SAIYID RAZA ALI:** May I take it as open to me to speak to all the three motions?

**THE HONOURABLE THE PRESIDENT:** I have already said that the debate at present will be confined to the disposal of the Honourable Lala Sukhbir Sinha's amendment. When that is disposed of, we shall go back to the main question and the Honourable Member may then speak on it if the debate is still alive.

**THE HONOURABLE SAIYID RAZA ALI:** Sir, the oath of allegiance that I took to His Majesty the King in the early part of last year makes it incumbent upon me to speak to this motion. Sir, I attach such great importance to the subject, that I have, if I may be allowed to make mention of a personal matter, travelled several hundreds of miles to participate in today's debate.

Turning now, Sir, to the question that is before the Council, we find that the Honourable Lala Sukhbir Sinha recommends that other party leaders than the Members of the two Chambers should be invited to a round-table conference, which finds mention in the original Resolution as also in the first amendment. Now, Sir, I must at once point out that, very reluctantly, I have come to the conclusion that the best method of serving the country at present is to hold, if possible, a round-table conference to which we should induce all party leaders to come. I am very sorry that in the speech delivered by the Honourable Mr. O'Donnell the recommendation for holding a conference did not commend itself to Government. The Honourable

[Saiyid Raza Ali.]

the Home Secretary has at the same time gone into the facts which have brought about the present situation. I personally, Sir, do not think it necessary to give a large part of my time to the last proposition, namely, to the consideration of the factors which have brought about the present situation; but as the Honourable Lala Sukhbir Sinha has specifically mentioned this in his amendment, and bearing your ruling in mind, Sir, I shall just content myself with saying a few words on that subject. We should not, of course, forget that this is not the main question before the House, though the importance of it in our present debate cannot be denied. I must confess, Sir, that after listening very carefully and attentively to the speech of the Honourable Mr. O'Donnell, I yet stand unconvinced of the necessity of the measures that have been taken by Government. He has briefly stated that the present situation was brought about because these volunteer associations were indulging in violence and intimidation. Without admitting for a moment what the Honourable Mr. O'Donnell has stated, I will assume, for the sake of argument, that there were cases of violence and intimidation on the part of volunteers on the 17th November. These cases, as is known to Honourable Members, have been either in Bombay—I mean cases of active violence—or some cases of intimidation in Calcutta on the same day. Now making a present of these facts to the Honourable Mr. O'Donnell, may I ask how the Government was justified.....

THE HONOURABLE THE PRESIDENT: Order, order. The Honourable Member really must let us dispose of this amendment. The amendment is as to a choice of round-table conferences. The speech the Honourable Member is delivering is a speech on the main issue. I do not think he can have understood my ruling. The Honourable Member has a perfect right to make his speech on the main issue when we have got the Honourable Lala Sukhbir Sinha's amendment out of the way. I am not trying to prevent him from speaking on the main issue: I am only trying to prevent him from speaking on the main issue on an amendment.

THE HONOURABLE SAIYID RAZA ALI: May I just invite your attention, Sir, to the last three lines of the amendment that is before you, namely,—  
*“with a view to consider the present political situation and to find out ways and means of a satisfactory settlement of the questions which have brought about this situation.”*

THE HONOURABLE THE PRESIDENT: That occurs also in the Honourable Mr. Khaparde's amendment.

THE HONOURABLE SAIYID RAZA ALI: Nothing is further from my intention than to say anything which would give an indication that I do not accept your ruling, Sir. That is the last thing in my mind. The only thing I am trying to find out is, whether the remarks I have just made fall within the subject-matter of the last three lines of the amendment.

THE HONOURABLE THE PRESIDENT: I do not think they do.

THE HONOURABLE SAIYID RAZA ALI: In that case it is no use my taking up your time and the time of the Council. I will resume my seat till the main proposition comes before the House.

THE HONOURABLE MR. E. S. LLOYD: Sir, the point immediately before the House is the question—

“If a round-table conference is held what form should it take?”

Assuming for a moment that a conference is to be held, I am inclined to support the Honourable Mr. Khaparde's proposal that it should be confined to Members of both these Houses.



It seems to me that that is the constitutional method. We, the Members of both Houses, are in the best position to advise His Excellency the Viceroy and his Government on what measures seem to us to be called for for the preservation of law and order in this country. It has been explained by the Honourable Member who spoke on behalf of Government that at the present moment any attempt to get into touch with the Extremist party is, as far as can be seen, doomed to failure. I do not say I am in favour of a round-table conference of any sort. It seems to me that it would be better that we should stiffen our backs and attempt to rule this country in the only way it can be ruled by maintaining law and order to the best of the Government's ability and letting the Extremists do what they please. But if the House is of opinion that some form of conference is necessary, I, Sir, consider that the right thing to do is for the two Houses to get together in some sort of way and see whether some possible solution cannot be found.

The HONOURABLE MR. SETHNA: I wish to speak on the amendment, Sir. The Honourable Mr. Khaparde suggests that there should be a joint sitting of the two Houses and they alone should consider the points which are included in my Resolution. Now, if the inquiries or discussions are confined just to the two Houses, my fear is that the same would by no means inspire confidence in the minds of the general public. It has been said by the non-co-operators and others that the Councils consist exclusively of Moderates. Therefore, if the two Houses were to meet in this way, their deliberations according to non-co-operators would represent the views of only one party. That is why I think, Sir, that the Honourable Mr. Khaparde's amendment does not meet the situation as my Resolution does.

The HONOURABLE MR. V. G. KALE: Sir, I support the proposal for a conference of members of the two Houses, and for this reason: We appear to be very seriously divided on the question of a round-table conference. Rather than face a deadlock, I would have the two Chambers of the Legislature discuss among themselves the present situation, and consider what steps should be taken to meet that situation. My friend the Honourable Mr. Sethna has just pointed out that such a round-table conference—I do not myself call it a round-table conference, but a conference of representative Members of the two Houses,—he is inclined to think that such a conference will have no weight inasmuch as it will have no representatives upon it of outside people—especially of non-co-operators. My difficulty is that, even supposing you call a round-table conference to which outsiders are invited, I do not believe that even that conference is likely to carry weight. Differences will arise as to who is to represent the non-co-operators. The non-co-operators have no recognised leaders on whose judgment the country at large—especially the non-co-operating public—can rely. I am afraid the numbers which will have to be admitted as representative of the non-co-operators will be so large that it will be impossible for us to call it a representative gathering. So that the difficulties which we have got to face will remain even then, and, therefore, the Honourable Mr. Sethna need not be afraid with regard to the representative character of this conference. Even if a conference like the one he would have is held, it is open to the non-co-operators to say—and I am sure they will say that—

“those who actually represented us in that conference are not our real representatives; and that consequently we are not going to accept what the conference decides.”

They can always get out of it in that way.

[Mr. V. G. Kale.]

Let us, therefore, consider among ourselves what it is possible for us to do, what practical suggestions we can make, and if we then come to the conclusion that a larger conference is desirable, it will certainly be open to us to have such a conference at a later date; but at the present moment I think we should confine ourselves to a conference of Members of the two Houses.

The HONOURABLE MIAN SIR MUHAMMAD SHAFI: Sir, the position as I understand it at this moment is this: while the Honourable Mr. Sethna and the Honourable Lala Sukhbir Sinha want a round-table conference with representatives of all parties inside and outside this Council, the Honourable Mr. Khaparde and the Honourable Mr. Kale would confine the conference to Members of the two Houses. Am I right in describing . . . . .

The HONOURABLE THE PRESIDENT: I think that hardly describes the position. It convenes a round-table conference composed of Members of both Chambers to consider whether a conference should be convened.

The HONOURABLE MR. SETHNA: Certainly.

The HONOURABLE MIAN SIR MUHAMMAD SHAFI: But the subsequent conference to be held is a conference of representatives of all parties inside and outside both the Houses?

The HONOURABLE MR. SETHNA: That is so.

The HONOURABLE MIAN SIR MUHAMMAD SHAFI: Sir, speaking first on the proposal as put forward by the Honourable Lala Sukhbir Sinha, I venture to think that the proposal is both impracticable and futile. I have arrived at this conclusion upon a careful study of what has happened at Bombay. What happened at Bombay? Certain non-party leaders desirous of restoring calm and peace in this country invited the leaders of all parties to a conference at Bombay. The invitation which they sent out to the leaders of the non-co-operation party met with a response which, to say the least, really indicates that a conference such as is contemplated by the Honourable Lala Sukhbir Sinha is impossible. What did they say in response to that invitation? All the leaders of the non-co-operation party replied that they would not attend the conference, that Mr. Gandhi represented their views, that he would attend the conference and he would be all sufficient unto himself. . . . .

The HONOURABLE LALA SUKHBIR SINHA: They have changed.

The HONOURABLE MIAN SIR MUHAMMAD SHAFI: That is beside the point. Whether they subsequently changed their mind and a few of them attended the conference or not is absolutely irrelevant. Well, Mr. Gandhi attended that conference, but as what? Did he attend as a member of the conference or as a delegate to the conference, so that whatever decision the conference may have arrived at would be binding on him as it would be binding on the other members of the conference. No, he came to the conference and described his position in these somewhat curious terms. I am now reading from his own speech, the first speech that he delivered at this conference. This is what he said—

“So far as he was personally concerned, he was quite willing to attend any conference without making any conditions, but the position was quite different in so far as the Congress and the non-co-operators were concerned.”

Then he went on to say,—

“ In accepting the invitation to the conference the non-co-operators merely wanted to prove their sympathy with the conveners, but beyond this they did not want to be a party to the passing of the Resolutions by the conference.”

Further on, he said,—

“ There was a wall between non-co-operators and the other parties, and it could not be broken down without the former surrendering a vital principle” and mark the words that follow—

“ and without the latter (that is to say, the Moderates, co-operators) joining them, (that is to say, the non-co-operators) ”.

Then in the final speech, which he delivered in replying to the debate, this is what he observed :

“ Mr. Gandhi replying to the debate regretted that there are non-co-operators who did not identify themselves with the resolutions of the Congress which were in the best interests of the country.”

Then later on, before the conference adjourned finally to enable the Committee, appointed to settle the terms of the Resolutions, Mr. Gandhi again made it clear—

“ that neither he nor his fellow non-co-operators would have anything to do officially with the committee though he would assist it in every way he could unofficially.”

Now this was a most extraordinary position for Mr. Gandhi to take. Honourable Members of this Council, every one of them I feel certain, are imbued with a sense of responsibility. Would any one of them if he had been invited to the conference have taken the attitude which Mr. Gandhi took?

“ My party is not willing to come to this conference. My party will have nothing to do with the committee that this conference is setting up. I am here, but not as a representative of my party. I am here only to advise. The resolutions which you are going to adopt my party will have nothing to do with, although I admit that they are in the best interests of the country.”

In the whole history of all the controversies that have taken place in this country or anywhere else during recent times I have never known a responsible statesman taking up a ridiculous attitude such as this. Well, Sir, does my Honourable Friend, Lala Sukhbir Sinha, in these circumstances, expect that the conference which he advocates and to which he would invite Mr. Gandhi and his followers is likely to bring about any practical results? Is he in a position to guarantee that on an invitation being issued to Mr. Gandhi to attend the conference such as he contemplates, Mr. Gandhi will not adopt the same attitude as he did in connection with the Bombay conference? Has he obtained any assurance either from Mr. Gandhi or from any of his followers that they will come into this conference not merely as visitors, not merely as advisers, but as patriots deeply interested in the welfare of this country, taking part as members, as delegates, and not merely as advisers or visitors, in the deliberations of the conference in order to bring about the desired result? If he has any such assurance, if he has any such guarantee, let him say so, and then let him ask the Council of State, this august body, to take his proposal into serious consideration. But if he has no such assurance, if he has no such guarantee, it seems to me it is useless on the part of a member of this august body to come forward with such a highly impracticable and futile proposal. (Applause).

Sir, what was the result of Mr. Gandhi attending this conference, not as a member but as an adviser? What was the result? Personally, I feel

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convinced, that it was the result of the advice given by him, that those three impossible conditions to which the Honourable Sir Alexander Murray referred in his speech were adopted by this conference. The impossible conditions which were adopted were such and the attitude taken up by Mr. Gandhi at this conference was such that the Chairman of that conference, Sir Sankaran Nair, about whose patriotism there can be no possible doubt, no shadow of doubt, about whose sense of responsibility no one can dare to raise any challenge, was compelled to leave the conference, and was ultimately obliged to make the declaration which he has made in the columns of the "Times of India" which was read out to you by the Honourable Mr. O'Donnell this morning. Can the Honourable Lala Sukhbir Sinha guarantee that in the conference which he asks the Government in concurrence with the Council of State to convene the same impossible conditions will not be put forward by Mr. Gandhi? Has he any assurance that Mr. Gandhi will not even at this conference say,—

'Appoint a representative and we will appoint another, and someone is to be appointed as an umpire over your head.'

No Government, no responsible Government carrying on the administration of a country, can contemplate such a thing,—an umpire sitting over the head of the Government as the final authority for settlement of any disputes, any points at issue between the two parties. It seems to me that the Honourable Lala Sukhbir Sinha is showing not a very high sense of responsibility when he puts forward a motion like this in spite of the fact that he knows that such impossible conditions were put forward by the very authority whom he would call to this conference, at the recent meeting held in Bombay. Then, as has been pointed out by the Honourable Mr. O'Donnell, instead of coming forward as persons who are serious and sincerely interested in restoring a peaceful and calm atmosphere in the country,—instead of coming readily forward and agreeing to a suspension of their activities so that at any rate during the period that the conference is sitting, there might be calm, there might be peace in the country, what is the position adopted by Mr. Gandhi and his followers? *hartals*, picketting, and civil disobedience, which however he has not yet officially begun, may cease but—

"we will go on enrolling volunteers, we will go on with our other activities."

The Honourable Mr. Bhurgri remarked that the enrolment of volunteers was only for the purpose of carrying on *swadeshi*, education and the temperance movement, but does the Honourable Mr. Bhurgri guarantee that, in the event of the conference failing, the volunteers enrolled during the period of the conference will at once be disbanded? Is not the object of Mr. Gandhi obvious?

"While these discussions are going on, I shall go on enrolling volunteers, so that in the event of the conference failing, I may make use of these very volunteers whom I have enrolled during the period of the conference for the purpose of helping me in my campaign of civil disobedience."

Let him suspend picketting and all his non-co-operation activities, and then come forward and request the Government to convene a conference. It seems to me, Sir, that the proposal put forward by the Honourable Lala Sukhbir Sinha is both impracticable and futile, and that this House should not adopt the amendment.

Coming now to the original Resolution and the amendment moved by my friend the Honourable Mr. Khaparde.....

The HONOURABLE THE PRESIDENT: We are hardly as yet dealing with that.

The HONOURABLE-LALA SUKHBIR SINHA: I think. . . .

The HONOURABLE THE PRESIDENT: There is no reply on an amendment. The original Resolution proposed was that:—

“ This Council recommends to the Governor General in Council to convene immediately an informal joint sitting of the two Houses excluding press representatives and visitors to settle on what lines a round-table conference of all party leaders should be held.”

The present amendment to that Resolution which is now under the consideration of the Council is that after the words “ to convene ” and for the clause beginning with the words “ immediately an informal joint sitting ” the following clause should be substituted:—

“ A round-table conference of representative leaders of all shades of opinion, of Indians and Europeans in India including members of the Indian Legislature, with a view to consider the present political situation and find out ways and means of a satisfactory settlement of the questions which have brought about this situation.”

The question is that for the words in the Honourable Mr. Sethna's Resolution, the words I have read out to you, which are proposed by the Honourable Lala Sukhbir Sinha, should be substituted.

The HONOURABLE LALA SUKHBIR SINHA: (Rose to speak).

The HONOURABLE THE PRESIDENT: Order, order. I have already proceeded to put the motion. If the Honourable Member wishes to rise on a point of order, he may do so.

The HONOURABLE LALA SUKHBIR SINHA: My point is this, that the Honourable Mian Sir Muhammad Shafi raised an issue in his speech, and I think I may be permitted to reply to it.

The HONOURABLE THE PRESIDENT: The Honourable Member is under some misapprehension. He has moved his amendment. That amendment has now been put from the Chair. When that amendment is disposed of, we shall go back to the former discussion. I understand the Honourable Member has not spoken on that discussion, and therefore he will be entitled to speak, but he cannot speak until the amendment is out of the way. On the amendment, there is no right of reply.

The question is that the words I have read out be substituted in the original Resolution.

The motion was negatived.

The HONOURABLE THE PRESIDENT: The debate is back to the Honourable Mr. Khaparde's amendment and the original Resolution.

The HONOURABLE SIR ARTHUR FROMM: Sir, I cannot see that the Honourable Mr. Sethna's Resolution, as it reads, is on all fours with Mr. Khaparde's amendment. The Honourable Mr. Sethna's Resolution reads:

“ to convene an informal joint sitting of the two Houses.”

If the Resolution is accepted an informal joint sitting of the two Houses is convened, to call a conference of party leaders, and it only remains for them to determine on what lines the conference should proceed.

**THE HONOURABLE THE PRESIDENT:** Those are undoubtedly the words in the Resolution. But the point is this. Honourable Members are aware there can be no joint sitting in the proper sense of the term, except for legislative business, as provided for in the Government of India Act. I understood the Honourable Mr. Sethna was using the expression "joint sitting" in a loose way; there can be no question of a joint sitting,—that is not possible under the Government of India Act. The actual difference between the two Resolutions, as I understand it, or rather between the three Resolutions, was that the Honourable Lala Sukhbir Sinha's amendment, which has just been lost, involved the fact that outsiders should be immediately brought in. The other two propositions to my mind did not appear to involve that fact, and that is why I was most anxious that the Council should settle that point before proceeding to the alternative proposals now before the Chamber.

**THE HONOURABLE SAIYID RAZA ALI:** I take it, Sir, that both the original Resolution as also the Honourable Mr. Khaparde's amendment are the subject of discussion.

**THE HONOURABLE THE PRESIDENT:** That is so.

**THE HONOURABLE SAIYID RAZA ALI:** Now, Sir, with regard to the circumstances that have brought about the present situation and which have been dealt with in the speech of the Honourable Mr. O'Donnell, I do not want to repeat what I have said already. Assuming that there were some cases of violence in Bombay and some cases of intimidation in Calcutta, how is it that the Criminal Law Amendment Act and the Seditious Meetings Act were extended by a large number of Local Governments who, till that time, had not claimed that either violence or intimidation had been practised by these volunteer associations in those provinces? Where so many Governments have taken the same view and acted under the same laws, it is rather difficult to mention any special provinces. Yet, as a matter of common knowledge, action under these two enactments was taken by the Punjab, the Bengal, the United Provinces and the Central Provinces Governments. I forgot the Bihar and Crissa Government which also availed itself of the provisions of these Acts. Now, Sir, I say that, whatever may have been at the back of the mind of the Governments—and if it was a case of mental reservation, it is rather difficult for us to pry into the reasons which led the Governments to take such a step—I submit that, on the facts stated in the various notifications issued by those Governments, it has not been made out that any necessity had arisen for taking that action in the various provinces concerned. I have some of the notifications with me, but I do not want to tire the Council with them. A general allegation was made therein to the effect that it was necessary to take action under these two Acts, but no specific instances were cited either in the notifications or in any Communiqué issued by those Governments. The Honourable Mr. O'Donnell has just read out a telegram from the Commissioner of Ambala. If I heard him rightly, he said it had just been received. I take it this telegram was received either to-day or yesterday, or in the course of the week. Am I right in that?

**THE HONOURABLE MR. S. P. O'DONNELL:** The telegram has only just been received. I saw it for the first time last night.

**THE HONOURABLE SAIYID RAZA ALI:** I must thank the Honourable Member. He is forgetting that he was dealing with the situation as it existed in the third week of November, 1921, and not with that on the 17th of January, 1922.

The HONOURABLE MR. S. P. O'DONNELL: May I, Sir, point out that I merely cited that instance as indicating the character of these Volunteer Associations. I never suggested that the notifications issued in November last were based on a telegram only received last night.

The HONOURABLE SAIYID RAZA ALI: The Council will have to make a very large assumption in favour of the proposition of the Honourable Mr. O'Donnell. He also read out some Communiqué or some communication from the Government of Bihar and Orissa.

The HONOURABLE MR. E. S. LLOYD: On a point of order, has this anything to do with the amendment?

The HONOURABLE THE PRESIDENT: The discussion is now on the general question and the amendment and the Honourable Member appears to me to be strictly in order.

The HONOURABLE SAIYID RAZA ALI: I hope, Sir, that by my observations I am not giving any offence to any Member of this Council. I am myself convinced, and you have said so, Sir, that I am strictly within my rights. The question was whether there was any occasion for this action to be taken in the third week of November, 1921. I submit there was none, and I rely on the notifications, Communiqués and communications issued by the various Governments concerned. That being so, my submission is that the Government by having recourse to these two special measures of legislation, invited on their own shoulders the defiance of the law which was resorted to subsequently by the non-co-operators. The question has been put this afternoon by more Members than one, are the Government to surrender to these non-co-operators when they find themselves confronted by defiance of their authority? My simple answer to that is that the Government had no business to take action under these two Acts, and, if the Government have taken action, they ought to have calculated the results at the time when they decided to take this extraordinary step. If the Government find their authority challenged by the non-co-operators, surely the Government cannot take advantage of that fact and say: "Here we are. We have already taken action. We find our authority defied and flouted. Therefore, we can go on in this course of repression." My answer is that a wrong initial step having been taken by the Government, the Government owe it—and I say this with a full responsibility of what I am saying before this Assembly—to this august Assembly,—the Government owe it to the country, the Government owe it to all those who live in British India, to recall these measures quite independently of what takes place after that whether a round-table conference takes place or does not take place. I submit that if the Government want to act justly, they owe it to the country and to this Assembly to recall these measures. This much by way of meeting the point made by the Honourable the Home Secretary.

Now, Sir, coming to the round-table conference itself, as I submitted, I have not the least hesitation in saying that if the Government on the one hand and the distinguished leader of the non-co-operation movement, Mahatma Gandhi, on the other, are really desirous of coming to a settlement, there is no doubt that a way can be found of concluding an honourable settlement. I must ask this House not to treat the vast influence that Mahatma Gandhi and his party hold on the country lightly. I do not want to give the slightest offence to the susceptibilities of any over-sensitive members of this august Assembly, but, Sir, my own feeling about the situation is that to-day 90 per cent. of the people are either

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directly under the spell of non-co-operation or sympathise with that movement, and those that are outside the pale of this movement do not exceed 10 per cent. I assure you, Sir, that I am making a very liberal calculation in favour of those who have nothing to do with the non-co-operation movement. That being so, I submit, Sir, that it is not discreet, it is not wise, it is not expedient, it is not politic, to make a light estimate of the influence of that great leader. I should also submit that it is the duty of everyone of us who is under a solemn obligation to speak out what he thinks to be the situation in the country to give free expression to his views on this subject. Though I do not see eye to eye with the Honourable Sir Alexander Murray—as a matter of fact we are poles apart, the way I look upon this question is just the opposite of what my Honourable Friend does—in spite of that, I think we can take a lesson from the Honourable Member, inasmuch as he has not minced matters and he has represented the real feeling of the constituency which he has the honour in this House to represent.

I submit, Sir, it is the bounden duty of everyone of us to speak out—  
 4 P.M. not to mince matters but to give expression to our view of the political situation in the country. Now, I was saying, Sir, that if the Government, on the one hand, and Mahatma Gandhi on the other hand, are sincerely desirous to bring about a settlement there is nothing to prevent it. Let me point out that, so far as I can see, there are only two important parties to this compromise, Government and Mahatma Gandhi. Without casting any aspersion on the dignity and position of this Council, or of the other Assembly, I must say that they are nowhere, so far as the real expression of the public mind is concerned. I do not say, Sir, that none of us represents our constituencies. We do represent them; but to me it seems that we do not represent that public opinion of this country which has a perfect sway over the land from end to end. To me it seems, Sir, that the speeches that were delivered by the leader of the Non-co-operation party do not close the door. I do not want to read his speech, the full text of which is with me. Anyone who goes through the speech will see that the leader of that party is prepared to attend the conference unconditionally; so far as he himself is concerned, he is prepared to attend unconditionally. But if anybody asks him to go there as the leader of his party along with his followers, then he lays down certain conditions. I for one do not think that any of these conditions is unreasonable. He has promised us that he is prepared to give up *hartals*, picketing, and civil disobedience pending the conference, if one is to be convened. Now, on the other hand, Government are expected to do something in return. I do not think it is necessary for me to go into what the Government are to do, since the matter is well known; but I think, Sir, that a golden opportunity has presented itself at this truly critical moment. I do not think there is any one of us here who does not know to a certain extent what is happening in the country. Sir, I am bold enough to say, and I think it my duty to say, that we are on the eve of a revolution. The situation is extremely serious. It would be folly on our part to deny the gravity of the situation, and I am glad that the importance of this question has been recognised by every Member who has preceded me. That being so, is it not for Government not to allow this opportunity to slip by without inviting any discussion by a conference on the subject? Now it has been said what is the use of discussion when such and such an attitude has been taken up by Mr. Gandhi? On this question let me remind the Honourable Mr. O'Donnell



that on the eve of the meeting of the conference in London his distinguished countrymen, Messrs. Michael Collins, Griffith and others, were determined that they would not be satisfied with anything short of an Irish Republic? It is not for me to tell Honourable Members here what has happened there. After all, in politics there must be give and take. To some of us Mr. Gandhi may appear a bugbear, but after all he is a very intelligent and distinguished man. He has devoted his whole life to the service of his countrymen in many parts of the Empire. I hold no brief for Mr. Gandhi. I do not know what his attitude will be; but, taking human nature for what it is, I have not the least hesitation in saying that, if Government would come down from its high pedestal and do away with this false sense of security and prestige, it will find that Mr. Gandhi will be prepared, as I hope and trust, to meet it half way.

I will just say one word on this occasion Sir, about the admirable and highly statesmanlike utterance of His Excellency Lord Reading on the 21st December at Calcutta. That speech breathes peace and calm, and I am sure that, if Honourable Members of this Council had taken up the same attitude as was taken up in that speech by His Excellency, the settlement of the question would not be difficult. I will just read two lines from that speech. His Excellency said:

"I am not one of those who think that all wisdom is to be found in those who happen to be in a position of authority."

I hold, Sir, that if a response is made by this Council, and if an appeal is made to Mr. Gandhi by this Council, since the situation is very critical, there is no doubt there are reasonable prospects of a settlement.

Just one word more and I have finished. Without dealing with the speech of the Honourable Sir Alexander Murray, I must protest against the manner in which he constantly referred to the distinguished leader of the non-co-operation party as Gandhi. My Honourable Friend constantly referred to that distinguished statesman as Gandhi. I listened to him very carefully and every time I found that it was so. . . .

The HONOURABLE THE PRESIDENT: I would remind the Honourable Saiyid Raza Ali that a very distinguished gentleman is called "Shakespeare" by all of us.

The HONOURABLE SAIYID RAZA ALI: I congratulate the Honourable Member on the distinguished commentator he has found. But I noticed no indication in his speech as to what was the real motive.

The HONOURABLE THE PRESIDENT: Had I considered that the manner of his reference was gratuitously discourteous, I should at once have called him to order.

The HONOURABLE SAIYID RAZA ALI: I compliment him on this interpretation and I do hope that Honourable Members will be more careful in the future.

Now, Sir, just one thing more, and it is this, that Mahatma Gandhi, as was once pointed out, is really a co-operator. Those of us who have read the address to the jury made by Mr. Shaukat Ali will remember that in that address he made a grievance of this fact against Mr. Gandhi. He said, addressing the jury, "Gentlemen, let me tell you my distinguished Guru Mahatma Gandhi is a co-operator at heart!" That being so, there is no reason why he should be considered hopeless or why we should not invite Mr. Gandhi to a round-table conference. It is for this House not to let the opportunity slip. But, Sir, let me strike a note of warning. A

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very grave and heavy responsibility rests on this Council if it gives any hostile reception to the motion that is before the House to-day.

The HONOURABLE MIAN SIR MUHAMMAD SHAFI: Sir, I have not the slightest doubt that my friend the Honourable Mr. Sethna is actuated by the most patriotic motives in bringing forward this Resolution. I give him credit for a very sincere effort on his part towards the restoration of a calm and peaceful atmosphere. But I am afraid that the proposal put forward by him is, as I said before in connection with the amendment moved by the Honourable Lala Sukhbir Sinha, impracticable and futile.

I do not wish to repeat what I have already said in connection with the amendment. I ask Honourable Members to bear in mind that all the arguments I then adduced in support of the position which was taken up by me with reference to that amendment apply equally to the Resolution moved by my Honourable Friend. I shall, in what I am going to say now, confine myself to examining some of the arguments put forward by the Honourable Mr. Sethna. In support of his motion the Honourable Mr. Sethna pointed out that a round-table conference will not be of value unless it is settled beforehand what methods are to be followed. Now the conference at Bombay was convened for that very purpose. That conference was of a preliminary nature. The final round-table conference was, according to the originators of the idea, to be held after settlement of conditions in this preliminary conference. I venture to think that a slight reflection will convince my Honourable Friend opposite that his preliminary conference is destined to meet with the same fate as the Bombay conference, and therefore it is perfectly useless for us to spend our energies and our time in bringing about such a preliminary conference.

Then my Honourable Friend said that, even if Mr. Gandhi does not attend the conference, nevertheless the convening of the conference itself is very necessary. Well, I venture to submit that, if Mr. Gandhi and the leaders of the non-co-operation party do not attend the conference, such a conference is obviously absolutely unnecessary, for on the floor of this House and in the Legislative Assembly the representatives of the people, together with the representatives of the Government, can, any day and every day, discuss not only the causes of this unrest, not only the remedies which occur to individual members as necessary in order to bring about the desired end, but any other Resolution that my Honourable Friends Messrs. Sethna and Bhurgri, and my Honourable Friend Saiyid Raza Ali may think fit to bring forward in this Council. What more representative conference do you wish than such a body as this, that such a body as the Legislative Assembly in which you have the Government, all the members of the Government, and in which you also have the elected representatives of the people ?

The HONOURABLE MR. BHURGRI: Can we discuss foreign policy ?

The HONOURABLE MIAN SIR MUHAMMAD SHAFI: Even if my Honourable Friend cannot discuss foreign policy in the strict sense of the term, he can always recommend to the Governor General in Council that such and such a course should be adopted. I have not the slightest doubt as to what is in the mind of my Honourable Friend when he made this particular remark. I can assure him, if he will very kindly give me his ears for a moment, I can assure him that as regards the particular question of foreign policy he is thinking of, the Government of India have been acting as the advocates of the community that he represents.

with regard to that particular question, and to me as a Muhammadan it seems strange that a section of the Muhammadan community should adopt the attitude of non-co-operation against their own advocates.

Well, Sir, proceeding with my Honourable Friend's motion, it seems to me that, if Mr. Gandhi and the non-co-operation party were not to attend such a conference, then the conference would be entirely useless and unnecessary. In another part of his speech, the Honourable Mr. Sethna told us that what he wanted was four things; in the first place, full and free discussion of the political situation; in the next place, the Government should state its case frankly and fully; in the third place, justification for the repressive policy adopted by Government, and fourthly, constructive proposals for future constitutional reform. The reply to this portion of his argument is very simple. All these things that my Honourable Friend wants can be satisfied either at a meeting of the Legislative Assembly or at a meeting of the Council of State. Every one of these things, I venture to submit, is being discussed in the Legislative Assembly and here also in the Council of State. Why is there then any necessity for a preliminary conference with a view to the holding of an ultimate conference in order to ventilate these four points mentioned by the Honourable Mr. Sethna? We have a ready-made conference here in the Council of State for the achievement of those objects. Coming now to the Honourable Mr. Khaparde's amendment, Mr. Khaparde would have a preliminary conference not of the two Houses, but of the party leaders in the two Houses. I venture to think that in proposing such a conference.

The HONOURABLE THE PRESIDENT: Representatives of both Chambers.

The HONOURABLE MIAN SIR MUHAMMAD SHAFI: I venture to submit that that position is unconstitutional. Every Member in the Council of State and every Member in the Legislative Assembly has the right to take part in any discussion affecting political questions of such vital importance. The method proposed by my Honourable Friend would deprive all Members of the two Houses, excepting those whom he calls representative members, of the right to take part in the discussions. How are these representatives to be elected? All sorts of questions and complications will arise in the framing of any scheme for the election of representatives to this conference. It seems to me that, in view of the fact that full debates are being held to-day both in this House and in the Legislative Assembly, another debate in which only representative members of the two Houses are to take part on a subsequent day is absolutely unnecessary and would not bring about any results.

The Honourable Saiyid Raza Ali took up this position, conceding that there were cases, individual cases, of intimidation and violence here and there, why did the various Local Governments in India extend the second part of the Act to the volunteer associations? The reply to that is very simple.

The Local Governments came to the conclusion that the main object of these organizations was violence and intimidation. They had evidence in support of that conclusion before them: and having arrived at that conclusion, they proclaimed these associations to be unlawful. But I may in this connection again emphasise the fact mentioned by the Honourable Mr. O'Donnell, which I hope Honourable Members in this House will bear in mind when voting on this Resolution, that the Government of India are

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considering the question of the modification of the law so far as this particular matter is concerned, and possibly the result of their deliberations may be the enactment of a measure which will avoid the very difficulties and the very mistakes to which reference has been made, if there were any mistakes at all. Then my Honourable Friend Saiyid Raza Ali put forward an extraordinary contention. He said that 90 per cent. of the people in India are either directly under the spell of this movement or on its side. Now let me examine for a moment in a very few words the value of this statement. There are at this moment in this country 8 millions of students in our public and aided schools, and I presume that the guardians of these 8 million students number something like 16 millions, so that here are obviously at least 24 millions of people in this country whom the non-co-operation leaders have striven their utmost to persuade that the children should leave the schools and colleges. They have utterly and ignominiously failed in their attempts. Does that show that 90 per cent. of the population of this country are directly under the influence of the non-co-operators? Well what is the number of Indians employed in the various Departments of the Government of India and of the various Provincial Governments, both civil and military? Their number can only be counted in millions. For over 18 months past the non-co-operation party have been trying their level best to induce these servants of Government to desert Government service. Have they succeeded? No. Does that imply that 90 per cent. of the population of this country are under the influence of the non-co-operation leaders? No. . . .

The HONOURABLE SAIYID RAZA ALI: Will the Honourable Member say how many have resigned?

The HONOURABLE MIAN SIR MUHAMMAD SHAFI: Not a single soldier in the Indian Army has resigned as a result of these efforts of religious leaders and secular leaders. Possibly a few policemen have resigned. Their number is very small, but many more have taken their place. A few Patwaris have resigned and have been replaced. To give you but one instance in my Department. We wanted a librarian and we advertised for that, and for that single post we received over 400 applications. This is the extent of the influence of the non-co-operation leaders. Exaggerated statements of that kind can never strengthen one's case, and it is absolutely futile on the part of any Honourable Member of this House to try to support his position by putting forward exaggerated statements or valueless arguments, which may please an uneducated audience, if he were addressing people from a public platform. But arguments like that ought never to be put forward in a responsible House such as this Honourable House. It seems to me, Sir, that the Resolution as well as the amendment moved by the Honourable Mr. Khaparde really cannot be supported upon any sound basis, the proposals put forward by them are both impracticable and futile, and I would earnestly appeal to this House to reject the Resolution.

The HONOURABLE SIR ARTHUR FROMM: Sir, we have had a good deal of discussion on the subject of whether the Resolution recommending a conference should be adopted or not, but I should like to call the attention of this House to the point that if this Resolution were adopted, it would resolve itself more or less into a vote of censure on the Government who are trying to maintain law and order in this country. I should like Honourable Members to keep that clearly before them. It will be recognized, I think by all, that Government have been very patient and long-suffering with this non-co-operation movement, and have only taken action

when that movement ceased to be capable of controlling its policy of non-violence. We have had a sad experience in Bombay, Madras and elsewhere as to where this non-co-operation movement has led to by reason of the introduction of violent preaching of sedition and hatred against Government. Here I would like to bring forward another point, and it is this. Violence did not break out as a result of any so-called repressive laws. It started first, and, as a result Government had to take measures to put it down. Honourable Members of this House should keep that too clearly before them. Also, I ask whether it is reasonable to expect any self-respecting Government to allow the present state of affairs to continue, or whether it is not the right policy to take steps to avoid outbreaks which must inevitably result in loss of life. Is it not better, gentlemen, to take precautionary measures, before the climax is reached, when you have to call out the military and shoot? My next point is, we should not lose sight of the fact that the eyes of all the Dominions in the British Commonwealth are upon India at the present time, and if we, the Legislature, the elected Legislature in this country, are not prepared to support Government in maintaining law and order now, what will the Dominions expect, what can they expect, when India attains self-government? Can the other Dominions hope that India will be capable then of maintaining law and order? I think not. I appeal to you, members of this Council to reject this Resolution and to refrain from taking any action and to abstain from doing anything which might hamper Government in putting down this internal strife. If we do not help Government at this juncture—I have a great number of friends in the Colonies and I have received many letters from them—I can assure you we shall be setting back the clock for many years for the recognition of India as a self-governing Dominion by the other Dominions of the Empire.

There is one other point, and I have finished, and that is, that if we, as representing the Legislature of India, permit a party to start a movement—call it the non-co-operation movement or call it what you may—with the idea of thwarting Government and that movement is allowed to go to the extent of breaking law and order in the country, if you permit that now, then, in years to come, when you have Dominion self-government, are not you furnishing your future opponents with a weapon that they may sharpen against you and throw in your face? There will always be opponents of Government, there will be opponents of the Government of India when it has attained to the status of a self-governing Dominion, and, if you give them the example now of allowing the non-co-operation movement to extend its operations to the extent of breaking the law and the creation of disorder for the purpose of getting its way, that weapon will be made use of against the Government of India in the future.

With these remarks, Sir, I cannot support the Resolution.

**THE HONOURABLE MR. K. V. RANGASWAMY AIYYANGAR:** I agree with every word of what the Honourable Mr. Phirze Sethna has given expression to on the main issue raised about the present situation and the remedies he proposes, though I dissociate myself from him entirely in making the non-violent movement and Mr. Gandhi responsible for the violence caused. I may say that there were and are elements in the country which are opposed to the doctrines of non-violence, which chafe at Gandhi as an impossible idealist and which take any and every opportunity to display their activities. To this class belong all the misdeeds and cowardly action in different parts of India. For justice sake,

[Mr. K. V. R. Aiyangar.]

I would not allow anybody to make Gandhi's movement responsible for bloodshed. Mr. Gandhi is sharing the reproach of some, I know, for carrying coals to Newcastle by preaching *Ahimsa* to a humane nation and for helping recruiting for the army during the last war for fighting for aggressive purposes.

To come to the point, I may enlighten the Council about the attitude taken up by the different parties that met for a conference at Bombay. These were the Liberals who were anxious to work out the reforms and who thought that the country wanted peace and compromise. There were the merchants who have been dealing in foreign goods, who wanted that the activities and propaganda of non-co-operation should cease. They thought that the tension would end only if Gandhi's powerful party could be brought to a round-table conference. I have to tell the Council of what was passing at Bombay only because I was given to understand the feelings of some Members of Council who did not quite relish the idea of a round-table conference with members outside the Council. The idea of a round-table conference never emanated from the Nationalists, but it did from the Liberals and merchants dealing in foreign goods, and I bear testimony to what was said by the Honourable Mr. Sethna that these people took great pains to get at least a show of consent from the Mahatma for the Conference. The shrewd businessmen were telling each other—

"You may announce to-day that the round-table conference takes place and the next moment you will notice the rise in the prices of foreign cloths apart from the results of the conference."

While this is the case I am surprised to find that there are many voices of friends of the Government in this Council to oppose this conference and the last of them I was listening to was the oration from that unabashed partisan of Pan-Islamism in no less a person than that of the Honourable Sir Muhammad Shafi, the Member of the Government of India which is pledged to religious neutrality. On the other hand, the followers of Gandhi and others, who did not agree with Gandhi in his *non-violent non-co-operation* I knew advised him that the proposal for a round-table conference was a direct negation of the fundamental principles of non-co-operation movement. In the first place, they said they thought it sought co-operation with those who had been grievously injuring them even at that moment and, secondly, they being pledged to stand on their own legs and educate the country on their own methods, had no business to go to a round-table conference with the bureaucracy. The Mahatma had put aside all this advice and he has come to a compromise, and the deed of compromise is in the hands of Pandit Madan Mohan Malaviya. I may say the Honourable Sir Muhammad Shafi could have saved much of his breath had he known of the further developments that had taken place. The Moderates being responsible sons of India as much as Sir Shafi or Sir Sankaran could not keep quiet when their co-workers have been put in jail and when status or leadership counted for nothing in the face of blind force.

Sir, I should be failing in my duty if I did not raise my voice of emphatic protest against the application of the Criminal Law Amendment Act to non-violent non-co-operation, the wholesale arrests of such constitutional lawyers as Pandit Motilal Nehru and Mr. C. R. Das and the methods of treatment of the prisoners in jail and the suppression of lawful assemblies and meetings. Protests from even ultra-conservative sources are coming

in. The Maharaja of Darbhanga in a speech before the Bihar Land-holders Association said on the 20th :

"Recent events in Calcutta and elsewhere have led to a *revulsion* of feeling even on the part of loyal citizens who are friends of the Government."

The action of the Government is really putting a great strain on those who are co-operating. Let us see what has been gained by their 'strong action'? Repression has failed, people are acclimatised to prison life and a humiliating atmosphere, and the bitterness against the Government has become very acute. The non-co-operators are really congratulating each other. They have just reasons for congratulation because but for the repression their movement could not have gained so rapidly the objective it has gained to-day. Yet all this at a time when there should be rejoicings and greetings ! I did my duty during September last to beseech the Head of the administration not to arrest the Ali Brothers as that was the time for a calm atmosphere. Five months ago all the reproaches of the thoughtful sections were directed against the discontented, but to-day a perusal of the speeches of such Moderates as Mr. Jinnah, Pandit Malaviya or Sir H. Wadia will show who share the reproaches. Sir H. Wadia who is a most moderate gentleman has gone the length of saying—

"Law and order have been made a cover and an excuse for tyranny."

The feeling of the country is very bitter, and statesmanship and wise steering, God willing, can avert a wreck and a catastrophe.

The HONOURABLE SIR ALEXANDER MURRAY: May I make an explanation, Sir?

The HONOURABLE THE PRESIDENT: Certainly, but it must be a personal explanation only. The Honourable Member has already spoken once.

The HONOURABLE SIR ALEXANDER MURRAY: The Honourable Saiyid Raza Ali complained that I spoke of Mr. Gandhi as Gandhi. I have listened with great interest to the speeches which followed mine, and I noticed that on no occasion was Gandhi referred to as Mr. Gandhi. Surely, I might be excused for the mistake which I made.

The HONOURABLE LALA SUKHBIR SINHA: Sir, as my amendment has been lost I wish to support the Resolution of my Honourable Friend Mr. Sethna. The Resolution contains the same suggestion as did my amendment. The only difference between us is on the question of time. He wants the conference to be held after an informal joint sitting of the two Houses has settled the lines on which the conference should be held, while in my amendment I ask for the conference to be held at once. Sir, the question is at present very serious, not only serious, but very dangerous, to men of property and money, and the sooner the conference is held the better. It was said on behalf of the Government by the Honourable Mian Sir Muhammad Shafi, and again very strongly urged by the Honourable Sir Arthur Froom, that the policy adopted by the Government is the best and only policy to be adopted at this juncture. Well, as I said before in moving my amendment, if Government is determined to adopt this policy, and is of opinion that there cannot be any improvement on it, and think that public opinion is of no use and not worth consulting at this juncture, then there is no use of holding any conference and Government must continue its present policy whatever may be the result. The result of this policy has been very bad, and if this policy is continued, the position will be much more serious and dangerous. The object of

[Lala Sukhbir Sinha.]

a conference is to support Government in maintaining law and order. We are with Government in that. We will support the Government to maintain law and order. But what we want to do is this, that Government should see whether any better suggestions can be made by the leaders of the different parties and how far Government is able to adopt them. If Government finds some better suggestions, there is no reason why it should not adopt them. If it finds there are no better suggestion, it can continue the present policy. But until and unless you allow the leaders of different parties to give their opinion, I do not see how Government is right in upholding its policy when there is a consensus of opinion against it in the country. It was said by the Honourable Mian Sir Muhammad Shafi that these Councils are fully representative. I admit it, but we are not representatives of the people of all shades of opinion. Of course in the view of the Government we are, but in the view of the public we are not. There are thus other people also who have a right to give an opinion on the political situation in the country, and therefore, if a conference consisting of several Members of this Council and of the Assembly, as well as outsiders like Pandit Malaviya and others, is held, I think it will have a good result. Sir, I admit I have no authority to say that Mr. Gandhi and others will come to this conference. If they do come, so much the better. If they do not come, let them not come. The great advantage in holding the conference will be that the opinion of all parties will be put before the Government. Many people say the Government has adopted this policy at the suggestion of some persons. But they did not even consult these Councils, as I think they ought to have done. They adopted this policy without the advice of the Assembly or the Council. They have not consulted any public bodies and adopted their policy simply on the advice of some Members of the Executive Council and others who are in the confidence of the Government. The position is very serious, and a dangerous one, and at this time as many leaders of public opinion should be allowed to express their opinion as it is possible for the Government to consult. It is said that this is not the time to convene a conference. I differ from that opinion. The Government is to the people like a father to a son who are its children. It is not the duty of the father to kill a disobedient or unruly child, or to deport him or punish him very severely. It is for the Government, as the father, to advise the people and bring them round and not crush them by such forcible and repressive measures, as arresting their leaders and sending them to jail. Sir, I will remind this Council that when a few days ago the Prime Minister in England, Mr. Lloyd George, settled the Irish question, it was asked in some questions in Parliament why Government had shown weakness. In reply, it was pointed out that the settlement was not a weakness but a great victory in that the matter after 700 years fighting had at last been settled. Similarly, I do not think it will be a weakness on the part of Government to hold this conference in order that the Government might be put in possession of different shades of opinion which may help it in finding a solution. I, therefore, strongly support the Resolution moved by the Honourable Mr. Sethna that a Joint Committee of both the Houses be held first and then a round-table conference as soon as it may be possible.

**THE HONOURABLE THE PRESIDENT:** The Honourable Mr. Kale has given me an amendment which, I think, is covered by one of the others. It is unnecessary therefore to read it again.



The HONOURABLE MR. V. G. KALE: Sir, the amendment which I wanted to move is already covered by the one moved by the Honourable Mr. Khaparde. I wish to support that amendment.

I regret to find that the position taken up by Government creates a deadlock. Government says—

“We have taken these measures because we think they are absolutely necessary, and the critics of Government, who are co-operating with Government, have to be satisfied with this explanation.”

On the other hand, the co-operators themselves think that the policy of Government requires modification in certain material respects. I do not understand, therefore, why anybody should regard this amendment or the Resolution as a vote of censure on the Government. Far from there being a vote of censure on the Government, it is an indication on the part of this House, as far as possible, to help Government in understanding from the people's point of view what the needs of the country are. I look at the whole question from this standpoint.

I know that there are a number of people in the country who do not want to side with non-co-operation, but at the same time they feel that there are certain things which it is absolutely necessary for Government to do. There are two aspects of the matter. They think that the Government should refrain from doing certain things, and that there is a positive aspect in which the Government must do other things. What are those things? That can be decided only in the course of a discussion. I do not myself think that a discussion among the Members of the two Houses of the Legislature would be futile. So far complaints have been made that the Government have not taken the Legislature into its confidence, and I do not think it is proper for Government to say:—

“We are the responsible executive authority. What we have done we have done. It is for the Legislature to support it or to declare that they will not support it.”

It is placing the Legislature in an awkward position and I will appeal to the Government that they should not do that in the case of those who want to help Government and the country by suggesting certain measures. They may be regarded as impracticable at the present moment, but perhaps in the course of a conference among the members of the Government and of the Legislative bodies certain things might come up, and perhaps it might be possible to satisfy in a large measure reasonable public opinion in the country by the modification that may be introduced in the policy of the Government. I do not wish to go into the details of the measures that have been taken by the Government. This is not the time to criticise the details of the policy, but I must say that in certain matters the Government have gone wrong. I can show from my own experience that Government could have refrained from taking certain steps, and that instead of weakening the hands of the no-co-operators, their policy has only strengthened their hands. There are examples of this type which are occurring in many parts of the country. I must take this opportunity to congratulate the Government of Bombay on the general attitude of cool-headedness which they have so far taken. Everybody in the Bombay Presidency remembers with gratitude the manner in which the administration of the Province is being carried on in this connection. Even under provocation they have kept their heads cool, and consequently the situation in Bombay is much more easy than it is in some other parts of the country. But even in spite of this general attitude, there are cases occurring of what is called repression, and I may cite the example of an occurrence in

[Mr. V. G. Kale.]

the city of Poona itself. There has been a proclamation issued against picketting the liquor shops. The Liberals of Poona feel that this is uncalled for. They are prepared to stand by Government and support it in any measures that are found to be absolutely necessary for maintaining law and order. But, at the same time, I want to point out that in Poona city the non-co-operators did not know what to do owing to the inactivity of Government. They were non-plussed, and were placed in a difficult situation. The Government was not taking any action against them and unless some action was taken by the Government, practically non-co-operation was going to die. It was in this situation that the Government of Bombay came to the rescue of the non-co-operators, and on account of this prohibition of the picketting of liquor shops they got an opportunity. And what is the position? Has the majesty of the law, has the prestige of the Government been enhanced by the petty prosecutions which are taking place day after day? A batch of ten or fifteen go to liquor shops. These people are arrested; they are fined Rs. 15 or 20; and this farce goes on from day to day. It has gone on for more than the last fortnight, so that instead of the majesty of the law being enhanced, I may say that the law has been brought into ridicule, and children, young men and even women are going out to picket liquor shops.

I think that this order prohibiting picketting was absolutely unnecessary. In these circumstances, is it not the duty of the Executive Government to take into confidence those people who are prepared to advise and support it? But the executive authority in the Poona District never thought it necessary to take the people into its confidence. The Government want the Moderates, the Liberals and other people to support them. They are prepared to support them, but the attitude which has been assumed by the Government is one which will land the country into a very critical situation. For this reason it is that discussions are necessary, and the sort of discussion that has taken place in the Council to-day has not tended and is not likely to tend even to clear up any of those things which we want to be cleared up, and therefore a conference is needed.

I do not mind if the debate is protracted. The issue is so serious that, even if we have to sit here for two or three days together, it is worth while our sitting out and devising means. Certain suggestions will be brought forward in the course of discussion and the Government will say what they have to say against those suggestions, and from the point of view of the majority of the people, perhaps they might be found acceptable in the long run and might be adopted.

For this reason I support the amendment in favour of a discussion taking place in a sort of conference of members of the two Houses where the members will be able to give what they think to be proper advice under the peculiar circumstances in which the country stands to-day.

With these few words, I support the Honourable Mr. Khaparde's amendment.

**THE HONOURABLE KHAN BAHADUR NAWAB MUHAMMAD MUZAMMIL ULLAH KHAN:** Sir, in spite of the lateness of the hour and in spite of my poor English, I venture to submit a few words on this occasion. The Resolution, as it is on the Agenda, is quite a simple one. One may have said 'yes' or 'no' to it straightaway, but the speeches which have been delivered in support of the Resolution indicate that it is a Resolution of censure on the Government, and if it be so, it is not very easy to say 'yes' or 'no.'

To censure or to praise is quite easy, but the result will be very serious. To support Government at the present moment is to support peace and law and I do not think that any sane man will hesitate for a moment to support peace and law. My Honourable Friend, Saiyid Raza Ali, has referred to certain percentages of the country, saying ten per cent. and ninety per cent. But there are some one per cent. people also in the country who can draw after them either the ten per cent. or ninety per cent. people when they choose to exercise their influence. Why should not the one per cent. people be taken into consideration? The situation in the country is this that there are hundreds and thousands of ignorant people who always like to listen to wonderful things and are always ready to accept anything which they hear, out of curiosity or something like that. But as soon as the curiosity is gone and as soon as any of this one per cent. people have gone to them, they will be quite ready to listen to them and go back to their normal state of mind again. I, being a humble person in my position, have something to do with no less than 60,000 men. I always find the people ready to listen to my advice, more ready to listen to mine than any outside advice. In this connection, I want to ask this House, a responsible House such as this, if by passing this vote of censure it is going to uphold peace and law in this country.

The consequences of such action will be that there will be no peace in the country. It may be on the eve of what one has called revolution or on the eve of a mutiny, but still there is a body behind the Government. I do not know how many mistakes I have made, but I shall add a few mistakes more. It is this. Hundreds of things have been said about the policy of Government to-day, but not a single syllable has been uttered to advise the Government what to do. The question is this. Government may be right or they may be wrong in doing this or that, but supposing to-morrow there was grave trouble on the railways. The whole country may be in a state of panic. Hundreds of men will come forward to avert the trouble. I am, therefore, at a loss to see why no one now comes forward to say to Government, "don't do this, but do this in order to keep back unruly mobs." However, the question is only a round-table conference. That question has been long dealt with by His Excellency the Viceroy and the other people. The Liberals presented an address to the Viceroy and the Viceroy has replied to that. There were certain conditions from the one side—the Viceroy had some other conditions. Those are the people to settle about the round-table conference. Why should we have a joint sitting of the two Houses, as the other House has not consented? We expect their valuable advice, and I do not know whether they have yet considered the thing. Supposing they have considered it and they are of the same opinion, still the question rests with the other people. So they are the best people to settle this question. As I said before, to pass this Resolution would mean a vote of censure on the Government and we are not prepared, and I certainly am not prepared, to adopt it. In these circumstances, Sir, I am not in a position to support the Resolution.

**THE HONOURABLE MR. JAFFER:** Sir, at the fag end of the discussion, I have no desire to inflict a large speech. . . .

**THE HONOURABLE THE PRESIDENT:** The Honourable Member should address his own remarks to the Chair.

**THE HONOURABLE MR. JAFFER:** I have already expressed my views only recently at the Meerut sittings of the All-India Cantonment Conference, and therefore I need not take up the valuable time of this Council

[Mr. Jaffer.]

by repeating them. I would have much liked the amendment of my Honourable Friend, Lala Sukhbir Sinha, to have been passed, but since it has failed, I heartily support the Resolution of Mr. Sethna.

The HONOURABLE MR. SETHNA: Sir, with your permission, I shall endeavour to reply as briefly as I can. In the first place, I will  
5 P.M. take the point raised by the Honourable Member on my left whom I have not yet had the privilege of knowing, and who said that my Resolution amounted to a vote of censure. Let me assure him that instead of my Resolution being a vote of censure, it is meant entirely to support Government and, if carried, it will result in helping not only the Legislature, but the country at large to back up Government in the measures it will take now and hereafter.

I now come to the Government Benches. I pointedly referred to the application of the Criminal Law Amendment Act, which I said was applied in a manner contrary to what was laid down at the time that Act was passed, and I referred to the speech of the Mover, Sir Herbert Risley. I also observed that I would not be surprised if Government had in their possession facts and figures with which they might enlighten this House so that the House might be convinced that the measures they have adopted are fully justified. After hearing the Honourable Mr. O'Donnell I can only say that I for one am certainly not at all satisfied, and I doubt not that my Honourable Colleagues, or at any rate most of them, think the same. Sir, the only reply I get from Mr. O'Donnell is a reference to a telegram he received last night in regard to the possibility of some volunteers becoming violent at Ambala. They had not yet become violent when the telegram was received. They may have by now. But, Sir, the repressive measures under this Act have been in force now for weeks together. I certainly expected that my Honourable Friend would have laid before us facts in regard to the Congress and Khilafat volunteer organizations at Calcutta and various other places where this law is in operation. The only instance, as I say, given by Mr. O'Donnell is the one which is likely to take place according to a telegram received from Ambala last night.

Now, Sir, the Honourable Mian Sir Muhammad Shafi has dealt at length with Mr. Gandhi's attitude at the Bombay conference. I entirely support and quite agree with what has fallen from him, and I am sure most Honourable Members here will likewise agree with him. I do not for one moment endorse the action of Mr. Gandhi. I know that he has taken up an impossible attitude. If a conference is to be held, if it is to be a success—whether the conference be held in Delhi or Bombay or in Geneva or Washington—there is no use having a conference unless those who are invited to it approach it in a conciliatory spirit. Mr. Gandhi's attitude has by no means been conciliatory, I admit. But I may also add from what one knows of him that when Mr. Gandhi finds he is fighting a losing cause, he will consider it in the interest of the non-co-operation party to immediately change his tactics and avail of the invitation to be present at the conference.

My Honourable Friend, Sir Alexander Murray, referred in very strong terms to the second Resolution of the Bombay Conference. May I point out to him, as some of us pointed out at the conference itself, that this Resolution as framed clearly indicated that if no other measures of redress

availed then in the opinion of the conference civil disobedience was permissible; many of us were strongly opposed to such a view. Again, the Honourable Mian Sir Muhammad Shafi referred to the *fatwa* prisoners. I may say in brief that that was the last straw that broke the camel's back and the insistence to ask for their release was what drove Sir Sankaran Nair to resign his seat as Chairman of the conference.

The Honourable Mian Sir Muhammad Shafi has said that it will be absolutely impracticable and futile to call this conference because Mr. Gandhi will not come. I say that it will be in the interests of Government and of the country at large if a conference of the kind that I propose is called and an invitation is extended to Mr. Gandhi and his party. If they do not avail themselves of it judgment will go against them by default. That is what is greatly necessary at the present moment for the reason I explained this morning, namely, that there are waverers in the camp of the co-operators who think that the action of Government is unwarranted and that Government have not made out a case for their repressive policy. We are not at all satisfied with the replies from the Government Benches this afternoon.

My Honourable Friend, Saiyid Raza Ali, observed that non-co-operation has gained in such force that 90 per cent. of the population is on the side of Mr. Gandhi. I do not accept his percentage, but I certainly will say, and say from personal experience, that Mr. Gandhi and his party are gaining in influence every day. My reason for saying so is this. As a tumble worker during the riots in Bombay in November last, those of us who went about with non-co-operators to restore peace did find that the influence possessed by his party over the rabble was certainly of a kind with which we never credited them. This House must not forget that Mr. Gandhi and his followers are appealing with greater success not to the intelligent classes, but to the unthinking masses whose numbers count.

The Honourable Mian Sir Muhammad Shafi has disputed the Honourable Saiyid Raza Ali's figures. May I put the point to the Honourable Member in another way?

**THE HONOURABLE MIAN SIR MUHAMMAD SHAFI:** Only two instances, that is all. If I had gone on I could have shown that there are millions of others.

**THE HONOURABLE MR. SETHNA:** There may be millions of other instances, and I think there are millions of other instances to prove the contention which I am putting forward in reply, and it is this. Suppose there is a party of a hundred people who have no particular leanings one way or the other and in that crowd there are, say, half a dozen who are virtuously inclined and half a dozen inclined towards vice and both set about to work their propaganda and convert the rest each to their own side. Will not my Honourable Friend admit that the experience all the world over is that the people who would try to propagate vice will meet with greater success and sooner. The non-co-operators have their own way of doing things and, as I say, because they appeal to the unthinking masses with whom anything goes down that is against Government, their party is gathering greater force every day. It is right, it would be wise on the part of Government to take heed in time and to convince the country by every means in their power that they are doing their best to meet the existing situation, but that the non-co-operators are proving themselves irreconcilable and impossible. I do think, therefore, that it will relieve the tension to a very great extent if a conference were held at which Government could explain their

[Mr. Sethna.]

present position and hold out a definite programme of progress and reform for the future.

The Honourable Mian Sir Muhammad Shafi has said that the two Houses of the Legislature are in themselves a conference. I do not deny this, but I do say that a conference restricted to the two Houses cannot inspire confidence in the public mind. Government and the Legislature which is now part of the Government, must admit other party leaders and discuss views with them in a conciliatory spirit and in a spirit of compromise and try to arrive at a solution. If the Honourable Mian Sir Muhammad Shafi wants to skip that stage, namely, a joint sitting of the two Houses, I have no objection. If the Honourable Member decides to have a conference straightaway without a preliminary sitting of the two Houses, I shall be perfectly agreeable, but a conference is necessary in the interests of the country, and I repeat that, if it is not held to-day, if it is not held to-morrow, it is bound to be held a few weeks hence or a few months hence, and it is better to have it before it is marked "too late."

THE HONOURABLE MR. S. P. O'DONNELL: Sir, I have nothing to add to what I have already said as to the futility of discussing the question of a conference while the attitude of the non-co-operation party remains what it is. I have, however, a few remarks to make as regards some of the observations which fell from the Honourable Mr. Sethna in reference to the application of the Criminal Law Amendment Act. I regret that the statement I made should have failed to carry conviction to him. The Council will understand, I think, that I had to deal with the question in a general fashion. I cannot, however, admit the statement that all I did was to refer to a telegram received last night from the Punjab which referred vaguely to the question of violence. That is not a correct statement of what I said at that time. On the contrary, I referred the Honourable Member to the speech delivered by His Excellency the Governor of Bengal; I referred him to the speech delivered by His Excellency the Governor of the United Provinces; I referred him to the debate which took place in the Punjab Legislative Council, and I also told him from Bihar and Orissa a long list of cases had been received, over 120 cases, of violence, assault and intimidation. I have not that list with me at the present moment, but I am perfectly willing to furnish the Honourable Member or any other Honourable Member of this Council who wishes to see that list of cases with a copy of it.

THE HONOURABLE THE PRESIDENT: The original Resolution runs as follows:—

"This Council recommends to the Governor General in Council to convene immediately an informal joint sitting of the two Houses excluding press representatives and visitors to settle on what lines a round-table conference of all party leaders should be held."

The Honourable Mr. Khaparde proposes that from the original Resolution the words after "immediately" down to the word "lines" should be omitted and that for the words "of all party leaders should be held" the words "of representatives of both Chambers to consider the present situation and to make recommendations" should be substituted. The result of the Honourable Mr. Khaparde's amendment would be to make the Resolution run as follows:—

"This Council recommends to the Governor General in Council to convene immediately a round-table conference of representatives of both Chambers to consider the present situation and to make recommendations."

The Amendment was rejected.

The HONOURABLE THE PRESIDENT: It now remains for me to put the original Resolution as moved by the Honourable Mr. Sethna. It runs as follows:—

“ This Council recommends to the Governor General in Council to convene immediately a joint sitting of the two Houses excluding press representatives and visitors to settle on what lines a round-table conference of all party leaders should be held.”

The Council divided as follows:—

AYES—10.

Bhurgri, Mr. G. M.  
Borooh, Mr. C.  
Jaffer, Khan Bahadur E. H.  
Kale, Mr. V. G.  
Raza Ali, Saiyid.  
Sethna, Mr. P. C.

Sukhbir Sinha, Lala.  
Umar Hayat Khan, Colonel Sir.  
Yachendruvaru, Raja Sir G. K. of Venkatagiri.  
Zulfiqar Ali Khan, Sir.

NOES—23.

Akbar Khan, Major Mohamed.  
Amin-ul-Islam, Khan Bahadur.  
Barron, Mr. C. A.  
Cook, Mr. E. M.  
Edwards, Major-General Sir W.  
Forrest, Mr. H. S.  
Froom, Sir A.  
Khaparde, Mr. G. S.  
Lalubhai Samaldas, Mr.  
Lindsay, Mr. H. A. F.  
Lloyd, Mr. E. S.  
Mayhew, Mr. A. I.

Murray, Sir A. R.  
Muzammil-ullah Khan, Khan Bahadur N. M.  
O'Donnell, Mr. S. P.  
Ram Saran Das, Rai Bahadur Lala.  
Rawlinson, His Excellency Lord.  
Sarma, Mr. B. N.  
Shafi, Mian Sir M.  
Smith, Mr. H. Moncrieff.  
Tek Chand, Diwan.  
Wood, Sir J. B.  
Zahir-ud-din, Khan Bahadur S.

The Resolution was therefore rejected.

The HONOURABLE THE PRESIDENT: There is a motion\* on the paper in the name of the Honourable Mr. Bhurgri, but it appears to be very largely covered by the discussion we have had to-day.

The HONOURABLE MR. BHURGRI: Yes, Sir. In view of the discussion we have had to-day, I beg to withdraw my Resolution.

The Resolution was, by leave of the Council withdrawn.

The Council adjourned till Monday, the 23rd January, 1922, at Eleven of the Clock.

\*“ With a view to arrive at a constructive policy for the purpose of controlling effectively the elements of disorder and disaffection now at work in the country, and firmly establishing the confidence of all the peaceful and law-abiding British Indian subjects of His Imperial Majesty in British justice and fair-play, this Council recommends to the Governor General in Council to take necessary steps immediately to invite a conference of representative leaders of all shades of opinion of Indians and Europeans in India at a round-table Conference.”