

THE INDIAN LEGISLATIVE COUNCIL

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PROCEEDINGS

OF

THE INDIAN LEGISLATIVE COUNCIL

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS

From April 1919 to March 1920

WITH INDEX

VOL. LVIII

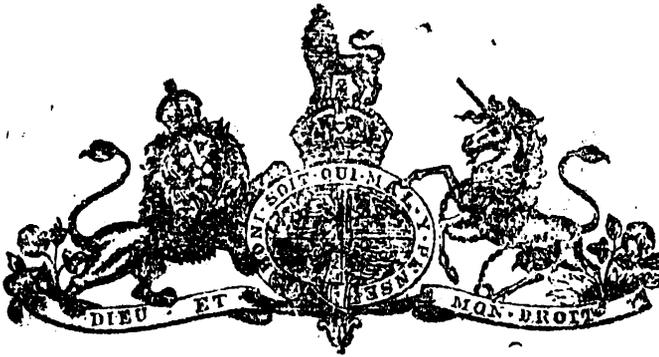
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GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER
THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.
(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Viceregal Lodge, Simla, on
Friday, the 12th September, 1919.

PRESENT :

His Excellency BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.B.E.,
Viceroy and Governor General, *presiding*, and 53 Members, of whom 45
were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble Sir Dinshaw Wacha asked :—

11 A.M.

1. "Do Government contemplate any change in the law of naturalization with a view to keep out Germans?"

Change in
the law of
naturalisation.

The Hon'ble Sir William Vincent replied :—

"The only change in the law of naturalization which the Government of India have in view is that contained in the Bill to amend the Indian Naturalization Act, 1852, which was introduced in this Council on the 3rd September, 1919.

The Hon'ble Member's attention is drawn to sub-section (2) of section 3 of the British Nationality and Status of Aliens Act, 1918, which permits in exceptional cases only, during a period of ten years after the war, the grant of certificates of naturalization in the United Kingdom to subjects of countries which were at war with His Majesty at the time of the passing of that Act. That provision of the law does not apparently apply to India, but the Government of India have adopted the same policy. The result is that any application in India by a German for a certificate of naturalization will, during a period of ten years after the war, be refused, unless the applicant—

[*Sir William Vincent ; Sir Dinshaw Wacha ; Sir George Barnes ; Mr. H. F. Howard.*]

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(a) has served in His Majesty's forces or in the forces of any of His Majesty's Allies or of any country acting in naval or military co-operation with His Majesty ; or

(b) is a member of a race or community known to be opposed to the enemy governments ; or

(c) was at birth a British subject."

The Hon'ble Sir Dinshaw Wacha asked :—

Report of
the Weights
and
Measures
Committee.

2. "When do Government contemplate taking action on the Report of the Weights and Measures Committee?"

The Hon'ble Sir George Barnes replied :—

"The matter is under consideration. I am unable to say yet whether any action will be taken on the Report."

The Hon'ble Sir Dinshaw Wacha asked :—

Duty on
silver.

3. "Has the present duty on silver the effect of raising its price in this country? If so, have Government considered the question of removing the duty?"

The Hon'ble Mr. H. F. Howard replied :—

"As the import of silver into India on private account is at present prohibited, the effect of the import duty on the internal price is probably *nil*, though in ordinary times no doubt the effect of the duty is as stated in the question. It would be premature for Government to state what their policy will be as regards the duty when the present restriction on import is removed, as this matter is one which will no doubt come under consideration by the Currency Committee."

The Hon'ble Sir Dinshaw Wacha asked :—

Gold at the
Ottawa
Mint.

4. "(a) What is the amount of gold held by the Ottawa Mint on account of the Secretary of State for India, who has authorised it to sell on his behalf telegraphic transfers on India, without any limit as to the amount for gold to be tendered at that mint?

(b) In taking this step, were Government aware of the strong feeling in this country against the location of the Gold Standard Reserve in London?

(c) Will not this power given to the Ottawa Mint operate against a flow of gold from the United States to this country?"

The Hon'ble Mr. H. F. Howard replied :—

(a) "The Government have so far received no information of any gold having been tendered at the Ottawa mint under the arrangement referred to by the Hon'ble Member.

(b) Does not arise, as any gold so tendered would in all probability not form part of the Gold Standard Reserve, and in any case would be shipped to India.

(c) The answer is in the negative. The effect of such transactions, should any take place, will for the reason just given be the opposite of that suggested by the Hon'ble Member."

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[*Sir Dinshaw Wacha ; Mr. H. F. Howard ; Sir Arthur Anderson.*]

The Hon'ble Sir Dinshaw Wacha asked :—

5. " Does the exemption granted to the Tea Industry from payment of income-tax continue ? What was the loss to revenue from that exemption in 1918 ? " Exemption of Tea Industry from income-tax.

The Hon'ble Mr. H. F. Howard replied :—

" The answer to the first part of the question is in the negative, but assessment of the tax has been postponed pending the decision of the Calcutta High Court on a test case.

To answer the second part of the question is not possible without a detailed examination of the books of all the companies concerned, and, in view of the labour which this would entail, the Government do not feel justified in asking the companies to supply the information."

The Hon'ble Sir Dinshaw Wacha asked :—

6. " Is it true that the coinage of gold coins at the Bombay Mint has been stopped in obedience to an order of the English Treasury ? Will Government be pleased to make a statement on the matter and indicate when gold coinage in India is to be resumed ? " Coinage of gold at the Bombay Mint.

The Hon'ble Mr. H. F. Howard replied :—

" It is the case that the minting of gold coins at the Bombay branch of the Royal Mint has been suspended. This was done on a suggestion from His Majesty's Treasury, as their Deputy Master, who was in charge of the Bombay Mint, had to be invalided in April last. In point of fact it was a substantial convenience for the Government of India to be able to utilise the plant of the gold mint, in order to supplement that of their own silver mint, the resources of which were severely taxed in order to cope with the great demand for rupee coinage ; while at the same time experience had shown that, owing to the large internal premium on gold, the minting of gold coins for use as currency was in present circumstances of little assistance, as such coins did not remain in circulation. The resumption of gold coinage in India will depend on the future currency policy of the Government as arrived at after the Indian Exchange and Currency Committee, now sitting in London, has concluded its deliberations."

The Hon'ble Sir Dinshaw Wacha asked :—

7. " Will Government be pleased to state what progress has been made with the Conkan Railway on the Western Coast ? To whom has the concession for construction been given ? Is it an Indian Company ? Will the State build and manage the Railway themselves ? " The Conkan Railway on the Western Coast.

The Hon'ble Sir Arthur Anderson replied :—

" A detailed survey by the agency of the Madras and Southern Mahratta Railway has recently been sanctioned for a metre gauge railway from Karad *via* Chiplun to Ulva.

Consideration is also being given to an alternate proposal for serving the same interests by a broad gauge branch taking off from the Great Indian Peninsula Railway.

No decision can be come to as to the agency which will build and work the railway until both proposals have been fully examined."

[*Sir Dinshaw Wacha ; Mr. H. F. Howard ;* [12TH SEPTEMBER, 1919.]
Rao Bahadur B. N. Sarma ; Sir
Arthur Anderson ; Sir William
Vincent.]

The Hon'ble Sir Dinshaw Wacha asked :—

The
Currency
Committee.

8. "What is the number of Indian and European witnesses invited from this country to give evidence before the Currency Committee?"

The Hon'ble Mr. H. F. Howard replied :—

"The number of witnesses who have gone from India with the special object of giving evidence before the Currency Committee, are :—

Indians	...	...	...	...	...	4
Europeans	...	...	...	...	...	None.

The Government of India understand, however, that apart from these, the Committee are taking the opportunity to examine several persons from India who happen to be in England for other reasons."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Commission
allowed by
firms
manufacturing
Railway
materials.

9. "(a) Is it a fact that firms manufacturing Railway material give large commissions on the prices quoted to the agencies through which orders are placed?"

(b) Is the Railway material purchased for the Indian Government either by the Railway companies or their agents or by Government purchased direct from the manufacturing firms or through commission agencies?

(c) Who appropriates the difference, if any, between the actual net rate received by the manufacturer and the nominal quotation rate?

(d) What is the percentage of difference, if any, on the average?"

The Hon'ble Sir Arthur Anderson replied :—

"In reply to the first two parts of the Hon'ble Member's question, Government have no knowledge of commissions being paid by firms manufacturing railway materials to those through whom orders are placed, and would not countenance the existence of any such practice. Government do not employ commission agencies for the purchase of railway materials.

The other parts of the Hon'ble Member's question do not arise."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

10. "Will Government be pleased to state—

Proceedings
taken
against
persons
under the
Defence of
India Act,
etc., since
30th March,
1919.

(1) the number of persons against whom proceedings have been taken since the 30th March, 1919, (a) under the Defence of India Act, and (b) under the Bengal and Madras State Prisoners Regulations, in each of the provinces in India, and

(2) the number of persons interned or deported since that date?"

The Hon'ble Sir William Vincent replied :—

"(1) (a) So far as information is available the total number of persons against whom proceedings of any kind, including judicial prosecutions, were taken under the Defence of India Rules during the period named was 111. This includes action taken temporarily against Afghans during the Afghan war; and also temporary orders of precensorship or exclusion passed against particular newspapers and orders for the censorship of correspondence. It does not include

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[*Sir William Vincent; Rao Bahadur B. N. Sarma; Mr. H. F. Howard.*]

some prosecutions which were ordered by District Magistrates in the Punjab under powers delegated to them. The number of these is not known to the Government of India.

(b) The number of persons against whom action was taken under the Bengal and Madras Regulations was 18, of whom 13 were deported from Peshawar when martial law was declared there after the outbreak of the war with Afghanistan.

If the Hon'ble Member wishes to have the information I shall be glad to furnish him with a statement showing the number of persons confined under these Regulations who were released during this period.

(2) The total number of persons interned or deported under the Rules or Regulations, again including action taken in consequence of the Afghan war, was 49. Orders of restriction were also passed in 26 cases."

The Hon'ble Rao Bahadur B. N. Sarma :—" May I ask a supplementary question? How many were released? "

The Hon'ble Sir William Vincent :—" I shall be very glad to give the Hon'ble Member the information privately or lay it on the table as he may desire."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

11. "(a) What is the estimated additional cost per annum by reason of the increases sanctioned since January, 1919, in salaries, pensions and other emoluments under each of the following heads (i) the Army, (ii) the Indian Police Service, (iii) the Indian Forest Service, (iv) the Indian Medical Service and (v) the Educational Service? Additional cost per annum of various services.

(b) Will Government be pleased to state whether any additional taxation is contemplated and, if so, in what directions, to meet such increased cost? "

The Hon'ble Mr. H. F. Howard replied :—

"(a) The estimated additional cost per annum on account of increased salaries sanctioned since January 1919 is as follows :—

	Recurring cost per annum. Rs.
(i) The Army :—	
A. Increase of pay of matrons employed in Station Family Hospitals ...	... 24,000
B. Revised rates of furlough pay to Indian Army and Indian Medical Service Officers ... ..	... 3,20,000
Total	3,54,000
(ii) The Indian Police Service ... ..	... 18,00,000
(iii) The Indian Forest Service ... ..	... 4,50,000
(iv) The Indian Medical Service, Civil and Military Sections ... ..	... 25,00,000
(v) Educational Service <i>ad interim</i> relief ... ..	... 2,50,000

The Government of India have addressed the Secretary of State regarding the recommendations of the Public Services Commission in respect of pensions and other allowances of the civil services, including the Police, Forest and Educational Services. Orders have very recently been received on certain points only, the financial effect of which in regard to the above services cannot yet be stated on the data now available.

132 QUESTIONS AND ANSWERS; RESOLUTION *re* APPOINTMENT OF COMMISSION TO INQUIRE INTO RECENT DISTURBANCES IN THE PUNJAB.

[*Mr. H. F. Howard; Mir Asad Ali, Khan Bahadur; Sir George Barnes; The President; Mr. Kamini Kumar Chanda.*]

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(b) The Government do not know how far additional taxation may ultimately prove necessary to meet the expenditure involved by these increases of pay, coupled with the revisions of the pay of subordinate establishments which have been recently carried out or are under contemplation in the various provinces."

The Hon'ble Mir Asad Ali, Khan Bahadur, asked:—

12. "Has the attention of Government been drawn to the recent enactment The Asiatics Trading Act. by the South African Union legislature of the Asiatics Trading Act and to allegations that serious disabilities are thereby imposed upon the Indian community in the Transvaal? If so, what steps have Government taken to safeguard Indian interests in the colony?"

The Hon'ble Sir George Barnes replied:—

"This matter was fully dealt with in His Excellency's speech on the opening day of this Session, to which I refer the Hon'ble Member."

RESOLUTION *re* APPOINTMENT OF COMMISSION TO INQUIRE INTO RECENT DISTURBANCES IN THE PUNJAB—(Contd.)

The President:—"The debate will be resumed on the Resolution moved by the Hon'ble Pandit Malaviya."

11-15 A.M.

The Hon'ble Mr. Kamini Kumar Chanda:—"My Lord, rising to speak on this Resolution at this stage I confess to a feeling of some embarrassment. There is so much to say that I really do not know where to begin, where to end, what to say or how much to say. Now, in spite of what has fallen from the lips of my Hon'ble and gallant friend sitting to my right (Hon'ble Sir Umar Hayat Khan) whose authority on military affairs in the Punjab no one for a moment will dispute, I feel constrained to say that one feels that recent happenings in the Punjab have been such as to make it impossible to believe that anything even making a near approach to them could happen under the British administration. I take it, my Lord, that my Hon'ble and gallant friend and gentlemen of his way of thinking believe that there was nothing to complain of about the treatment meted out to the people of the Punjab recently. But, my Lord, on the other hand, I do not refer to the communications, the harrowing accounts which some of us have been receiving first-hand from people living in the Punjab. Leave that alone. There is the resignation of Sir Sankaran Nair which the other day the Secretary of State told the House of Commons, as wired by Reuter, was due to his views with regard to martial law in"

The President:—"Order, order, I stopped the Hon'ble Pandit when he referred to Sir Sankaran Nair's resignation. There is no official statement to which the Hon'ble Member can refer. The Hon'ble Member must leave the subject."

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[*Mr. Kamini Kumar Chanda.*]

The Hon'ble Mr. Kamini Kumar Chanda:—"I bow to your Lordship's decision. I referred only to what was stated by the Secretary of State in Parliament. However, that is interpreted by the people differently and simply on that account, apart from other evidence the people feel distressed about the Punjab. Then, my Lord, when a saintly character like Mr. C. F. Andrews was denied entry into the Punjab to see with his own eyes the state of things there, you cannot expect that that would have a reassuring effect upon the public mind that everything there would bear open scrutiny. Then there are the proclamations, notifications, ordinances, orders, I do not know by what name they are called, issuing from the martial law administration, some of which have seen the light of day and which fill the mind with amazement mingled with indignation. I am not surprised my Lord, that my Hon'ble and gallant friend, the Hon'ble Major Malik Sir Umar Hayat Khan, Tiwana, not only sees nothing to object about the treatment of the Punjabis under martial law régime, but would resent any one from outside calling attention to what has been described by Sir Rabindranath Tagore, the poet and recluse who never mingles in politics, but felt constrained in his protest against the administration of martial law in the Punjab to request to be relieved of his knighthood, 'as a degradation not fit for human beings' under 'methods of administration without a parallel in the history of civilized nations.' I say, my Lord, I am not surprised at that attitude. The mentality is easily understandable. Then, my Lord, if even a tenth part of the allegations and suggestions which the industry and devotion of the Hon'ble Pandit has formulated in a string of questions of the most searching character and which has found its way into the press, bears anything like semblance of truth in them, one would say that he would like to run away from this land and go into the jungles. I sincerely trust, my Lord, for the good name of the Government under which I am proud to live that my Hon'ble friend is mistaken. I sincerely trust that these charges are untrue, but if true, my Lord, would they not constitute a very grave indictment against the administration of Sir Michael O'Dwyer, hardly less grave than the charges that were made against Warren Hastings? My Lord, I humbly submit that these things must be refuted, must be disproved by the findings of a tribunal, of an independent tribunal, whose verdict will carry universal assent. My Lord, it is hardly necessary to point out in the words of the Court of Directors of the East India Company that it is not enough that justice is done but the people should be made to realise, to feel that justice is being done. The Government of India is responsible for ratifying the policy adopted by Sir Michael O'Dwyer, and it is a matter for grave regret that the Government do not see its way to have a Royal Commission to investigate these charges, a Commission whose verdict, whose decision would carry infinitely greater weight than that of any Commission or Committee that may be appointed in this country. My Lord, in view of the fact that the policy that will have to come under the scrutiny of the Committee is ultimately the policy of the Government of India, it can hardly be doubted that the finding of the Committee in so far as it may find in favour of that policy will not carry conviction if it has to report to the Government of India. On the other hand, my Lord, I fully realise that in view of the fact that your Excellency was pleased to announce the appointment of a Committee of Inquiry and the terms of reference to it, it is hardly likely that the Government will feel disposed to accept the suggestion of my Hon'ble friend to have another Commission.

"My Lord, I submit that under these circumstances it is very desirable to find a *via media*, and a practical solution would be to ask the Committee to report not to the Government of India but to the Secretary of State. The composition of the Committee should also be revised. It cannot be denied that

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the composition of the Committee has not evoked much enthusiasm in the country among the Indians. Of course I do not speak about the Anglo-Indian press which in this matter does not count. My Hon'ble friend read extracts from the leading organs of what is known as the moderate party, and even they do not appear to be satisfied with the composition of the Committee. In the first place, the Indian element is hardly adequate. In a matter like this I submit that the number of Indians should be equal to that of the Europeans. In the next place, as regards the personnel of this Committee, we see here as we saw in the case of the recent Reforms Committee that a Moslem member is drawn from one of the Indian States. I do not know if that means the introduction of a new policy. Without making any the slightest reflection in the remotest degree against the gentleman concerned, I submit that it is hardly right and fair to the great Moslem community to go out of British India to the Indian States, to make a selection of a Moslem member. I submit that this is a matter for your Excellency's consideration. I submit that in these circumstances the best thing would be to add another Indian member selected in such a manner as would give satisfaction to the Indian community. I do not know that any better selection could be made than one from the panel which my Hon'ble friend suggested in the revised Resolution which he wished to move but was not allowed to move. Say what you will, it is impossible to deny that the judgments or decisions, call them by the term judgments if you like, of the courts of martial law, which was described by Lord Haldane when dealing with applications to grant leave to appeal to the Privy Council from the martial law decisions, 'as a negation of law' have caused deep distress to the public that Indians of the Punjab who are held in high esteem for their character and position are branded as rebels. There may be technical difficulties in the way of a Committee going into these matters, but surely something can be devised if you really wish to bring peace to the land. The Hon'ble Pandit Malaviya suggested that there had been convictions without any record of any summary or any memorandum of evidence, convictions without reasons of decisions, cases without even disclosing the offences, cases taken up at midnight without giving due notice to the accused persons, their relations, friends or lawyers of the change of date, because martial law was going to expire after midnight. In such cases the mind is distressed and unless you find some means by which these cases can be scrutinised, the grievance will remain. I really feel that there can be no real difficulty in finding a means, if you wish it. If you can have an Indemnifying Bill you may as well have some measure which will enable these cases being revised. A simple process would be to vest the Committee with power to investigate the cases with power to investigate this matter, look into the judgments and then report to His Majesty in Council with recommendations for annulment of convictions. We are grateful to your Excellency and to His Honour Sir Edward Maclagan for acts of clemency in the wholesale reductions of sentences ordered. I do not know if the Government have seen an account given by a press correspondent of his interview with Kali Nath Rai after his release from jail. It appears therefrom that these acts of clemency failed to evoke any response in the hearts of the accused persons. It appears almost as a mockery to tell an innocent man that his sentence has been reduced or that he has been pardoned. In these cases what is prayed for is no clemency but justice, no favour but fair treatment. With these humble words I support the Resolution of my learned friend."

11-26 A.L.

The Hon'ble Sardar Sunder Singh Majithia :—"My Lord, I sincerely deplore the most unfortunate events that have happened in my province, and in view of the Committee of Inquiry that was announced by your Excellency in your Excellency's opening speech this Session on the 3rd September, and which I have no hesitation in saying will be welcomed by my

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[*Sardar Sunder Singh Majithia; Raja Sir Rampal Singh.*]

fellow-subjects in the Punjab, I think the Resolution of my Hon'ble friend is unnecessary, as the necessity of an inquiry which my Hon'ble friend wanted has already been conceded. I would, however, very strongly urge the addition of a third Indian member, from amongst the public men in India, on this Committee. I hope that if your Excellency's Government were to accede to this request, it will satisfy everybody.

"Your Excellency, as representing His Majesty the King Emperor, is, I think, the right person to whom this report of the Committee should be submitted.

"One point more I would, however, suggest if the enquiry has to serve a useful purpose; and that is that an assurance should be given to the people who are to give evidence before this Committee that they will be fully protected from every sort of harassment from the underlings of the Police or otherwise.

"The need of an inquiry having been admitted and a Committee having been appointed, I would advise my Hon'ble friend, the mover, if it would not be wise to withdraw his motion."

The Hon'ble Raja Sir Rampal Singh:—"My Lord, I think I ^{11-30 A.M.} would be failing in my duty towards my country and its Government if I do not make a few observations in support of the Resolution that was moved by the Hon'ble Pandit Madan Mohan Malaviya. After the announcement made by your Excellency as to the appointment of the Committee and its personnel and the terms of reference, I thought it might not be of much avail to press the Resolution on the attention of the Government. But the exigencies of the situation require that the views of the non-official Members of this Council and of those whom they represent, may with advantage be put before the Government, with the object of impressing upon them the desirability of some modification in the constitution of the Committee and their terms of reference in order to restore confidence in the public mind which has got shattered in the sense of justice of the Government.

"With all the precautions that were taken to exclude the public from getting a glimpse of the terrible happenings in the Punjab, the country is full of all sorts of rumours which have created a wide-spread dissatisfaction, discontent and resentment. I have no direct knowledge of the disturbances and the manner in which the Punjab authorities quelled them, but the little that I could gather from the papers and other sources is enough to convince me that the stern measures adopted under the plea of restoring law and order were uncalled for, hasty, and out of all proportion to the gravity of the situation. Was the Government justified in declaring a state of open rebellion in the Punjab, I believe not. At a time when the Government was entangled in the grip of bloody war, the Punjab showed by her enormous contributions in men and money, her sincere earnestness and loyal devotion to the cause of the Empire. How was it that a few months after the war which had terminated in the much desired victory of the Sarkar she got her head turned as to rebel against that very Sarkar?

"It requires too great a stretch of one's imagination and too great a strain on one's credulousness to believe that a state of open rebellion did exist in the Punjab. However, if for argument's sake, it may be admitted that such a state of things did prevail there was it justifiable for the authorities concerned not to have used proper and wise discretion in the exercise of the unrestricted powers that seem to have been bestowed upon them? The seriousness of the recent Punjab affairs cannot be too highly exaggerated and a patient and impartial inquiry and the redress of the wrongs that might have been done can

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only clear the atmosphere and restore confidence in British justice. The times are changed. The moral sensibility of India has become very sensitive in sympathy with the modern standard, and so any miscarriage of justice or any high handedness creates a feeling of alarm and resentment not only in the locality concerned, but throughout the length and breadth of the country.

“ Political demonstrations, strikes and passive resistance are matters of common occurrence in modern political warfare in democratic countries. What wonder there is if India, walking on the footsteps of such countries and taking her lessons from the people who rule over her, indulges in similar movements. Never in those countries is a state of open rebellion declared, then why should India receive a different treatment at the hands of her Government? I admit the populace of this country is not as disciplined and orderly as of some of the European countries, and sometimes control over the mob is lost and most reprehensible excesses are committed which cannot be too highly deplored and condemned. No sane man can have the least sympathy with the culprits of such excesses. By all means they deserve the severest punishment which the Criminal Law provides. But, my Lord, to conclude from such excesses that the country is in a state of rebellion is nothing short of libel to the good name, reputation and honour of India. I, therefore, pray that the Government will be pleased to see their way to modify the constitution of the Committee and the terms of reference in such manner as to secure the confidence of the country.

“ My Lord, we are very keen on an inquiry to be made by an independent and impartial Committee having a sufficient number of Indians on it and commanding the confidence of the public. If the Punjab will be adjudged by such a tribunal to be guilty of rebellion against the Sovereign, I am sure she would willingly do the penances for her misdeeds and the people outside her limits will only pity her folly. But if the case is otherwise and there were potent provocative causes for the disturbances, the sin of defaming the name of India will fall on those who misled the Government of India into committing this serious blunder.”

11-35 A.M.

The Hon'ble Mr. K. V. Rangaswamy Ayyangar:—“ When I rise to say a few words on this occasion, I am not unmindful of your Excellency's advice not to accentuate the differences between the races by our speeches. Had the Government of the Punjab and the Imperial Government only cared for this principle not to stir up race hatred by unnecessary and unjust acts, there would have been no occasion for such an advice as came from your Excellency at the opening day to the Members here. As if those acts have not already created a feeling of estrangement our speeches expressing the sentiments of the people are not going to create any new differences. Your Excellency also said on the opening day that the Government cannot deviate from the policy and all our talks and efforts to make the Government deviate from the policy were futile.....

The President:—“ I never said anything of the sort, Mr. Ayyangar. Please quote me correctly if you quote me at all.”

The Hon'ble Mr. K. V. Rangaswamy Ayyangar:—“ Then I much regret. It is our duty to voice forth the sentiments of the people, and this makes me bold to say what I feel, and what the country feels over the Punjab incidents.”

“ It was on the occasion of the Anniversary of the Durbar Day in 1912, the gravest act of treason was committed by some individual in throwing a bomb at no less a person than that most humane and just ruler Lord Hardinge. The then head of the Government did not commit any hasty action and pronounce martial law at Delhi and sack Delhi. There was even a talk that some military authority approached the Government for a similar proclaiming,

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[Mr. K. V. Rangaswamy Ayyangar.]

but that it was not permitted. Thus the then rulers averted a great calamity that would have befallen India as it happened during recent times.

“ Your Excellency had asked us to go and see the spot personally even now. No one denies there were certain rash acts committed by some stray individuals in tearing asunder the railway lines and telegraph wires and burning properties. The loss of innocent European lives is highly regrettable. By all means trace out the culprits and award them due sentences. But how could the British sense of justice suffer to see other than the real culprit pay the penalty? The organisers of the meeting for the repeal of the Rowlatt Act should not have been held responsible for the rash acts of these stray individuals. Could the organisers of the Durbar Day in 1912 be court-martialled for the rash acts of the bomb-thrower on Lord Hardinge? Against such an act there have been demonstrations in the whole of India. But in the other parts of the country the authorities acted with calmness and prudence, while in the Punjab they immortalised themselves by interpreting constitutional agitation as ‘ open rebellion.’ I have it on the authority of the moderate journal ‘ The Leader ’, that the Provincial Satrap of the Punjab is said to have declared his intention of taking a note of the Anti-Rowlatt agitation and Passive Resistance demonstration before there was any disturbance of peace. A meeting was held at Amritsar and the two leaders that took part in it were deported under the Regulation, III of 1818. At Lahore on the 10th April, a small crowd passing through the street in an unoffensive manner was fired upon. Bombs were thrown from aeroplanes; the authorities in the Punjab did not apprehend any rebellion; and the martial law was not declared to quell any rebellion, but to teach a lesson to the political agitators what it is to mix up with politics. As a matter of fact, I was told by a respectable gentleman, that an Englishman who wanted to enter the Punjab and make inquiries for himself was told by a very high authority, that the people should be taught a lesson, as to how they would fare if they would molest any European. If it is asserted that martial law was only introduced only after a serious rioting, it may be pertinently asked, whether Martial Law Orders were not issued to the province of Delhi and parts of Bombay also. But for the tactful handling of the situation Delhi, Bombay and Calcutta also should have fared the fate of the Punjab. What I want to point out is, that the Martial Law Orders were passed before there was rioting or rebellion; and without the martial law there would be restored quiet in the Punjab as in Delhi, Bombay and Calcutta. The measures adopted there are according to the judgments of persons who were in touch with the Punjab, and gentlemen, who cannot come to false conclusions, grossly illegal, excessive, and wrong, and the reports conveyed in the papers about such atrocities as committed at Jallianwalla Bagh and other places, fill one’s heart with horror and dismay. Other ways of teaching the people to look at a European with awe and respect should be resorted to, and martial law is not at all the weapon for that purpose. The principles laid down for the promulgation of martial law does not at all seem to have been observed. ‘ The only principle on which the Law of England tolerates what is called martial law, is Necessity.’ Every bad act in this world is only the result of hasty action; and hasty actions should be questioned by an impartial Tribunal and retribution effected.

“ The Right Hon’ble Lord Sinha says, in the House of Lords, that it was not in the power of the tribunal to sentence these men, save for anything else than transportation for life and forfeiture of property. The Judges and the Tribunals, and the Right Hon’ble gentlemen were convinced that the judgment

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is quite unjustified in the case of Hari Krishnan Lal, and a lot of others, but yet they have to plead that it was not in their power to award just and deserving judgments. Why should we drag in a martial law and place these men for trial under Martial Law Tribunals when the ordinary courts were going, and then plead that it is not in our power to award just judgments? The judgment in the case of Hari Krishnan Lal read together with the Amritsar one forms one of the saddest commentaries on British justice

The Hon'ble Sir William Vincent :—“ May I rise to a point of order? Is the Hon'ble Member in order in discussing a judgment which is now pending before the Privy Council? ”

The President :—“ The Hon'ble Member is not in order. If the Hon'ble Member will look at Rule 3(c) and at Rule 15 he will see that he is not in order in referring to any matter which is under adjudication by a court of law. Therefore he must not mention the matter at all.”

The Hon'ble Mr. K. V. Rangaswamy Ayyangar :—“ We want the Committee to inquire whether martial law was necessary and justified, and whether the findings of the Martial Law Courts, the severity and the cruelty of their sentences were right. And if they were not right what are the proceedings to be taken against the administrators and promulgators of martial law, and what is the compensation that is to be given to the innocent and injured? Many adult earning members of large families were incapacitated and many died. The Committee should find out whether the shooting of the people was justified before there was any disorder and whether there were any disorders before fire was opened. It is to question the action of the Government of India, the Government of the Punjab, and the administrators of martial law, that we want the Commission of Inquiry. The Commission that we want should be unconnected with the Government of India, and it should be elected by the Non-Official Members of this Council or nominated by His Majesty's Government. The Committee that has been appointed may carry out the orders, and act up to the terms of reference, of the Government of India. But what we the people of India want is, that an independent Committee should be constituted to find out how the wrongs done to the people may be rectified and compensated, and to devise means how such outrages will not be made possible to be repeated again by an easily excitable authority with an inflammable Press.

“ It is unfortunate that of all the Provinces, the Punjab which has supplied so many recruits to the army, and on whose wheat the major portion of the life in the British Empire is sustained, should suffer this monstrous treatment. It was only the other day, in this very Council, that Sir Michael O'Dwyer wasted nearly an hour in praise of his province, the Punjab. The latest Administration Report also is very eulogistic of the Punjab services and loyalty. Then as the 'Modern Review' puts it, either those protestations were reprehensible untruth, or the province was suddenly converted to a mire of discontent on account of bad rule. Will the Committee be empowered to suggest how the authorities who were the cause of all this discontent, and those of them who were responsible for unnecessary harshness and cruelty, and those also who by corrupt practices became rich at the expense of the people, should be punished? ”

“ I am bringing to notice that such a thing has happened and I hope that the people will be treated with justice by the Committee of Inquiry.”

11-45 A.M. **The Hon'ble Raja of Kanika** :—“ My Lord, I entirely agree with my friend the Hon'ble Sardar Sundar Singh that a Committee having already

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been appointed to inquire into the recent events in the Punjab, it is not necessary for my Hon'ble friend Pandit Malaviya to press this Resolution. I think if another Indian is appointed to the Committee it will give satisfaction to all."

The Hon'ble Sir William Vincent:—" My Lord, I am afraid 11-46 A.M.
that the Hon'ble Member has been a little unlucky in his attempt to modify the terms of his Resolution, but if that is so, I think that many in this Council will agree that it is largely owing to his own fault. Since the Secretary of State's speech in the House of Commons most people have been aware of the character of the inquiry which the Government of India proposed into these disorders, and certainly on the 3rd of this month it was quite obvious what the intentions of the Government of India and the Secretary of State were. The Hon'ble Member at that time, although there was sufficient interval between that date and the 10th, did not give us any notice of any amended form of Resolution until the very last moment, and it is reasonable to assume or conclude,—and the conclusion is fortified by what I have heard here during this debate,—that one of the reasons which led him to this modification of his Resolution was that he could find no support for it in its original form, or no adequate support. The Hon'ble Member has evaded the difficulty by some very clever manœuvring; and he really made a speech which covered all the points in the amended Resolution, although nominally moving the original one. But even then, I think, the Council will realise that he has got himself into a pretty fair muddle at the end. I have not heard one speech from any Hon'ble Member who has been able to support the Resolution in its entirety in its present form. I have heard various suggestions of different kinds from Hon'ble Members. The Hon'ble and gallant Member, Sir Umar Hayat Khan, suggested the addition, I think, of a Punjabi if any one was added to the Committee. The Hon'ble Mr. Crum said 'You should add another European to the Committee'. Mr. Sarma, who is generally a whole-hearted supporter of the Hon'ble mover, said, 'I really cannot support the last part of this Resolution' but other measures to revise sentence should be taken. My Lord, I think it will be obvious to this Council that it is quite impossible for me to announce the decision of Government on any of these new suggestions at a moment's notice. The constitution and terms of reference of this Committee have been settled after very careful consideration and prolonged consultation with the Secretary of State, and Hon'ble Members will themselves realise that it is quite impossible for me to answer these questions offhand. What we all want is an impartial inquiry into this matter which will result in the ascertainment of the facts. The Government deplures as much as the Hon'ble Member does the loss of life that has occurred during these recent disorders. We cannot agree with him, however, that it is a matter of the number so much as of the manner which and the reasons for which these men and women unfortunately met their death.

The Hon'ble Pandit Madan Mohan Malaviya:—" No 'women'."

The Hon'ble Sir William Vincent:—" But, my Lord, I do think there is some cause for complaint....."

The Hon'ble Pandit Madan Mohan Malaviya:—" May I interrupt my Hon'ble friend? The Hon'ble Member said 'women'; has any woman met her death in these events?"

The Hon'ble Sir William Vincent:—" I did not say death, my Lord, or if I did I made a mistake. One woman was however treated with the greatest indignity and left for dead; I do not know if that will satisfy the

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Hon'ble Member. But what I was trying to say was that, while the Hon'ble Member and others have deplored these dreadful happenings, there has been, in some quarters, a tendency unfairly to minimise them. If I may cite a very prominent example I could not do better than quote the Hon'ble Mr. Ayyangar. It is my misfortune, my Lord, that the Hon'ble Member cannot hear what I say, charm I never so wisely, so that if I address myself to this point it is not in the hope of convincing him. But what I take exception to is his minimising of these events and calling them 'rash acts.' He referred to injuries and the deaths, murders or some words of that kind, of Indians but not one word of what happened to the outrages on those unfortunate Europeans. Now, I have no desire whatever to excite prejudice in this matter, and if other Hon'ble Members had followed the example of the Hon'ble mover it would have been possible for me to avoid reference to details to a great extent. But I do deprecate any such minimising of terrible incidents. We have, for instance, the case of this lady, Miss Sherwood, to whom I referred just now. Now what are the facts in regard to this unfortunate woman? She had worked for years in this country as a doctor, a perfectly inoffensive woman, respected, as I understand, by all. She was attacked by a mob of people which knocked her down six times, beat her with shoes, struck her with *lathis* and left her for dead. This is described at a meeting of the All-India Home Rule League, of which I believe the Hon'ble mover is a member.....

11-50 A.M.

The Hon'ble Pandit Madan Mohan Malaviya:—"I am President of the All-India Congress Committee."

The Hon'ble Sir William Vincent:—"Am I to understand the Hon'ble Member is not a member of the Home Rule League? However, that outrage was described at a meeting of this body as a petty assault. Now I put it to the Council that that is not a fair description....."

The Hon'ble Pandit Madan Mohan Malaviya:—"May I know which body described it as a petty assault?"

The Hon'ble Sir William Vincent:—"My Lord, may I be allowed to continue my speech without these constant interruptions?"

The President:—"The Hon'ble Member will have an opportunity of replying later, and I think he should allow the Hon'ble the Home Member to continue without interrupting him."

The Hon'ble Pandit Madan Mohan Malaviya:—"My Lord, may I submit that in Parliament questions are asked as the discussion is going on. These questions cannot be asked at the end of a speech."

11-51 A.M.

The Hon'ble Sir William Vincent:—"My Lord, may I ask that the time for which the Hon'ble Member interrupts me may be deducted from the period which I am allowed."

"Then, my Lord, there is another class of men who deplore the occurrence—gentlemen who protest their horror and indignation really as a prelude or as an introduction to deprecating any effective measures being taken to suppress disorders. No attempt, my Lord, was made by gentlemen of this category in any way to stop the false reports about the Rowlatt Act or to quell the disturbances."

"But, my Lord, while I mention these men, it would be ungrateful and unfair of me if I were not also to refer to the services of other Indians, some of whom are in this Council now. I include my Hon'ble and gallant friend Sir Umar Hayat Khan Tiwana, Sardar Sunder Singh and many other members of the Punjab whom it would be invidious to mention, who not only sought to assist

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Government in this time of trouble, but did everything they could to allay the disorders and further, my Lord, did what was necessary—that which, thank God, has not been necessary since 1857—to save European lives from murder and outrage at the hands of the mob. To them the thanks of Government, as we said in a Resolution at the time, the greatest thanks of Government are deservedly due. I am anxious, my Lord, not to enter into these matters because I do not seek in any way to prejudice this inquiry. I want, as I have said before, to deal with the proposal which is actually before this Council. There have been modifications of the Resolution suggested on which I can, as I have explained, express no opinion. They are matters on which the collective counsels of the Government of India must necessarily be taken, and on which consultation with the Secretary of State will in some cases at least also be necessary. I trust therefore that Hon'ble Members will not press me on points which are not directly before them as part of this Resolution. The proposal before Council is in the first place for the appointment of a Royal Commission. May I point out that the only authority which can constitute a Royal Commission is His Majesty's Government. Now, His Majesty's Government is represented by the Secretary of State so far as India is concerned. The constitution and scope of the present Committee have been settled after prolonged consultation with him and it is, I submit, idle now to ask us, the Government of India having decided the constitution of that Committee, to re-open the matter with him. The Secretary of State, who is His Majesty's representative, has accepted our view that the present form of inquiry is adequate. If any motion for a Royal Commission is now to be made, I submit that it should be made in the House of Commons. But, when he was making the motion, although that is part of the Resolution, the Hon'ble Member did not suggest that the inquiry should be by Royal Commission or that the Committee should be so appointed, but he suggested that certain members should be added to it and that the Committee should report direct to the Secretary of State. There are various arguments which will, I think, commend themselves to reasonable Members of this Council why the Government of India should only appoint a Committee to report to itself. The Government of India cannot say to a Committee 'you are to report to His Majesty or to the Secretary of State or any authority but itself.' Of course, in the normal course of things the report of this Committee will be forwarded by the Government of India to the Secretary of State and will be laid undoubtedly in the ultimate resort before His Majesty's Government. But the authority who appoints a Committee of this kind must, according to ordinary procedure, require that Committee to report to itself. There is, however, really a very much larger question of principle involved. The Government of India has certain statutory responsibilities for the peace and good government of this country, and it cannot divest itself of those responsibilities save for very cogent reasons. To do so would be tantamount to an admission that the Government is not competent to fulfil its proper functions, that it is unworthy of the confidence of His Majesty's Government, and that it is unable to discharge its duties towards its own officers. That is a position which, I think, although some Members of this Council may wish it, the majority will, I hope, not approve. The idea underlying the proposals is that the Government of India is on its trial. My Lord, that is a position that the Government of India do not and cannot accept. Because certain persons have chosen to promote serious disorders in this country, because certain measures have been taken to quell those disorders, is the Government of India for that reason to divest itself of its responsibilities in a matter of this gravity? There can be only one answer to a question of that kind. It is not reasonable that the Government should be required to take such a course, and if such a proposal is to be made, then the proper place in which to move it is another place.

“There remains this question, the third question, I think, of remission of sentences. My Lord, the sentences have been reviewed with the greatest care

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by the Local Government, and in many cases by the Government of India, and as admitted by many Members of this Council clemency, great clemency, has been shown. It has indeed been alleged in some quarters that the clemency shown by the Government in this matter is an indication of weakness. That is a proposition which the Government of India do not for a moment support. They recognise that many of the unfortunate men who were concerned in these disorders were the dupes of others; the disorders are now over and the desire of the Government is that normal conditions should return. My Lord, I confess that one is not much encouraged in the exercise of clemency by language such as that used by the Hon'ble Mr. Chanda, but such language will of course not deter the Government of India from continuing in that course which it conceives to be right and just.

"The Hon'ble Mover suggested that it was necessary that the report, so far as sentences are concerned, should be made to His Majesty in Council because otherwise the guilt of these men could not be wiped off, that they could not be purged of the stain that lay on them by reason of the convictions. At least that is what I understood. I think there is some misapprehension on that matter, because your Excellency has in this matter delegated to you exactly the same powers of pardon as those which are exercisable by His Majesty. This therefore is a reason which will not really hold water.

"The Hon'ble Mover in his opening speech admitted, in the most candid manner, his full confidence that your Excellency and your Excellency's Government would deal with this matter with justice and integrity. He could say nothing himself against the personnel of the Committee and admitted that it really would deal with the inquiry justly, impartially and fairly. I tried to take the words down and I believe I am substantially correct. Now, my Lord, if that is so, is there any reason for changing the whole of the personnel of this Committee? Is there any reason why, if this Government is, as the Hon'ble Mover says, anxious to act with the utmost fairness, why we should divest ourselves of our responsibility in this matter or that the Committee should report direct to His Majesty's Government? The inquiry will, as is already known, be as far as possible public, and it is our intention, unless there is some unforeseen reason to the contrary, to publish the final report. The personnel of the Committee is such that it must, in spite of what has been said, command very considerable confidence. There are certain additions proposed to which I have already adverted, but to which I can at the present moment make no definite answer. But I want to assure the Council of this, that the desire of the Government is one and one only, that there may be an impartial inquiry into these disorders, that the truth may be ascertained, and that what is possible may be done to restore normal conditions, to allay racial feeling and restore the country to peace and quiet."

12-6 P.M.

The Hon'ble Sir Dinshaw Wacha:—"Your Lordship in a controversy on a subject of the character which is now under discussion by the Council, it is very natural that sentiments, feelings, suspicions, imagination and one thing or another of a kindred character should always be mixed up. It is quite natural; and it is only human that in such a controversy there should be extreme views. It is also natural that there should be moderate views as well. Human nature being what it is, I am not at all surprised that one set of controversialists have gone to one extreme and another set of controversialists to another extreme. The pendulum swings from one end to the other. There is no golden mean, as it were, where the whole controversy might be balanced, as we could balance a pair of scales, and come to a right judgment on the subject. That being the situation, my Lord, I am very sorry that the controversy has assumed a kind of character here which is undesirable. But I do believe that what the Hon'ble the Home Member, who has taken the wind

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out of my sails in some respects, has already said on the subject I may observe that after what the Hon'ble Sir William Vincent has said on the questions raised by the motion of my friend, Hon'ble Pandit Malaviya, it is very necessary that we should calmly consider the matter and have a balance of mind so adjusted as to arrive at a very correct decision on this Resolution. In this matter, I believe that it is always the case that where passions and prejudices and feelings are excited there is not, what you might call, 'clear thinking'. Clear thinking requires clear grasp of facts; and as far as facts are concerned I find, of course, that facts have been adduced by more than one speaker, which may or may not be right. The merits of the question will be decided by a Committee of Inquiry which has already been appointed. That Committee will really be the tribunal which will go into the correctness of facts, which will inform us exactly what are and what are not facts. Personally, speaking for myself, I am not aware of what the actual facts are and what are not. In Bombay, I read a variety of papers and heard a variety of 'facts' from persons who said they had had facts on first-hand information received from people in the Punjab who knew what the course of events was. Still, after all, we, Indians, are the persons who have asked for the inquiry. The Government has rightly responded to the request of the public, and, of course, asked the Secretary of State to appoint a Committee of Inquiry. That Committee has already been appointed. Therefore, the only thing now left to us, is to suspend our judgment and see what the inquiry does, what the facts elicited are, what the situation was like, and await their final conclusions. As far as their judgment is concerned I have certainly no fear on the subject. I have, as my friend Pandit Malaviya has said, firm faith in the integrity and impartiality of the tribunal itself; and I have also large and firm faith in the sense of British justice. British justice may be erratic sometimes, as every human thing is; even the planets and constellations sometimes go out of their orbits. But still, if there is any prestige for the British Government in India, and if there is any love of British Institutions, among Indians, it is certainly on account of the stern sense of British justice; and, I repeat, in that justice I have the firmest faith. That being the case, I will only say this: I appeal to my Hon'ble friend, Mr. Malaviya to withdraw his Resolution; or if he cannot withdraw it, at any rate let him delete that part of it which goes before and refer only to the request that there may be a third Indian member who commands the confidence of the public. Your Lordship, I may say this that I myself have felt, and so too my numerous friends in Bombay as well as my association which has sent a telegram on the subject to the Home Member, that India would be quite satisfied, (so far as I have read the public papers of all sorts and shades of opinion) if a third Indian member enjoying public confidence is appointed. I appeal to your Lordship to intervene in the matter and request the Secretary of State in response to the prayer of the Indian public to appoint a third Indian member, and I think all controversy, all animated controversy, will be at an end. Everybody will be satisfied that a Committee of Inquiry, so constituted as to inspire full confidence, will do full justice to the responsible task entrusted to them. I cannot forget at the same time what my Hon'ble friend Mr. Crum said on this subject from his point of view. Europeans have also a large concern in this inquiry. If there is to be a third Indian member, why not also have a non-official European member who will represent the non-official European point of view? After all, the Committee, if constituted as now suggested, should inspire confidence, and it is to be hoped that they will come to a right decision. I respectfully request that your Lordship with your great authority will represent to the Secretary of State the feelings of the people on the subject. With these few words I resume my seat."

The Hon'ble Mr. Sachchidananda Sinha:—"My Lord, I ^{12-11 P.M.} desire to assure your Excellency that I have risen to speak on this Resolution

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with a sense of very great responsibility. I have had the privilege of addressing Viceroy's in this Council on many previous occasions, but never have I addressed the Council on an occasion like this. I realise that feelings have been naturally roused on both sides, which have to some extent found expression in the Council. Far be it from me to say one word that would add to the tension of these feelings on either side, but I hope the few temperate observations I propose to make may be of some use in persuading your Lordship's Government to accept the very reasonable proposal that we have made jointly before the Council. Much has been said by previous speakers to represent the Indian point of view in regard to the situation in the Punjab, and the Hon'ble Mr. Crum has represented to your Lordship the view which our European fellow-subjects have taken in this matter. I would like to give the Hon'ble the Home Member and the Hon'ble Mr. Crum the assurance that I am not one of those who either minimise the gravity of the situation in the Punjab, or say a few words of sympathy by way of a prelude to making further demands. On the contrary, I frankly confess that I am ashamed of the doings of such of my countrymen in the Punjab as had any hand in killing Europeans, or in injuring them or destroying their property, for they had not only harmed Europeans, but injured us also in the matter of our demands for the rights and privileges that we legitimately claim as British subjects in this country. We are all against mob rule. I, therefore, claim that I am not at all minimising the gravity of the situation. In fact, I go further. I heard with surprise the Hon'ble Mr. Crum say that because a few Europeans had suffered or lost their lives, therefore he felt that he and the Europeans were the aggrieved party.

"I venture to say that it seems to me to be putting the case at rather a low level. Whether the people who lost their lives, through the action of the mob, be Europeans or Indians, so long as they are our fellow subjects, of whatever nationality, all British subjects are the aggrieved party. I claim that I feel it as much as the Hon'ble Mr. Crum that my European fellow-subjects should have lost their lives through the action of the mob. At the same time, while candidly admitting that, I would like to lay before your Lordship the Indian point of view. To put it in a short sentence the Indian point of view is this; that although the Government were fully justified in resorting to all effective measures for the purpose of re-establishing law and order, their action went far beyond the requirements of the case. In fact, in the name of law and order things were perpetrated which cannot be justified in the light of that high standard of British justice with which we have been long associated in this country. That, in short, is our point of view. If your Lordship will permit me, I will read out a sentence from a well-known Anglo-Indian paper, the 'Madras Mail'. Coming from an adversary its admission is very valuable. It says in its leading article in a recent issue :—

'We are quite convinced that Indian sentiment has been genuinely and deeply stirred by the events in the Punjab, and that, however much capital may be made out of that affair by factious individuals ever on the lookout to vilify the British Raj, there is a substantial body of loyal and moderate opinion which has been shocked by what it regards as an outrage upon Indian fellow-countrymen.'

"My Lord, I submit that in this one short sentence the leading Anglo-Indian paper of Madras summarises and sums up correctly the Indian point of view. My Lord, it is very desirable, therefore, that the Committee which has been constituted should be one which will be able to inspire confidence in the public mind. I do not wish to take up the time of the Council in discussing whether it would have been of greater advantage if this Committee had been a Royal Commission, reporting to His Majesty's Government through the Secretary

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of State, but I desire to say that in asking for the Royal Commission there is no such feeling as the Hon'ble the Home Member spoke of, namely, that we desire to place the Government of India on their trial. The Hon'ble the Home Member shakes his hand to imply that he refuses to accept my statement, I can assure him .

The Hon'ble Sir William Vincent :—"That was not intended."

The Hon'ble Mr. Sachchidananda Sinha :—"I can assure him, speaking with the full weight of responsibility, that it is far from our desire to place the Government of India on their trial. I remember my late lamented leader, Mr. Gokhale, declare on a memorable occasion in this Council that he could not defeat the Government if he would but that he would not defeat the Government if he could, as the prestige of the Government of India was as such a valuable asset to our progress. For similar reasons we do not desire to place the Government of India on their trial. But the real point is this. The Government of India are believed to have been associated too closely with the policy pursued in the Punjab by Sir Michael O'Dwyer. I hope I shall quote your Lordship correctly and shall not make the mistake as the Hon'ble Mr. Ayyangar did. Your Excellency said in your opening address on the 3rd of this month :—'I promised support to the head of each Local Government for such measures as he thought it might be necessary to take, and that support was given unwaveringly throughout.' Now, I am far from suggesting that your Lordship was not justified in taking the line of action you did. I am fully aware of the fact that your Lordship appreciates and realises your responsibilities in this grave matter. I merely submit that the people naturally believe that when that was the view of the Government of India, and they took such action as they did in pursuance of it, the people are not wrong in assuming that the Government of India were too closely associated and identified with the policy pursued in the Punjab. And the reason why we press for a Royal Commission is, that we believe that all human beings, howsoever exalted their position, are liable to be influenced in their action and judgment by an inherent unconscious bias. When the Government of India have admittedly made themselves responsible for the policy of the Punjab Government, we believe that your Lordship's Government will not be in so good a position, for appreciating the evidence and of passing judgment in the matter as another independent body would be. However, the Hon'ble the Home Member says that it is too late now to bring up the proposal and it could only be done in the House of Commons. I do not think I personally can bring it up in the House of Commons, and there is not time enough for us to get it done as the Committee will be coming out soon. That is why we are concentrating our efforts and pressing for an additional Indian member on the Committee. In spite of what the Hon'ble the Home Member said, it is a fact that the Committee, as at present constituted, does not find favour with the bulk of the people. I am sorry to say"

The Hon'ble Sir William Vincent :—"The Hon'ble Member is wrong."

The Hon'ble Mr. Sachchidananda Sinha :—"I can assure your Lordship that so far as Indian public opinion has found expression in the press, the constitution of the Committee has been found to be wholly unsatisfactory, and I find that the 'Times of India,' which says that the constitution of the Committee should satisfy all reasonable persons, goes on in the next breath to say that it would like one more member on it. That is a sample of the reasonableness of persons who say in one breath that they accept the constitution of the Committee and in the next that they would like to have one more. That shows that all parties in this country are more or less dissatisfied with the constitution of the Committee. Now I am not going to make any personal observations

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about the personnel of the Committee, but I would point out that out of the six members of the Committee no less, my Lord, than five are officials, Indian or European, and I believe that there is only one non-official, Sir Chimanlal Setalvad. It is not a matter of race or nationality, but I maintain that when there are no less than five officials and but one non-official on the Committee, it is bound to find very little favour with the public. I, therefore, submit that on this particular matter, the Members of this Council who have spoken so far—the Hon'ble Sir Dinshaw Wacha, the Hon'ble the Raja Saheb of Kanika, the Hon'ble Sardar Sundar Singh Majithia and others—all agree that your Lordship should move in the matter and give us at least one more non-official Indian Member to satisfy the public demand. Speaking for myself, if your Lordship's Government thinks that there should be added to the Committee a non-official European member also as the Hon'ble Mr. Crum suggested, I have no objection to it. I venture to hope, my Lord, that in the few observations I have made, I have said nothing to rouse feelings on either side, and that they will, therefore, carry weight with your Lordship's Government. I hope that they will be pleased to consider sympathetically the proposal in regard, at any rate, to adding one more non-official Indian member to this Committee. If that is done, I think the Committee's Report may satisfy the public in a larger measure and carry more weight than it otherwise would."

12-24 P.M.

The Hon'ble Mr. N. F. Paton :—" My Lord, as the Hon'ble the Home Member has said, the object of this Commission is to arrive at the truth in regard to the very deplorable occurrences that took place in the Punjab, and I think that if the widest satisfaction is to be got from the findings of this Commission, it is necessary that the greatest possible confidence should be reposed in it from the start."

"On behalf of the non-official European community, I beg your Excellency's Government to consider the suggestion made by my Hon'ble friend Sir Dinshaw Wacha and by the Hon'ble Mr. Sinha, that there should be nominated on this Committee not only another Indian representative but a representative of the non-official European community as well."

12-25 P.M.

The Hon'ble Pandit Madan Mohan Malaviya :—" My Lord, I am indebted to your Lordship for many things and have to thank you for many kind acts. But throughout the period during which I have had the privilege of being known to you, I have never had occasion to be more thankful to you than when you did not allow me to substitute the Resolution which I wanted to substitute for the one that stands on the paper. My Lord, Simla is one of the worst places that could be selected by the Government of India for its headquarters. Matters of the gravest importance are being dealt with by the Government of India, and we are so far removed from the places where the millions dwell that it is practically impossible for any man like me to know what the currents of public opinion in the country are, until perhaps it becomes too late. I gave notice of my intention to substitute a Resolution which your Lordship very kindly disallowed, because in the solitude of Simla and with such support as I could find here, I thought it was best in the circumstances of the situation to substitute the resolution which I intended to substitute for the one which is on the paper. But from the communications which I have now received from my friends in the country and from the comments which have been published in the press, I find that had I done so I should have exposed myself to their condemnation, because, my Lord, there is one strong chorus of disapproval of the constitution of the proposed Committee, and there is one strong desire that not a Committee, but a Commission, should be appointed to inquire into the occurrences in the Punjab. When a gentleman of the position, the weight and experience of Sir Narayan Chandavarkar, once a Chief Justice of Bombay and of Indore, a gentleman

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known for his moderate views, also says that a Royal Commission should be appointed, when he too expresses dissatisfaction with the constitution of the Committee which has been announced, I submit, my Lord, that a strong case is made out for a re-consideration of the matter. The press, the Indian press, is almost unanimous in expressing its disapproval of the constitution of the Committee. I do not wish to take up the time of the Council by reading many opinions, because I have to say much. I would invite your Lordship's attention, and the attention of the Government, to what the 'Tribune,' the 'Bengalee,' the 'Bombay Chronicle,' the 'Hindu,' the 'Independent,' the 'Leader' and several other papers have said. That being so, my Lord, I find that I was mistaken in trying to substitute the Resolution which I wanted to substitute for the one before the Council. I am thankful also to find that I was mistaken, because the Hon'ble the Home Member said in one of his answers yesterday that the Government of India is going to appoint a Committee, and I take it therefore that the Committee has not yet been appointed, and that this is just the time when my Resolution should come up before your Excellency's Government for reconsideration.

"Now, my Lord, before proceeding further, I wish to say that the subject-matter of my Resolution requires calm consideration, and I wish every one will approach it in a solemn spirit of responsibility. The matter is too sacred, far too serious, to permit of any party or racial considerations to be brought in. And here I may say once more that there is no man living who can feel more deeply sorry than I do for the loss of Mr. Stewart of the National Bank at Amritsar and of other Europeans who were killed there. In talking about the unhappy incidents of Amritsar to friends in Bombay, Poona and Calcutta, I have everywhere expressed deep sorrow that a gentleman so popular as Mr. Stewart was in Amritsar should have been laid low by the hand of some person in a fit of wickedness. My Lord, six other Europeans lost their lives in these disturbances, and I grieve for every one of them. I should be ashamed, I should not be worthy of my religion, if I made any distinction between a European and an Indian where human life was concerned. When the Hon'ble the Home Member referred to the case of Miss Sherwood, he forgot that there were many of us Indians who felt the same grief at the ill-treatment offered to her as we would have felt; if similar ill-treatment had been offered to our own dear sister or mother. But that should not lead any one of us to overlook or minimise the wrongs done to Indians. I ask every Anglo-Indian friend, I ask every Anglo-Indian brother and sister, to approach the question in a solemn spirit, and I am sure that when the facts are known, there will not be a single Anglo-Indian man or woman in India, may I go further and say, there will not be a man or woman in the British Empire, who will not feel sorry for the things which have happened and who would not be in sympathy with the object of my Resolution and the proposals which I lay before Government. My Lord, I had no wish to enter here into the details of the harrowing tale of what has happened. I little expected that the Hon'ble the Home Member, himself a previous Judge of the High Court, would import into the discussion of my Resolution irrelevant matters of detail which I had clearly stated ought to be kept out of it.

"I had said that I would not go into details because the Government of India recognised the need and importance of an inquiry. But the speech which the Home Member has made compels me, in order that nobody should be under a misapprehension, to tell your Lordship and this Council, and through this Council the country and the Empire, that at least 300 and odd human lives were destroyed in the Jallianwala Bagh under circumstances which will not bear examination when the facts are known. I hold in my hand letters telling me of the deaths of numerous boys who had gone to the Jallianwala Bagh. One of these boys was Abdul Karim, aged 16 years, who passed the last matriculation

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examination in the first division, the result of which was published after the boy died. He was shot in three places, on his thigh, his chest and his head and expired instantaneously there. I hold in my hand a photograph of another boy named Madan Mohan, aged 13, son of Dr. Mani Ram, Dentist, who was shot in the head and died instantaneously. My Lord, let me read this letter from the bereaved father which he addressed to the Health Officer, Amritsar. He says :—

‘ As desired in the official notification, I give below a brief account of the tragic death of my son Madan Mohan which occurred in Jallianwala Bagh on 13th April last. The delay in submitting this information is due to my absence from Amritsar to Mussoorie hills.

‘ Jallianwala Bagh is at a distance of about 3 minutes walk and is the only open place near my house which is opposite to Clock Tower. My son Madan Mohan, aged about 13 years (born on 27th Baisakh 1902), along with his playmates used to visit this open square for play almost daily. On 13th April last he went there as usual and met his tragic end, having been shot on the head which fractured his skull, he bled and died instantaneously. I with eight or nine others had to search for about half an hour till I could pick up his corpse as it was mixed up with hundreds of dead bodies lying in heaps there, who met their respective ends under circumstances well known. This is how my innocent child of innocent age was murdered by those who allege they acted in the name of Justice, Law and Order, but behaved in a grossly un-British manner.’

“ My Lord, I could mention many other equally distressing cases. I have been twice to the Jallianwala Bagh. The walls around it still speak of the murders that were committed there, of the volleys of service bullets that were fired at the people who were assembled at a meeting, who had no arms, who were not making any protest against anything, but were sitting down to hear a lecture. According to the official statement made yesterday, 300 of such men were massacred there. Perhaps when the inquiry proceeds further, it will be found that the popular estimate that over 1,000 were killed is nearer the truth.

“ Now, my Lord, I want the Government to realise the intensity of the feelings of Indians; and I should say they should be the feelings of every human man and woman, in regard to the circumstances. I impute no blame here to any individual. I have avoided trying to apportion blame. I deplore the event. Whether it was a British officer who was guilty of this massacre of innocents or an Indian, it is to me a matter of equal sadness and sorrow. It can give me no pleasure to think that any British fellow subject of mine should have been led by those who were in power, or by his own ignorance or error, to commit any such foul deeds as the people say have been committed. But I do think, my Lord, that the facts which have been stated are grave enough to call for a most impartial and most searching inquiry on the part of His Majesty's Government. I do not know of any event, since the advent of British rule in India, more melancholy, more calculated to distress man than these events of Amritsar, and I therefore say that it is the duty of Government to institute an independent inquiry which will bring out all the real facts. When the facts have been found, I have no doubt that my British fellow subjects, like any other decent people, will call for justice, not with any desire for vengeance, but with the desire that the calls of humanity should be met, the calls of justice should be satisfied. I regret to say that in his attempt to minimise the value of the proposal I have put forward that the inquiry should be by a Royal Commission, the Home Member understated the facts. He showed that he does not yet realise the enormity of the evil that has been wrought ; that he does not yet feel that, holding the office of the Home Member, he ought to stand forward to plead for justice in the case of every single subject of His Majesty who met with death in these tragic times in the Punjab.

“ My Lord, if we ask for a Royal Commission, it is not out of any disrespect to your Excellency or to any member of your Excellency's Government. I

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shall be sorry if any word which I utter should indicate the smallest disrespect to any member of the Government. But, my Lord, what are the facts? I ask the Government to look at them in a calm dispassionate manner. Mr. Sinha has referred to some of them. You have to deal with public opinion, and the public feel, by reason of the acts committed during the last few months, that the Government of India having been closely identified with the policy pursued in the Punjab, it ought not, in fairness, in propriety, to deal with the report which will be submitted by the Committee of Inquiry into Punjab affairs. My Lord, if the Government of India will appoint this Committee, that fact will no doubt lead naturally to the conclusion that the report should come to the Government of India. I quite agree with the Home Member there. But it is exactly because it is desired that the report should not be dealt with by the Government of India, that it is urged that the Government of India should not appoint the Committee. I quite agree with the Hon'ble the Home Member that if the Government of India does appoint the Committee, the report should come to it. That is why, holding the view I hold, I have urged in my Resolution that the Governor General in Council should request His Majesty's Government to appoint a Commission. I did not use the word 'Royal' before 'Commission,' because I thought it would be understood by everybody familiar with the work of the Government here and in England that, when I said that His Majesty's Government should appoint a Commission, it meant a Royal Commission. Now, my Lord, Commissions and Committees are appointed with a certain purpose. When there was a great outcry about nationalisation in England in March 1919 and a Commission was to be appointed, the 'New Statesman' speaking of its Report, said :—

"And, human nature being as it is, the character of that Report depends, almost entirely, on the way in which the Commission is constituted, on which Mr. Lloyd George's final decision will not be known until this article is in the press. The Prime Minister has, therefore, in this matter, during these very days, the gravest of responsibilities. He can appoint members, whom the public will accept as quite a good choice, from whom he can confidently expect one report; or he may choose other members, equally acceptable to the public, from whom he will expect another report. What is vital is to get a report that will prevent the strike. Which Report is Mr. Lloyd George selecting the members for?"

"It is vital here to get a report which will state the truth in regard to the occurrences in the Punjab.

"Now, my Lord, if the Government of India are going to appoint the Committee, naturally the public ask what has the Committee to inquire into? Obviously it has to begin with inquiring into the truth or otherwise of the declaration of open rebellion in Lahore. That was not an act of the Local Government, that was an act of your Excellency's Government and all that followed thereafter—the establishment of martial law and its maintenance in spite of the protests of the press and the public,—is all what the Government of India are responsible for, with which they have been closely, sadly too closely, identified. My Lord, your Lordship has desired that a reference should not be made to the reason for the resignation of Sir Sankaran Nair; but when I referred to it the other day, I mentioned that the reason for it had got into the papers; and to-day I have got in my hand the Debates of the House of Commons which show that a question was put about it by Colonel Wedgewood, in answer to which Mr. Montagu said—'I have no official information, but understand that Sir Sankaran Nair resigned because he differed from his colleagues on the question of continuing martial law in the Punjab.' Now, my Lord, it is no good running away from facts.

'Our acts our angels are, or good or ill,

Our fatal shadows that work by us still.'

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"If the Government of India or the Governor General in Council declared that there was open rebellion in Lahore and Amritsar, if the Governor General in Council gave his authority for the establishment of martial law in Lahore, Amritsar and other places, if the Governor General in Council maintained martial law when there were protests from all quarters that it should be ended, if the Governor General in Council, on the protest of a colleague that martial law should cease in the Punjab, accepted his resignation and allowed martial law to continue in the Punjab, then, my Lord, you ought to pardon those who think and say that the Government of India is too closely identified with the policy pursued in the Punjab to take an impartial view of the matters with which the Committee will have to deal, though their bias may be, will be unconscious.

"Lastly, my Lord, there is your Excellency's speech of the 3rd of September. I speak with great respect, but I beg your Lordship and the Government to practise a little introspection on a solemn occasion like this and to reflect whether those who are urging, respectfully urging, that the Committee should not report to your Excellency's Government, are wrong when they find that even in that speech your Lordship showed a very firm attitude in support of what has been done. These are the reasons, my Lord, which have led the public to ask that the Government of India should not appoint the Committee of Inquiry; these are the reasons which justify my Resolution in asking your Excellency's Government to ask His Majesty's Government to appoint a Commission. The Hon'ble the Home Member tries to meet me by saying that the Secretary of State has been consulted. 'It is in consultation with him,' said he, that 'the Committee is going to be appointed'. My Lord, I do not want the Committee to be appointed in consultation with the Secretary of State. I want the Committee to be appointed by him, in order that the report should go to him and therefore be laid at His Majesty's feet.

"My Lord, I will now come to the question of the constitution of the Committee. I beg your Excellency to consider whether public opinion is not justified in expressing disapproval of its constitution. I fear, my Lord, I am exceeding my time. If your Lordship will, in view of the peculiar circumstances permit me to go on, I will.

The President:—"I have no wish to stop the Hon'ble Member, but I think that five minutes ought to see the end of his speech. He has already exceeded his time."

The Hon'ble Pandit Madan Mohan Malaviya:—"Thank you, my Lord. The constitution of the Committee is open to exception. As I said on the first occasion, I do not make the smallest insinuation against the impartiality of any member of the Committee, but, not knowing some of the gentlemen who have been nominated, the public are sceptical about them. And I am bound to place the public view before this Council and the Government. My Lord, I hope the Hon'ble Mr. Rice will absolutely excuse me if I refer to him by name. The objection is that an additional Secretary to the Government of India in the Home Department should be appointed by the Government of India to a Committee of Inquiry which is to enquire into matters with which the Government of India is identified. I refer to it to show that the Government themselves are to blame for the criticism which is being hurled at the constitution of the Committee.

"Now, my Lord, I will make our suggestion; the Commission which I would suggest, should be one consisting of, say, Lord Haldane, Viscount Esher and Sir Lawrence Jenkins, or I should like to have a Commission consisting of Mr. Austen Chamberlain, an *ex-Secretary* of State for India, and Lord Hardinge and Lord Curzon, *ex-Governors General* of India. My Lord, I suggest such a Commission as it will command confidence all round.

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Speaking of Lord Hardinge I am reminded as one speaker has already said that he passed through more strenuous times in India than any predecessor of his had known, and let us hope any successor will know. He very narrowly escaped death at the hands of a villain, and yet, my Lord, the first thing he uttered to Sir Guy Fleetwood Wilson—when he saw him after the bomb had struck him—and I heard it from Sir Guy's own lips, was 'No change of policy, Wilson;' and Sir Guy Fleetwood Wilson replied 'No change of policy, your Excellency.' Martial law was not then declared and people were not subjected to any of the troubles they have had to suffer in the Punjab. Lord Hardinge knew the people, he loved them, and I could not suggest a better name for the Commission. Then, I suggest Mr. Austen Chamberlain. We have not had the honour of welcoming him in India, but we have faith in him as an English gentleman that he will do the right thing if he presided over the Commission. And I name Lord Curzon, because I have confidence that, if Lord Curzon came out and inquired into all that happened, he would not spare the wrong doers and the public would be satisfied with his verdict. I place before the Government the option of one of these two Committees. I do not ask for the inclusion of a single Indian name, and I am sure that, if it were necessary, a hundred platforms would support my view and make it clear that the public will be quite satisfied if we had a Commission of the kind I have suggested.

"But, my Lord, if you will not have a Commission of that kind, then you must recognise the justice of putting on the proposed Committee at least one more Indian, not a safe man whose views will not come into conflict with the views of the Government, but a gentleman who enjoys the confidence of the public, and who may be supposed to represent the opposition. 'Ditcher,' writing in 'Capital' has done me the honour of suggesting that I should be placed on the Committee. My Lord, I suggest a better name. I know many facts about the occurrences in the Punjab. I venture to think that I know more facts about these distressing events than probably any member of the Government, either the Government of India or the Government of the Punjab, does; but there is one gentleman who knows more about them, and that is my esteemed friend the Hon'ble Pandit Moti Lal Nehru, Advocate of the Allahabad High Court. He has, my Lord, at the sacrifice of a fee of a thousand rupees a day, laboured for many days in the Punjab sifting out facts, and gathering evidence. He is in possession of a volume of facts which will be of great help to the Committee. I suggest that as Mr. Montagu appointed Lord Sydenham to the Joint Committee, so your Excellency's Government may appoint Pandit Moti Lal Nehru, a clear-headed advocate and a sound lawyer, as a member of the Committee. If he is not acceptable, then I would suggest that Justice Sir Abdur Rahim may be so appointed. My Lord, these are suggestions which, I hope, the Government will consider.

"I will now deal with the remarks....."

The President:—"The Hon'ble Member has been speaking already five minutes over the allotted time, and I think that he ought to observe the rules."

The Hon'ble Pandit Madan Mohan Malaviya:—"May I have a few minutes more?"

The President:—"I gave the Hon'ble Member five minutes, and those five minutes are already up."

The Hon'ble Pandit Madan Mohan Malaviya:—"Would your Lordship kindly allow me a few minutes more."

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[*The President ; Pandit Madan Mohan Malaviya.*]

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The President:—"How many minutes more?"

The Hon'ble Pandit Madan Mohan Malaviya:—"Five, if you please, my Lord."

The President:—"I will give you five minutes."

The Hon'ble Pandit Madan Mohan Malaviya.—"Thank you, my Lord. I just want to advert to a few other remarks which have fallen from some Hon'ble Members in the course of the debate. I will first refer to what Sir Umar Hayat Khan said. He expressed almost a resentment that some of us from outside the Punjab should have gone to that province. I think he will not find anybody in the Punjab to support that view. If he went there, my Lord, I think, he would find that the work of the *Seva Samiti*, and the work of Pandit Moti Lal Nehru and myself has met with the hearty appreciation of a vast body of our fellowmen; he would find that three hundred and odd families of those who had either been killed or had otherwise suffered, or been deprived of liberty were being relieved by the agency of the *Seva Samiti*, of which I have the honour to be the President and Pandit Moti Lal Nehru, the Vice-President. He would also find that we have helped many persons to have their appeals filed before the Privy Council. I should not have referred to these matters were it not for the fact that, while he himself was not able to render any assistance to the people of the Punjab in their distress, he should yet make it a grievance that some people from outside the province went there to render such assistance. We do not regard ourselves as outsiders. We consider every countryman of ours, wherever he may be, as a countryman.

"Then, my Lord, with regard to the remarks of the Hon'ble Mr. Crum, I would say this that we have absolutely no racial feeling in this matter. I desire and expect that Anglo-Indians and Indians should co-operate in this matter to find out the truth, and I support the suggestion he made that it should be an instruction to the Committee that they should recommend what reparation should be made to those or their relations who suffered during these tragic disturbances. As regards his suggestion that there should be an Anglo-Indian member added to the Committee, I have not the least objection to it either. But, my Lord, I do take exception to what he said regarding an assurance being given to the scattered European community that it shall be safeguarded in future. My Lord, the community as a whole, Indian and European, has to be safeguarded in future. The reason why these five Europeans met with their untimely end, will probably be known when the Committee of Inquiry will report. It will probably be found that the Indians were not to blame, but that provocation had been given to them which led to the unfortunate, deplorable, detestable crimes which some of them committed. Before these crimes were committed, some Indian lives had been destroyed by the firing that took place at the railway bridge at Amritsar. The Deputy Commissioner of Amritsar deposed in one of the cases which was tried by one of the Martial Law Commissions, that he had found no evidence to show that any excesses had been committed by the mob before the firing took place.

"Lastly, my Lord, I wish to say a few words about some of the remarks of His Honour Sir Edward Maclagan. I need hardly again protest my deep respect for His Honour. But, while I feel grateful that he has shown consideration in many respects to those who are at present looked up in His Majesty's jails, I regret to think that he fails to realise that no reduction of sentences, that no such amelioration of the hard conditions of jail life as he has been good enough to bring about, can relieve those who are unjustly suffering imprisonment of the poignant grief which they feel every moment of their existence in the jail.

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I would ask His Honour seriously to think whether any mitigation of sentence or relief given in the manner indicated above, can obliterate the sorrow, the indescribable grief of those who are at present unjustly locked up and are undergoing imprisonment in the jails of the Punjab. My Lord, I think His Honour said that he would not disturb the findings of the Commissions. Probably he felt that he could not. But, my Lord, most of the 1,500 men who are locked up in the jails ought to be as free as we sitting here to-day are. I request, therefore, that whether the Committee of Inquiry comes four weeks hence or earlier, your Excellency's Government and His Honour the Lieutenant-Governor of the Punjab should seriously consider whether, on such security or securities, personal or pecuniary or both as may seem to him adequate, those men who have not been concerned in arson, or murder or pillage should not be released, both in order that pending the result of the inquiry, they may not suffer further unnecessary imprisonment, and in order that they should be able to give evidence before the Committee and have their case properly put before it, I earnestly hope the Government will be pleased to consider this suggestion."

The Hon'ble Sir William Vincent:—"My Lord, the Hon'ble Mover has complained that by reason of his solitude in Simla and of his inability to consult his colleagues he was not able to modify his Resolution earlier. If that is so, my Lord, the Hon'ble Member has been much maligned. The general impression is that he has been having daily consultation with non-official Members, that he has interviewed them one after another. Hon'ble Members will know if this is correct or not, and also whether he has not taken every opportunity of ascertaining what their views are. I have been told in fact that there is no legitimate measure for winning support for his Resolution which he has not taken and his complaint that the Resolution was not amended because of his being unable to consult his colleagues is not one therefore....." 12 53 P.M.

(The Hon'ble Pandit Madan Mohan Malaviya here got up to intercede.)

The President:—"Order, order, the Hon'ble Member has already taken up the time of the Council."

The Hon'ble Pandit Madan Mohan Malaviya:—"I only want to correct a statement of fact. I did consult some Members and it was only after consulting them that I sent in notice of the amendment."

The Hon'ble Sir William Vincent:—"My Lord, I find it a little difficult to proceed if I am subjected to these constant interruptions. I have allowed a great many statements of the Hon'ble Member, even some which I considered to be misstatements, to go unchallenged, and I ask for some consideration from the Hon'ble Member."

"There is another point in the Hon'ble Mover's reply to which I wish to draw attention, and that is, the question of minimizing the character of the disorders and outrage. I again ask the Hon'ble Member how the attacks on these unfortunate non-officials can possibly be justified. There may be questions as to the propriety of the action taken by the troops and police on particular occasions, but I have never yet heard any suggestion that these attacks on these private individuals were not absolutely unprovoked attacks on perfectly harmless people not connected with the Government at all; attacks on the conduct of officials are another matter, but these bank managers who were murdered were not officials of any kind, and I think that it is unfair even to insinuate in this Council that there was any justification for the murders of these unfortunate men—murders which the Hon'ble Member regrets so greatly and at the same time attempts in a manner to justify—perhaps 'justify' is too

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INTO RECENT DISTURBANCES IN THE PUNJAB.

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hard a word, I ought not to use it, but murders at any rate in regard to which he pleads extenuating circumstances when he says that after the inquiry is made it will be found that the victims were also a good deal in fault. I suggest that this is prejudicing the inquiry in an eminently unfair manner.

“Similarly, I refer to his observations about the Jallianwala Bagh. That is a matter which will come up before the Committee. If it is found that there was no justification for the firing, then will be the time to decide what action should be taken ; but I ask this Council now not to prejudge any individual or any officer of Government in this matter. The Hon’ble Mr. Chanda, if I may say so, took up very nearly the same line as the Hon’ble Mover, and in my humble judgment, there were other Members of this Council including Mr. Ayyangar who spoke, not as if they wanted an inquiry, but as if they really wanted this Council to prejudge the case to create an atmosphere against the Government, to induce a feeling of prejudice and bias in the minds of Hon’ble Members, and in fact to condemn in advance those into whose conduct they were professing to ask for an inquiry. That is an attitude which, I think, is unfair to those whose conduct is impugned.

“There is only one other remark that I have to make. It was said that there were great protests at the time against the imposition of martial law. My Lord, the position is really this : there is now a tendency to minimise the disturbances, to make out that they were much less serious than they actually were. The gravity of the situation in April last is now forgotten. At this time there was a general feeling of great apprehension throughout the whole of India ; there was no word of protest at all ; it was some time afterwards that we first heard of these protests. When the disorder was at its height we were asked to suppress it firmly. When this was done, men, in some case those very men who asked us to deal with it at the time, turned round on the authorities. A few years ago when there were disturbances in Bihar and the Government failed to take sufficiently drastic action to meet with the approval of certain papers, and they were blamed for not doing more, for not having taken sufficiently severe measures. In the present case there was a crisis of the first magnitude, our officers were called upon to arrive at important decisions at a moment’s notice, very momentous decisions on which the peace of the country depended ; at the time they were acclaimed and applauded by many for having saved the country. Now, my Lord, that the danger is past, there is an attempt to turn on them and to protest that their conduct was cruel and unreasonably severe.

“My Lord, there is only one final point that I wish to mention with regard to a remark of the Hon’ble Mr. Sinha. He said that the Hon’ble the Home Member had maintained a non-possimus attitude, I think that this was the expression that was used, in regard to certain modifications which have been proposed. My Lord, if that was the impression which I created, I can only regret it. What I wished to convey was that a number of new suggestions had been pressed on Government, in regard to which it was impossible for any individual member of this Government to express an opinion, and that therefore I could make no statement on these suggestions. If that, my Lord, is taking up a non-possimus attitude, then I must plead guilty. But I think a fairer and broader interpretation might well be placed upon my words.”

The Hon’ble Sir Dinshaw Wacha :—“May I make a suggestion, my Lord, that the Resolution be divided into two and put separately ?”

The President :—“I think we have discussed the Resolution as a whole, and I shall put it as a whole.”

The Resolution was put and negatived.

RESOLUTION *re* APPOINTMENT OF MIXED COMMITTEE TO 155
INVESTIGATE CAUSES OF RECENT DISORDERS IN DELHI.

[12TH SEPTEMBER, 1919.]

[*Mr. Kamini Kumar Chanda.*]

RESOLUTION *re* APPOINTMENT OF MIXED COMMITTEE TO INVESTIGATE CAUSES OF RECENT DISORDERS IN DELHI.

The Hon'ble Mr. Kamini Kumar Chanda :—“ My Lord, the Resolution which stands in my name, runs as follows :—

‘ This Council recommends to the Governor General in Council the appointment of a mixed committee of officials and non-officials to investigate the causes and nature of the recent outbreaks of disorder in Delhi and the circumstances of the firing upon the crowds there.’

“ My Lord, the matter which I am asking leave of the Council to place before ^{1 P.M.} it now is a small matter compared with the discussion we have just been listening to. It will not be anything as exciting, compared with the tragic events in the Punjab it almost dwindles into insignificance, but, my Lord, as it relates to the killing of a number of His Majesty's subjects the matter requires some consideration. My Lord, I must ask the indulgence of the Council not to judge me as one who makes reckless assertions in using the term ‘killing’ of people. I shall show that to the Council by quoting the evidence of the Police Officers concerned. I shall place the matter very briefly before the Council and read out the very statements of the officials concerned. My Lord, the Rowlatt Act was passed on the 18th March in the teeth of the unanimous protest of the whole body of Indian Members in this Council and backed practically by the whole country. As a result Mr. Gandhi proclaimed Satyagraha or passive resistance. I do not propose to go into the ethics of that question ; it is well known that even among many Indian public men opinion is divided as to the wisdom of that measure. A number of Members of this Council simultaneously with the announcement by Mr. Gandhi published a joint condemnation of it. If it is relevant—if there is no impropriety or presumption—in mentioning it, I would tell the Council that I did not take the vow and as the Delhi correspondent of the ‘Bengalee’, who is no other than the editor, wired to the paper I was opposed to Satyagraha. However to proceed, the 30th March was appointed for observing Satyagraha at Delhi, as a day of humiliation and prayer and to do no business. I now place before the Council the statement of Mr. Marshall, the Senior Superintendent of Police, who was the chief actor, if I may say so without disrespect to him. This is what he says in his report, dated the 31st March :—‘ We received authentic information that Sunday, March 30th, would be observed as a day of mourning in the city and that all shops would be shut.’ Further, my Lord, in his statement he makes this significant assertion :—‘ The passing of what are known as the Rowlatt Bills in the middle of March had resulted in agitation of a particularly violent nature in the local press of Delhi. I was so impressed by it that I informed my superior officers that I could not conceive that it could result in anything but trouble and assaults on Europeans and officials.’ I find in the marginal note of my copy that Col. Beadon says that that was not quite correct, but it shows the feeling with which he was obsessed. We have a telegram from the Associated Press dated the 31st March which gave an account of the occurrences at Delhi. It says : ‘ At about midday some strikers made their way to the railway station and insisted on the vendors in the 3rd class waiting hall closing their shops. The latter objected as they were under a contract with the railway authorities. An altercation ensued and the railway police interfered. The strikers attempted to force their way to the station-platform, and it is reported that they tried to force open the iron gates. At this two strikers were arrested. This gave the signal for a general outburst. Excitement ran high and a crowd about 5,000 collected and demanded the release of the two men, brick-bats being thrown in all directions. The military with a machine gun arrived on the scene, as also Mr. Currie, the District Magistrate. The

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[*Mr. Kamini Kumar Chanda ; Sir William Vincent ; the President.*]

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police, it is said, assured the mob that the arrested men had been released, but the former demanded their presence. They were told that the men could not be produced as they had already been released and had got mixed up with the crowd. Nothing however seemed to satisfy the mob, which grew dangerous. The Magistrate ordered them to disperse but they showed no signs of obeying, thereon the military were ordered to fire. After a few volleys of buckshot in which some of the rioters were killed the crowd dispersed into the Queen's Gardens and the adjacent streets, after that to the Clock Tower and made a rush towards the Town Hall which was defended by the military. A volley was again fired and the rioters dispersed. They then assembled at the People's Park and held a meeting condemning the Rowlatt Bill. Portions of this account were at once contradicted by the Satyagrahis whose President Swami Sradhananda sent a message to the Secretary of State and other portions are at variance with the official account. The outstanding fact is that about which all accounts are at one that some six men were shot dead and a much larger number seriously wounded some of whom died later. Well, what is the origin of these occurrences? There is a conflicting version, the official account says that the sweetmeat seller was forced to close his stall. Assuming that the account of the authorities was correct, let us see what followed. The official account is that the mob was told that the men had been let off, the people wanted them produced. Mr. Marshall says in his statement

The Hon'ble Sir William Vincent :—" Perhaps it would save the time of the Council if I explained that there will be an inquiry by the Committee into these disorders."

The Hon'ble Mr. Kamini Kumar Chanda :—" Of course if there is to be an inquiry I do not think I am justified in taking up the time of the Council."

The President :—" The Committee which I announced is going to inquire into the occurrences at Delhi. That is quite clear. I think it is hardly worthwhile for the Hon'ble Member to take up the time of the Council."

1:10 P.M.

The Hon'ble Mr. Kamini Kumar Chanda :—" I beg to withdraw the Resolution."

The Hon'ble Sir William Vincent :—" The Hon'ble Member first makes his speech and then withdraws his Resolution. He has thus deprived me of any opportunity of answering various points he has raised."

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

RESOLUTION *re* APPOINTMENT OF MIXED COMMITTEE TO INVESTIGATE CIRCUMSTANCES OF FIRING UPON CROWDS IN CALCUTTA.

1:11 P.M.

The Hon'ble Mr. Kamini Kumar Chanda :—" My Lord, I beg to move the following Resolution :—

'This Council recommends to the Governor General in Council the appointment of a mixed committee of officials and non-officials to investigate the circumstances of the firing upon the crowds in Calcutta in April last.'

" My Lord, the Council will have seen that the point I raise in this Resolution is a short one and I will not detain the Council by a long speech. It is a

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question of shooting, and I shall deal with the matter in a very few words. We know Mr. Gandhi proclaimed Satyagraha as a protest against the passing of the Rowlatt Act, and the 6th of April was appointed as the Satyagraha day throughout the country when the people were to fast and pray and suspend all business. Calcutta also observed a Satyagraha demonstration on that day when the Indian portion of the town was practically on strike, all business being stopped. In the evening a huge gathering met on the maidan which on all accounts was the biggest meeting ever held in Calcutta, when over a lakh of people are believed to have attended that afternoon. I shall place before the Council the testimony of an Anglo-Indian paper, the *Capital* of Calcutta, which wrote as follows :—

‘Quite the most creditable work of Lord Ronaldsday in the season now over illumined the fog end. He refused to interfere with the public demonstration on the Maidan on Sunday last in protest against the passing of the Rowlatt Bill. He was supremely justified of his confidence in the people. The meeting round the Ochterlony Monument was the greatest I have seen in Calcutta, and there was less disorder than at an ordinary foot-ball match. It seemed to be a point of honour with every one in that vast crowd to refrain from extravagance that would discredit the solemnity of the ceremony.’

This was on the 6th. On the 10th of April by an ‘act of blazing indiscretion’ to quote from the charge on which Mr. Kali Nath Roy was convicted, Sir Michael O’Dwyer prohibited the entry into the Punjab of Mr. Gandhi who was then on his way to Delhi on a peaceful mission. The result was that Mr. Gandhi was obstructed at a small station on the night of the 10th by the police and escorted by them back to Bombay. This was telegraphed throughout the country as the arrest of Mr. Gandhi. In Calcutta this news was received on the 11th, and as elsewhere it created the most profound sensation, and the Indian portion of the city immediately went on spontaneous strike, all business being brought to a standstill. All vehicular traffic was stopped and all shops closed. There were big demonstrations in several parts of the town, but it is not alleged that anywhere were there any disturbances. On the following morning the strike continued and no carriages or tramcars could ply. It is stated that here and there street mobs went out of hand and used force where people did not agree to come down from any tramcar or carriage they may have been using. There is no doubt that there was some interference with street traffic much to the annoyance of the public. It is idle to deny that people were forced here and there to walk in the summer heat. Nobody can complain that the authorities felt called upon to put a stop to this state of things. Nobody can complain that European sergeants and Indian policemen patrolled the streets dispersing the crowds who were stopping the tramcars. Nobody complains that a few young urchins who obstructed traffic were arrested and brought before the Presidency Magistrate for doing so, who however discharged them with a warning that they should be careful in future, observing at the same time that boys will always be boys. Nobody would object to more police prosecutions for interference with street traffic. There is no discrepancy between the official accounts and the accounts given by the public up to this point, that is up to the noon. In the afternoon machine guns were used, and a number of persons were shot down. It is then the discrepancy creeps in. What happened then ; how did the shooting take place ; who gave the order to fire, and what directions were given ? Now about these matters there are two versions. I will first give the Council an account that was published over the signature of Mr. Chakravarti, a leading Calcutta Barrister and a well-known public man in Bengal, and also an account of another Barrister, Mr. S. P. Roy, and then

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supplement these with the account that is published in the papers. The following is the account of Mr. Chakravarti :—

'Saturday, the 12th April. In the morning and up to about 11 A.M. I had several reports to say that everything was going on well. Then about 11 A.M. a gentleman called on me with a letter from Mr. Clarke, the Commissioner of Police, in which I was requested to see His Excellency the Governor at Government House. As I was getting ready to start for the Government House, I received two telephonic communications from the northern part of the town informing me that European Sergeants armed with fire arms with posse of constables had arrived in several parts of Harrison Road, and friction between the police and the people was very likely. I at once 'phoned to some friends in the northern part of the town to be on the spot immediately and do everything in their power to prevent any collision. I also 'phoned to my friend Mr. H. D. Bose at the Bar Library to the same effect, and he with one or two friends arrived at Harrison Road as he informed me by 1 o'clock. Mr. S. N. Haldar and Mr. B. K. Lahiri accompanied me to Harrison Road in my motor car and we arrived there shortly after 1 P.M. At the junction of Chitpore and Harrison Road I saw one or two Europeans armed with revolvers in the middle of the crossing and a number of policemen in khaki bearing rifles. We got down from the car near the crossing and we met our friends who had already arrived there as also Mr. J. C. Galstaun. I addressed the people to be orderly and peaceful. They complained of the treatment received by them since the arrival of the armed police, and they stated that a crowd was fired upon at the junction of the Strand and Harrison Roads and that one constable had been seriously wounded by a shot from a Sergeant. They also complained that several people had been arrested by the police and taken away for no fault of their own. Then we walked up to the junction of Strand Road and Harrison Road when we saw the wounded constable mentioned above being carried to the hospital by the Marwari volunteers. We noticed the crowd was somewhat excited there on account of the injury caused to the constable. It was stated that the constable was shot by one of the sergeants, thereupon the crowd got excited and beyond control for the time being, attacked one of the sergeants and set fire to one of the taxi-cabs.'

'I may be somewhat long, but I would like to place the whole story before the Council :—

'Throughout our walk on Harrison Road from Chitpore Road corner to Strand Road corner we never saw any pelting or showering of missiles. It is not a fact that bricks, stones or bottles were being showered from any house at the corner of Strand Road and Harrison Road so long as we were there. Then we turned back and motored again to Chitpore corner asking the crowd to restrain itself and get away from the neighbourhood of the disturbance.

'I then motored to the Government House and interviewed His Excellency about 2 P.M. His Excellency told me that he had kept back the police, but on the complaints made by some Indian gentlemen about the inconvenience caused to the members of the public travelling in tramcars and gharries, His Excellency was obliged to resort to force.'

'His Excellency also informed me that two policemen had been injured earlier in the day and consequently His Excellency had directed that measures should be taken and force used where necessary. Thereupon I narrated to His Excellency my experience of that day and the day previous. I pointed out the peaceful celebration on the previous Sunday and the absence of all friction the day before and drew His Excellency's attention to the fact that the satisfactory result was principally due to the policy of police non-interference directed by His Excellency. I further submitted that if the European armed police were removed, the maintenance of order would not be difficult especially when the 'Hartal' was being brought to an end at a meeting to be held that afternoon in Beadon Square consequent upon the release of Mr. Gandhi. I offered to undertake the maintenance of order if the European armed police were either withdrawn or kept at a place not within the view of the public but available at a moment's notice. His Excellency thereupon pointed out the humours of the crowd and did not see his way to accede to my request. I further begged His Excellency either to accompany me or to go by himself in order to get a correct appreciation of the situation; but His Excellency did not approve of it. The interview ended with a request from His Excellency that I should do the best I could to keep peace and order and I promised I would do so.

'In the meantime as I learnt later the military had been called out and the crowd had been fired upon resulting in several regrettable casualties. I received intimation of this shortly

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after 4 P.M. and at once started for Harrison Road with a view to prevent further bloodshed and loss of life, if possible. I was accompanied by Messrs. H. D. Bose, Harendra Nath Datta, S. P. Rai, S. M. Haldar, B. K. Lahiri, Nalini Nath Sett. After we had proceeded for some distance along Chitpore Road, we found that the road was lined across by a number of English soldiers rifle in hand so as to prevent through passage and a number of other soldiers were standing in groups near the line all rifle in hand. The car had to be stopped and it was immediately surrounded by a group of people—some of whom were rather in an excited mood—and they pointed to the dead body of a Bengalee lying on the east footpath and shot through. Some one in the crowd handed up to Mr. B. K. Lahiri, who was in the car, a letter which was found in the pocket of the particular gentleman showing that the gentleman shot down was a mere passer-by. While this was going on, some people brought up on a bamboo stretcher improvised for the occasion the body of a Marwari gentleman with his head hanging down and the body besmeared with blood. The man appeared to have received several wounds and was on the point of death. He was being carried to the hospital. Some of the people who had assembled round us complained to me that although no provocation had been given by the crowd, yet about eight people had been shot down and the military, instead of shooting them in the leg, had lodged their bullets on the upper part of the body ; they also complained that whereas most of themselves did not carry even walking sticks, the soldiers fully armed should have shot them down.

The President :—“ Order, order. If it is worth the Hon'ble Member's while to read this, it is worth his while to make Members hear. I cannot hear a word the Hon'ble Member says and I do not think any other Member can.”

The Hon'ble Mr. Kamini Kumar Chanda :—“ I beg your pardon ; there is a little more.

‘ We then got down from the car and approached the cordon of soldiers. We found that about 200 yards in front of that cordon a crowd had assembled consisting of about 2,000 people who were not in any way disorderly but they were shouting out from time to time ‘ Mahatama Gandhi ki jai,’ ‘ Hindu Musalman ki jai.’ I and my friends then approached the officer-in-charge of the soldiers who told me that we should not attempt to go through the crowd as we might be assaulted. I said that the crowd consisted of my own countrymen and it was not likely that they would misbehave and that in any event we would take the risk. Being asked why the soldiers had fired, the reply was that some brickbats had been thrown at the soldiers by the crowd and thereupon they had fired. I said that no one among the soldiers appeared to have been hurt in any way and there seemed to have been no justification for firing. We then went ahead through the cordon. While we had advanced about 80 yards we were told to get back or be shot as there would be firing in two minutes or so. We protested against this and pointed out that the crowd was well behaved and we should be able to take them with us to the Beadon Square if we were given the opportunity to explain the position to the crowd which the soldiers were not able to do on account of their ignorance of the vernacular and their inability to make themselves understood by the people. We were thereupon allowed by the officer-in-charge to approach the people in front of them. The crowd was not at all troublesome and not even in an angry mood. They only said that if soldiers were to fire at them what was their remedy.’

This was the account published over the signature of Mr. B. Chakravarti. What was the Government account? The Government published a Communiqué regarding this likewise. It was as follows :—

‘ With reference to the rumours regarding the shooting of a constable by a serjeant during the disturbances on Saturday, it has been ascertained on medical examination that the constable was stabbed and not shot. The man is still in hospital and as soon as he recovers an inquiry will be held into the matter.’

Not only this, my Lord, but an Hon'ble Member of the Bengal Council, Babu Akhil Chandra Datta, put a question about this matter on the 3rd of July, and he asked whether any inquiry was initiated by the Government to ascertain that the military transgressed the law and exceeded the limits of their power during the recent disturbances in Calcutta. The answer was :—

‘ Government have received full reports on the disturbances and are satisfied that the police and the troops behaved with forbearance, and that there is no ground for the suggestion

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that they used greater force than was warranted by the situation or by the law. Government do not propose to lay any papers on the table or to institute further inquiries.'

That was the position. The crowd was fired upon by machine guns and a number of casualties caused, 6 persons killed and 30 wounded. Under what circumstances was this order to fire given? We do not know; no inquiry was held by the Government. The public version is the statement of Mr. Chakravarti that the firing was absolutely without any justification. The account that was published in the papers was that in the evening there was a big crowd going towards the meeting. Of course they were shouting out 'Mahatma Gandhi ki jai', 'Hindu Musalman ki jai,' and the soldiers there posted; without being able to understand what that implied, took it to be a war cry and fired. That is what happened, and, my Lord, the firing that took place was in the vital parts of the body and the people were wounded in their heads and chests, and a number of persons were killed, among them undoubtedly persons who were innocent. This also appears in the account of the Associated Press telegram that was sent to the papers, that persons absolutely unconnected with the disturbance who were going legitimately on business in that direction were shot by the soldiers. The question arises whether, whenever there is a riot, whenever there is a big assembly, assuming even that brickbats are thrown, the authorities are justified in giving the order to fire upon the mob, and then if they are to fire, my Lord, at what part of the body they are to fire. I did not proceed with my Resolution on the Delhi disturbances, but there the Superintendent of Police, Mr. Jeffries, stated that the rules required them to kill if they were to fire. 'You must fire to kill if you are to fire.' If that is so, my Lord, it is a very serious matter. We have seen at Delhi, Calcutta and other places that whenever there was a riot the military were called in and apparently without any order being given by a Magistrate, firing was ordered and a number of people were killed on the spot. In this case, my Lord, of Calcutta, it cannot be contended that there was no Magistrate near at hand. Why was not an attempt made to have a Magistrate on the spot to give directions when this order to fire would be necessary? The law requires, my Lord, in the first place, that you are to use civil force; the Criminal Procedure Code requires that. Why in this case did the policemen not use their batons, or their bayonets, if necessary, before the firing was done? That is a point I submit to this Council. Assuming the assembly was riotous, assuming it did intend to provoke the police or the soldiers, why should not civil force have been resorted to in the first instance? Why should not the police have used their batons as was done in Bombay and other places? Of course, if it was attempted and the attempt failed, then it might be necessary to fire, and even then, my Lord, why should they fire in the vital parts of the body, why not fire at the lower limbs as is done in other places? Here we find persons who were killed had bullets in their chests and heads. This is a serious question, my Lord. I submit there ought to be an inquiry into this and of course if the firing was justified by the circumstances, still the question would be why did they fire at vital parts?

"With these words I submit this Resolution to the Council."

1-30 P.M.

The Hon'ble Major Malik Sir Umar Hayat Khan :—" My Lord, up to a certain extent I will support the Hon'ble gentleman on my left and the case is this. I think, wherever these disturbances took place, whether

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in Calcutta, in Delhi or in the Punjab, the origin of all of them was the same, and if the same Committee were to make inquiries they would find that all these disturbances were connected. This, I think, would help the inquiry to a very great extent, and if inquiries were made in Calcutta by the same Committee, it would be much better. I am very glad that the Hon'ble gentleman read through all those papers, by which I have been able to find out that exactly what was happening in Calcutta happened, I believe, in Delhi as well as in the Punjab. That also shows, that as the origin of these disturbances is one, the same Committee should investigate into them. There have been differences between what happened in the Punjab and in Calcutta and Delhi, but this is due to the fact that there are certain peculiarities in the Punjab. It is the home of soldiers, it is the home of brave men, and when they are excited naturally they do certain things which other people do not, and if there were any difference between the happenings in the Punjab and elsewhere, it is due to this fact. Then many other things have been said by my Hon'ble friend such as the words used, namely, '*Gaulhi ji ki jai*'. Well, the same words were used everywhere which again shows that the origin was one and the same. As he said, the boys were taught first to begin because it was considered that nobody would fire on them. That was the kind of thing which was done everywhere, so that it looks as if the people who started this were at one place and they planned these things and then sent out orders all round, so as to be obeyed. In the same way the time which was chosen synchronised. It was a very bad time and it was chosen when big fairs were being held not only in one part of the country but all over the country, where not only people from the cities but people from outside attended. It was considered that if such a propaganda was started in the cities, these men would go into the country and induce the country people to join. It would have been a very serious thing for the Punjab if this had happened, because the country is the place from where the soldiers are recruited. It was thought that the soldiers would join, but these men had been in France and elsewhere and they knew what our Government was and how strong it was. That was why they did not join. But if this plot had been properly planned out and the soldiers had been fools enough to join in it, there would have been very great difficulty, because, being the hot weather, the only troops available would have been the English and the Gurkhas, who cannot fight so well at that time of the year. Again, it is known that Kabul only joined because men were sent there. If anything had happened to the soldiers and, if the enemy from outside had come into India, I do not know how difficult would have been the situation thus created; nothing could have been worse.

The Hon'ble Pandit Madan Mohan Malaviya:—"May I rise to a point of order? Is my friend the Hon'ble Member in order in talking of these things on this Resolution?"

The President:—"I presume he is leading up to some point."

The Hon'ble Major Malik Sir Umar Hayat Khan:—"I am referring to these things simply to show that there were differences in the Punjab. The differences were due to the peculiar circumstances of the Punjab. I want to show that the origin of the disturbances in Calcutta, Delhi, Hyderabad and all these places was the same; there were these differences in the Punjab, while in other places, the people being more learned adopted a different course. I only want to show that, as the circumstances were one, the same Committee ought to be asked to investigate into the happenings in Calcutta.

"Then again, it is said that the people were not shot in the legs but in their chests, etc. Well, I do not think that the bullets are so tame or that the people who fire are so accurate that they can hit in exactly the place they desire

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to hit. If one tried to hit them in the legs and they sat down they would be hit in the chest

The Hon'ble Pandit Madan Mohan Malaviya :—"Am I to take it that this is relevant to the Resolution?"

The President :—"This matter was brought up by the Hon'ble Mr. Chanda who pointed out that in Calcutta the troops or police should not have fired at the vital parts but should have fired low. The Hon'ble Sir Umar Hayat Khan, as a soldier, is trying to explain in what circumstances these bullets may have struck persons in vital parts, and I think it is quite relevant."

The Hon'ble Major Malik Sir Umar Hayat Khan :—"That is so, my Lord, and it is because I know something how bullets are fired and their effect that I thought it would be better to put that forward also."

"With these few remarks, my Lord, though I do not support the Resolution, yet I think the same Committee should be asked to investigate into these disturbances wherever these have taken place in the country, and they will find that the origin was one, that all had been planned beforehand very minutely, and that it was only through God's goodness that the whole thing was averted by Sir Michael O'Dwyer coming in at the right time and stopping it. If the thing had not been stopped, in about two or three days the whole countryside would have been up, perhaps the other provinces would have joined, and I do not know what would have happened."

1-30 P.M.

The Hon'ble Mr. Abdur Raheem :—"My Lord, this is a matter which concerns the province which I have the honour to represent, and I think I should not give a silent vote. My Lord, I do not see my way to support the Resolution moved by my Hon'ble friend, and the reason for my opposing this Resolution is that the disturbance in Calcutta in April last was not of such a nature as to need an inquiry by such a Committee as is suggested by my Hon'ble friend. On the other hand, the way in which the matter was managed by the Bengal Government was very wise indeed, resulting in things being brought to an end without taking a more serious turn, and the Calcutta Police, in my opinion, really deserve credit for the excellent way they handled the situation. I hope my information is correct that the police had very strict orders not to fire at the mob and that they did not really fire till they felt a real necessity to defend themselves after they had received serious injuries from the stones thrown at them."

"Besides this, my Lord, it is a matter which concerns Bengal. If it is to be taken up at all, I think this matter should be taken up by the Bengal Council. I, as a representative of the province of Bengal, do not see any necessity for the appointment of such a Committee, and I hope that other representatives from Bengal will agree with me."

1-40 P.M.

The Hon'ble Pandit Madan Mohan Malaviya :—"My Lord, I support the Resolution to this extent that what happened in Calcutta should also be brought within the scope of the Committee or Commission which is to inquire into the events in the Punjab, Delhi and Bombay, and for this reason, my Lord, that whether anybody was to blame or not, I hope, after the Committee has reported, the Government will take some steps, it may even undertake legislation, in order to ensure that in dealing with mobs in future more discretion and more restraint shall be exercised than has been exercised on some occasions in the past, and to lay down definite rules which will be a guide to all concerned."

"For instance, my Lord, the Government may be advised to enact the provisions of the Riot Act of 1714, by which a certain amount of time—I

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INVESTIGATE CIRCUMSTANCES OF FIRING UPON CROWDS
IN CALCUTTA.

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think one hour—was allowed to the mob to disperse before they were to be fired upon and similar other provisions which exist in certain other enactments, so that the police, those who are the custodians of law and order, should proceed on occasions of trouble on certain definite and well-understood lines. For this reason I support the substance of the Resolution which has been put forward by my friend, not that a new Committee should be appointed, but that what happened in Calcutta should be included within the scope of the inquiry which has been ordered in the case of the Punjab, Delhi and Bombay. My friend, Mr. Chanda, might very well content himself with that. As regards the opinion expressed by the Hon'ble Member who spoke last, that this was a matter which should be taken up in the Bengal Council, I do not agree with him. Certain lives were lost in Calcutta. Whether the police were right or not in firing when they did fire, it is not for us to say; that is a matter which ought to be left to the Committee of Inquiry, and I suggest, my Lord, that as the events which took place in four places had some aspects in common, and as the Government have considered it advisable to appoint a Committee which shall inquire into what happened in three places, into somewhat more or less connected events, the Government ought to accept the substance of the Resolution and promise the inclusion of the unfortunate events in Calcutta within the scope of the inquiry which has been ordered."

The Hon'ble Mr. W. E. Crum :—" My Lord, I beg to oppose this Resolution, and I would like to say that I entirely agree with the remarks which fell from Mr. Abdur Raheem. I do not think that any Members from Bengal present to-day want an inquiry into the circumstances of firing in Calcutta, and such being the case I hope the Council will vote unanimously against it." 1-41 P.M.

The Hon'ble Sir William Vincent :—" My Lord, I think it is a little significant and I hope Hon'ble Members of this Council will bear it in mind that not one single Member from the province in which these disturbances occurred has supported this Resolution in any way. In fact we have been led to believe from what the Hon'ble Mr. Crum said that they are unanimously opposed to the inquiry which has been suggested by the Hon'ble Member. It has apparently therefore been left to a Member coming from another province to force on the province of Bengal an inquiry which no one from there wants. I may also mention, my Lord, that since these riots occurred, there have been meetings of the Bengal Provincial Council, or at least one meeting. So far as I am aware no demand for any inquiry of this character was made in that Council. That is another fact which, I think, Hon'ble Members of this Council would do well to note." 1-43 P.M.

"Turning to the merits of the Resolution the character of the disturbances in Calcutta was, if I may say so, differing from one or two Hon'ble Members who have spoken, entirely different from that of the disturbances which took place in the Punjab and in Bombay. There were no outrages of the same character in Calcutta, the disorder lasted only a few hours, there was no necessity for the introduction of martial law, there were no summary trials, and with the exception, I think, of this letter from Mr. Chakravarti, no allegations have been made against the conduct of the police or the military. We have consulted the Bengal Government as to their views in regard to this inquiry, and they say that it is in every way inadvisable. They give various reasons for this view, among which one is that normal conditions have happily been restored in Calcutta, and to start an inquiry of this kind would be to revive racial feeling and unrest. I cannot help thinking that that may have influenced Hon'ble Members representing Bengal in this Council in their attitude towards this proposal. It is as a matter of fact well known that the *Satyagraha* movement made little headway in Bengal

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at all. There is further no reason whatever, I submit, to suspect or think that either the police or the military used unnecessary force or were guilty of unreasonable violence in suppressing the disturbances in Calcutta. If that is so, is it fair to our officers to place them on, as it were, their defence for doing their duty? Does this Council really think that military officers, police officers, or officers of Government generally, will do their duty fearlessly and properly if on every occasion on which they are driven to perform a very unpleasant task they are liable to have their conduct inquired into without any substantial or definite allegations being made against them? I have a report of these disturbances from the Commissioner of Police in Calcutta, which I am quite prepared to lay on the table here. I do not propose to read it; in fact we have had rather an unpleasant example of such a practice to-day; it would be a great unkindness to Council to inflict another long quotation on them; many Members were fortunate in that they could go out when the Hon'ble Mr. Chanda read out nearly the whole of a newspaper article to Council, but I unfortunately had to sit here and listen to one of the longest and most wearisome citations I have heard for some time. My Lord, I will be more considerate and place the report on the table if any one wishes to see it, and I believe that a perusal of the report will itself satisfy any Member of this Council that there is no cause for any further inquiry. The facts are briefly these: On the 6th April there was a slight disorder in Calcutta, but nothing serious, though passengers in tram-cars were interfered with, and there was a little fracas outside the Bristol Hotel; but there was no serious incident. On the 10th crowds collected again, and there was again a little disorder but nothing of a grave character. On the 11th, the tramway services were interrupted; Europeans who were about were abused and hooted; some passengers were dragged out of tram-cars and there was minor rowdyism in some parts of the city if I may so call it. College Street and Bow Bazar Street were cleared of disorderly crowds by the police, and that was all on that day. On the 12th, matters got more serious; the police were repeatedly pelted with bricks and loose metal; the Deputy Commissioner of Police remonstrated with the crowd on at least one occasion without any effect; two Assistant Commissioners were, I believe, wounded by the mob and armed police pickets were posted at various points. The police picket on the Howrah Bridge was attacked, and it was there, I believe, that this incident to which the Hon'ble Member referred that of constable Shewpujan Singh happened. This constable was as a matter of fact wounded by one of the rioters, but subsequently being instigated by persons hostile to the Local Government and to the local authorities, put up a false complaint that he had been shot with a revolver by a sergeant of the Calcutta Police. That complaint was taken up, I am sorry to say, by a certain number of legal practitioners in Calcutta. There was a full inquiry made into the incident by a Presidency Magistrate and it was proved—I am prepared to lay the report on the table now—that the whole charge was one tissue of falsehoods. The constable might indeed have been prosecuted for a false charge; I do not know why that action was not taken unless it was thought, as was probably the case, that he was only a dupe in the hands of unscrupulous men. My Lord, in the course of this day, the 12th, the same day on which the constable was wounded, a motor car belonging to the Deputy Commissioner was upset and fired; a fire engine which was not on duty was attacked. Three European and three Indian firemen were injured. A second fire engine proceeding to a fire was again attacked. There were also further attacks with stones on the Deputy Commissioner and the police, all these attacks being totally unprovoked. There was also a meeting at a mosque at which according to our information seditious speeches were made. At 4 P.M. a military picket in Harrison Road was attacked by a mob and five men were injured; the machine gun which was stationed there was actually hit with

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stones. It was then only after repeated provocation, after several men had been wounded, that the troops fired eight rounds from this machine gun at the mob, besides fourteen rifle shots at houses from which deliberate attacks were being made. If the police and troops are not to fire under circumstances of that character, then I do not know when it is justified. It is admitted and recognised by every one in Calcutta that the military and the police on this occasion behaved with the very greatest forbearance, and if the only reward which they have to receive is to have their conduct questioned in an inquiry of this kind then, as I said before, I believe it will be impossible to get them to do their duty in future. My Lord, the Council will remember what Mrs. Besant said on the recent disturbances in the Punjab :

‘ No one, I presume, will contend that the Government should look on while the mob murdered, wrecked banks, fired railway stations ; do they then think that it is more merciful to give a mob its head after its begins throwing brickbats until, say at Delhi, it had broken into the station, and struck down any resisting railway officials, than to stop it at the very outset of violence at the cost of less than a score of lives ? I say that when a small handful of soldiers and police is face to face with a mob of many thousands, and the mob begins to pelt them with brickbats, it is more merciful to order the soldiers to fire a few volleys of buck-shot than to allow the violence to gather strength until the town must be given up to the mob rule.’

“ I will place on the table the reports to which I have referred, and I assure the Council will agree that there is no real reason either for a separate inquiry or for extending the scope of the inquiry already proposed to the Calcutta disorders. It is obviously desirable to limit the scope of that inquiry, as much as possible, if the Committee is to finish its work within a reasonable time. There is no point whatever in the Resolution proposed by the Hon'ble Member, and I hope it will not receive any support in the Council.”

The Hon'ble Sir Dinshaw Wacha :—“ My Lord my Hon'ble friend Mr. Malaviya suggested that rules should be made for the mob

The Hon'ble Pandit Madan Mohan Malaviya :—“ Not for the mob, but for the guidance of those who have to deal with crowds.”

The Hon'ble Sir Dinshaw Wacha :—“ If the leaders of mobocracy were to prescribe the rules themselves for the guidance of the mob, these would be more effectual than Government rules. There will then be no need for the police and the military.”

The Hon'ble Rao Bahadur B. N. Sarma :—“ My Lord, this is a matter that concerns Bengal particularly. There were two versions, placed before us at the time that the Calcutta occurrences took place, and there was a strong feeling over the matter in the country. There is some doubt as to which of these versions is the correct one. Inasmuch as a number of persons have been killed and wounded and a machine gun was used, one would ordinarily expect that a public inquiry would take place to ascertain the exact circumstances under which the firing took place. But inasmuch as there is no very great demand from Bengal—no member having spoken in its favour and no Resolution moved in the Bengal Council—and in view of the fact that we would desire to see as calm an atmosphere as possible and that an inquiry into the disturbances would provoke acrimonious controversy, I do not think that, on the facts, we would be justified in pressing the Government of India for an inquiry. It would be pertinent and right for the members of the Bengal Council to press the Government for an inquiry into the circumstances under which this firing took place. I do not think that some of the observations of my Hon'ble friend from the Punjab, which seemed to obtain approval in some quarters, are very happily chosen or can be allowed to go without challenge.”

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The Hon'ble Member seemed to think that the police and soldiers in Calcutta were confronted with a German army just as possibly he was confronted on the field of France, and he evidently forgets that the soldiers and police in Calcutta had to deal with an unarmed mob, possibly a violent mob, throwing brickbats but an unarmed mob which could not fire back and, secondly, that they were very near and differently placed from the soldiers who had to face a hot fire and could not discriminate and choose whether they would fire at the chest, the head or the lower limbs. If some discrimination is not to be made where lives are concerned, if humane considerations are not to be taken into consideration by those in charge of soldiers, if this spirit is to prevail, then Woe unto India! The Hon'ble Member who represents the Punjab, the brave soldiers of the Punjab, has temporarily forgotten the traditions of his race and of India in remarking that officers and soldiers cannot in the circumstances choose where and how they shoot. I think, my Lord, that the circumstances under which ordinarily an inquiry should take place as to whether a mob was facing the soldiers and ready to act violently and whether the force used was needed, exist here, but I think in view of what I have said it may not be in consonance with the public interests to press for an inquiry at the present stage. The position of Hon'ble non-official Members who find a very large majority ordinarily against them would be particularly distressing if in the discharge of their duties they are taunted that the speeches are wearisome. The Hon'ble the Home Member may legitimately take exception to wearisome speeches in ordinary circumstances, but the circumstances under which we sit now are so exceptional, that I should have expected a little more grace in dealing with Members who have to discharge their disagreeable and painful duties."

1-46 P.M.

The Hon'ble Mr. Kamini Kumar Chanda:—"My Lord, I desire to say a few words. In the first place, it is pointed out that no Hon'ble Member from Bengal has supported me. It is quite true that the Hon'ble Mr. Crum and the Hon'ble Mr. Abdur Rahim have spoken against my Resolution. But I do not know by what process of thought the Hon'ble the Home Member knew that the other Bengal members were opposed to it; they have not spoken it is true, but it does not follow that they are opposed to the Resolution. I was under the impression that I was going to be supported by some of the members from Bengal. It is next said that this is a matter that should have been brought up in the Bengal Council. I say that the matter was brought up before that Council, but they declined to interfere and so I thought I would bring the matter up here as this Council is the appellate authority over all the other Councils. Then, my Lord, my submission is that the speech of the Hon'ble the Home Member itself furnishes ground for an inquiry. I would draw attention to the statement of Mr. Chakravarti, that is not the statement of an anonymous or irresponsible scribe, it is not an unreliable statement. He took the responsibility for making that statement over his signature, I do not think a statement of that kind can be summarily put aside. I ask therefore that an inquiry be made. The Hon'ble the Home Member has made a number of statements which I venture to say are not substantiated. He says there was a meeting at the mosques where speeches were made. It is known that the meeting took place on the previous day while Mr. Chakravarti was on his way to Beadon Square. This riot took place on the following day.

"Then, my Lord, the Hon'ble the Home Member said that before the constable was stabbed the motor car was upset and set fire to. Well, my Lord, there has been an insistent demand in the press in Bengal that there should be an inquiry about this question of firing and why this firing took place. Well, the allegation was that the motor car was upset after the constable was shot at his back by a sergeant, and this statement has not only been made in the press but that is the account that was telegraphed on the very day by the Associated

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Press, that an Indian constable was shot and was in the hospital. There was an inquiry no doubt, as the Hon'ble the Home Member said, but, my Lord, if you refer to the proceedings you will find that witnesses were not allowed to be cross examined and the Council appearing to watch withdrew. On the other hand, there was a complaint filed in the Court of the Second Presidency Magistrate by the constable in question charging the sergeant, and the constable pointed out in the Court which sergeant had shot him at the back. These are materials I place before the Council on the statement of Mr. Chakravarti, and the Council would not be justified in accepting the statement of the Hon'ble the Home Member, without inquiry. These are matters for inquiry, and that is what I ask for. Let the matter be fully inquired into by any Committee. I do not mind which it is, but let the matter be inquired into and a decision come to. That is all, my Lord, I think I need say to the Council. There seems to be an opinion that in view of the fact that a strong opinion has not been expressed by the Bengal members I should not go on with this matter. I therefore beg leave to withdraw the Resolution."

The Hon'ble Sir William Vincent:—"My Lord, there are only ^{2-3 p.m.} one or two small points which I should like to mention in my reply. The Hon'ble Member asked me why I assumed, how it was that I was able to come to the conclusion that the Bengal Members were not in favour of this Resolution. The answer is pretty obvious to this Council. There is not one Member from Bengal who has spoken in support of it, and it is clear from the Hon'ble Mr. Crum's speech that what I stated is correct. The Hon'ble Member has said that there was a question asked in the Bengal Council about these disorders. That may be so, but the point is that, if there is any real feeling on a matter of public interest, the way in which it is brought before the Council is by a Resolution and not by a question, and if I am correct, no Resolution was brought in the local Council about this matter.

"The only other point of importance is the question of the constable having been shot. The Hon'ble Member may make wild statements in Simla about this incident, but it is well known to every one in Bengal, it is well known throughout Calcutta, that the whole story is absolutely blown upon. Not a single person ventured to take up the time of the local Council with this allegation. There has been a full Magisterial inquiry into the matter, and it has been conclusively proved that the story of the constable being shot was utterly and demonstrably false. I doubt if any Member from Bengal would be prepared to deny the correctness of this statement. I doubt if the Hon'ble Member would have had the courage to make a statement of that kind in the Bengal Council. Those indeed who put the constable up to make the charges are themselves ashamed of the whole business. There is nothing in the allegation at all. My Lord, I am surprised it has been brought up here.

"The only other question I should like to reply to, is the point raised by the Hon'ble Mr. Sarma. He said that I complained of the wearisome speech of the Hon'ble Member. That was not my intention. I did not complain of the speech of the Hon'ble Mover. I did, however, complain, and with reason, of the Hon'ble Member's reading out a voluminous extract from a newspaper—a procedure which, I think, every one found most wearisome."

The motion was put and rejected.

The Council adjourned to Monday, the 15th September 1919, at 11 A.M.

SIMLA,

The 18th September, 1919. }

H. M. SMITH,

Offg. Secy. to the Govt. of India,
Legislative Department.