CHAPTER ONE

THE LIBERALS DURING 1919-1920

The Liberals in the Franchise and Functions Committees—

The Montagu-Chelmsford Report recommended the appointment of two committees, subsequently known as the Franchise Committee and Functions Committee, both presided over by Lord Southborough. The former was to consider and report on the question of electorate and the franchise. The latter was appointed to recommend what subjects should be transferred to the control of the Governor acting with his Ministers and what subjects should be reserved to be administered by the Governor acting with his Executive Council.

The Liberals accepted seats in both of these committees. Accordingly, Surendranath and Sastri sat in the Franchise Committee. The percentage of Hindu and Muslim members was decided substantially upon the lines of the Lucknow Convention of 1916. But the question of residence gave rise to a problem. Should the franchise be confined to those actually residing in the constituency or should it be extended to all residents of the Province, whose names were borne on the electoral roll? The official opinion insisted on a residential qualification. Their contention was that an unrestricted residential qualification—

4. Ibid., pp. 15-17.
cation would let in carpetbaggers and political adventurers, having no interest in the constituencies they represented, and perhaps little in the affairs of the Province. The Local Governments as a rule were in favour of a residential qualification. But Surendranath, as a member of the Committee, thought that if the qualification was restricted only to the actual residents of a constituency, the field of choice would be narrow and might in some cases exclude the best men from the Legislative Council and thus impair the success of the Reform now being inaugurated. Added danger to it was that the constituencies were notoriously fickle and some time a good man might be thrown out through the caprice of an untried and not too stable electorate. In such a case a narrow residential qualification would exclude him for good. Lord Ronaldshay and his Council were all opposed to Surendranath and he had a long tussle with them over this matter. But Lord Southborough, the president of the committee, and the Indian members in it were of a different opinion which in the end prevailed. In Bengal, due to Surendranath's efforts, the electoral rule did not provide for residential qualification which was confined to other Provinces.

5. Ibid., p. 17.
7. Ibid., pp. 296-96.
8. Franchise Committee, op. cit., p. 17.
The committee had to face another problem with regard to the non-Brahmins of Madras who were infuriated by the inclusion of Sastri, whom they accused of having preferred 'a Brahmin oligarchy to an Indian democracy'. And on that ground the non-Brahmins of Madras refused to appear before the committee. Their chief contention was that, though they constituted the large majority of voters and their ratio to Brahmins was something like eight to one, they were not sure of adequate representation in the Council because of the caste superiority of the Brahmins in Hindu Society. They therefore, demanded a separate communal electorate for themselves. Sastri, however, preferred the idea of reservation just over fifty percent of the seats in the Madras Council for the non-Brahmins in a common electoral roll. The committee accepted his idea.

The report of the Functions Committee was unanimous. Only on one point Sapru and Setalvad, the two well-known Liberals, who had participated in that committee, recorded that Land Revenue Administration and with it Irrigation should be made a transferred subject in Bombay in view of the exceptional conditions surrounding that subject in that Province.

10. Franchise Committee, op. cit., pp. 11-12.
So far as their work in these two committees were concerned, both Banerjea and Setalvad recorded that their work could be harmonious due to the tactfulness of Lord Southborough.

Deputation to England -

After the reports of the Franchise and the Functions Committees were published, a Government of India Bill, embodying the recommendations of the Montagu-Chelmsford Report and the reports of these two committees, was introduced in the Parliament. The All India Moderate Conference at Bombay had resolved to send a deputation to England to plead their view on the Reform Bill which they expected to be introduced in Parliament. When the Bill was read a second time without a division and the Joint Select Committee began its labour by the middle of July 1919, the Liberal deputation was in England under the leadership of Surendranath Banerjea for giving evidence before the Select Committee of both the Houses of Parliament under the Chairmanship of Lord Selborn, an ex-Governor of South Africa. The difficulties of the Liberal deputation were numerous. Firstly, the Bill as it was introduced in the Parliament, contained many retrograde recommenda-

15. Report of the Proceedings of All India Moderate Conference, Bombay, November 1918, Bengal, 3 November 1918.
tions which the Government of India had sent home through some of their despatches and these had made the Bill worse than the Montagu-Chelmsford Report itself. "They were simply wantonly mischievous ..." (wrote Lord Southborough, one of the members of the Joint Select Committee, to Sir C.H. Setalvad of Bombay). Nothing too strong can be said about them. They lack even the one quality which you might expect to find, knowledge of the subject. *Divide-et impera* is the only policy to delay the Bill a dominating hope."

The illiberality that characterised the proposals contained in the Government of India despatches was ably exposed by Sir C. Sankaran Nair in a strongly worded minute of dissent which was appended to the first despatch on Indian Constitutional Reforms of the Government of India, dated 5 March 1919. In a few short sentences he pointed out the real drift of the proposals of the Government of India. "The proposals made by my colleagues," said he, "tend to the diminution of parliamentary control not for the transference of such power to the Legislative Councils of the country, but to the Executive Government in India." Referring to the proposals regard-

17. First Despatch on Indian Constitutional Reforms, 5 March 1919; Fourth Despatch on Indian Constitutional Reforms (Division of Functions), 16 April 1919; Fifth Despatch on Indian Constitutional Reforms (Franchise), 23 April 1919.


19. A Moderate and a member of Viceroy's Council (1915-19).

ing the Transferred Departments, he observed: "the cumulative effect of all these provisions is to place the Minister and the Legislative Council in relation to the Transferred Departments, not only in a position of no real responsibility but virtually in subordination to the Executive Council. The scheme, therefore, of my colleagues is directly against the announcement of the 20th August, as it altogether means a negation of responsibility and should not therefore be accepted." Regarding the budget proposals, he pointed out that what the Government of India really recommended was that neither the Minister nor the Council was to have any real voice in the settlement of the budget. The Government of India was to treat every budget resolution merely as a recommendation and not as binding. The influence of the Minister in the direction of thrift and expenditure on a Reserved subject was also removed. Further, the Secretary or the permanent Head of a Department would be entitled to appeal to the Governor against any decision of the Minister overruling him. But the Government of India was not satisfied even with this. There was a provision by virtue of which almost all Bills relating to Transferred subjects could be passed by the Governor with the help of a Grand Com-

23. Ibid., p. 102.
24. Ibid., p. 97.
mittee, and thus the control of the Legislative Council was practically eliminated. A combination of circumstances was thus created which would inevitably lead to the failure of Transferred Departments in which case they would be transferred from the Minister to the Executive Council.

The recommendations of the Government of India with regard to Franchise and Functions Committees as contained in their fifth and fourth despatches on constitutional reforms were of equally retrograde character. In a statement issued on the views of the Government of India on the recommendations of the Franchise and Functions Committees, the Indian Association of Calcutta, of which Sir Surendranath Banerjea was the President, recorded its objections to the following recommendations in particular: the reduction of the number of elec-

26. Ibid., Minute of Dissent, op. cit., p. 98.
27. Ibid., pp. 61-62.
28. Indian Constitutional Reforms: Reports of the Franchise Committee and the Committee on Division of Functions, Fourth Despatch on Indian Constitutional Reforms (Division of Functions), Revised List of All India Provincial and Transferred Subjects; Fifth Despatch on Indian Constitutional Reforms 1919 (Calcutta, 1928), pp. 369-386.
29. India, 4 July 1919.
tors in the general constituencies in Bengal, the retention of the existing qualifications for membership of the legislative bodies, Indian and Provincial, the abolition of the University constituencies, the limitation of qualification of electors to property alone, the proposal to transfer only primary education and the retention of control over higher education and development of industries, retransfer of subjects in case of insoluble disagreement between a Governor and his Ministers, the creation of separate purses for the Transferred and Reserved Departments arising out of the income of the subjects placed under each half of the Government and the grant of authority to each half to treat financial matters independently of the other and also independently of the Legislative Council, which would make the scheme unworkable and result in the Transferred subjects being starved. The members of the Government of India thus left no stone unturned to make the reforms proposals as hollow as they could.

As a result of all these recommendations the Government of India Bill that was introduced in the Parliament turned out to be more disappointing than the Montagu-Chelmsford Report. A large number of deputations was the second difficulty. The reactionaries in England posed a clear threat. The Rowlatt legislation and the agitation and controversy surrounding it

30. Besides the Liberal deputation there were those from Congress, the Muslim League, Besant's National Home Rule League, the Non-Brahmins of Madras and other bodies.
made the Liberal deputation's task of impressing their own views on the British public and Parliament more difficult.

Surendranath Banerjea knew that their most important task in England would be to establish personal contacts and interviews. The Liberals therefore bent all their energies in securing sympathy of the British press for the Liberal position. Surendranath and Chintamani began to express Liberal views from press and platform. Surendranath gave interviews to the Manchester Guardian, Daily News, Pall Mall Gazette, Sunday Observer and other papers. He also attended a number of meetings including one at the National Liberal Club and other at the Essex Hall where he spoke on the necessity of making some changes in the Reform Bill. Chintamani wrote to nearly every influential paper including the Nation, Westminster Gazette, Investors' Review, Daily Chronicle and others with what seemed to be a good response. Sastri was busy in addressing meetings in support of the Mont-Ford Bill and its improvements. At the Leeds Luncheon Club, under the chairmanship of Michael Sadler he spoke on "The Case for Constitutional Reform in India." Sastri also spoke on the Reform Bill with

32. Ibid., pp. 298-306.
33. Servant of India, 9 October 1919.
34. P. Kodanda Rao, op. cit., p. 76.
Surendranath Banerjea and N. M. Samarth at the National Liberal Club meeting of 24 June.

The Liberals held several meetings with the Labour Leaders including especially Josiah Wedgwood, meetings which were organised significantly enough by Mrs. Besant who was gradually assimilating herself to the Liberal position. On more than one occasion the Liberal delegation had to vie with the Congress delegation for a convincing presentation of its views. Both Wedgwood and Benn Spoor seemed to favour the Congress position from the first. Spoor's hostility to the Liberal position was made clear when he, as a member of the Joint Select Committee, examined Surendranath. As Surendranath Banerjea wrote afterwards, Spoor "evidently had been primed by some members of Congress deputation."

The Liberal deputation waited on Montagu on several occasions, and, at his request, appointed a committee to prepare a Memorandum presenting the Liberal case. It consisted of Chintamani, Samarth, (P.C.) Ray, Sastri and (B.S.) Kamat. Surendranath Banerjea prior to his hearing submitted the memorandum to the committee. It criticised the attitude of the

35. Leader, 7 August 1919.
38. Surendranath Banerjea, op. cit., p. 298.
40. Surendranath Banerjea, op. cit., p. 300.
Government of India on the Reforms issue in its despatch of 5 March 1919, criticised the nature of the Reforms Bill itself and suggested some important changes on the position.

On 28 July Surendranath Banerjea appeared before the Joint Select Committee as the first Moderate, in fact, the first Indian. He urged in his evidence that the preamble of the Bill should be altered to indicate that its object was to provide for responsibility of the Central Government (though limited), with its immediate introduction in the Provinces to begin with; also it should be indicated that the object of the Bill was to provide for devolution of authority from Home Government to the Government of India and the relaxation of the powers of superintendence, direction and control vested at present in Parliament in regard to India in so far as Executive Governments in India were subject to India in so far as Executive Governments in India were subject to the control of the Legislature. He suggested certain modifications to the dual feature of the Government in Provinces - 1) that there should be a common purse accompanied by joint deliberation of both the parts of Government before the budget was framed, 2) the budget resolution of the Legislature, whether on Reserved or Transferred subjects, should be binding on the Executive, subject to the power of certification provided for in the Joint Report, 3) that Executive Councils should consist of two members only, one of whom should be an Indian, 4) that the Minister should

43. Ibid., vol. 2, pp. 59-61.
occupy the same position as to the salary etc. as members of
the Executive Council, 5) that there should be a standing com-
mittee both as to Reserved and Transferred Departments and
under Secretaries as suggested in the Joint Report, 6) that
taxation for Provincial purposes should be a Transferred sub-
ject, and 7) that no proposal for taxation should be brought
forward before the Legislature without the approval of the
Minister. The position of the Governor in relation to the
Minister should be that of a purely constitutional Governor.
The clause relating to the Statutory Commission, he added,
should make it clear that the next Commission would enquire
into the means of extending responsible Government in the
Central as well as in the Provincial sphere. He indicated
that the subjects marked 'popular' by Sir James Brunei in
his memorandum appended to the Crew Committee Report should
be placed under a Minister or Ministers, and in this connec-
tion he called particular attention to Income Tax and Salt
Departments. The reason why he urged that the process of
dyarchy in Central Government should begin now, was partly to
prevent the evil of criticism without responsibility and
partly because an unreformed Central Government was not sui-
table for supervising reformed Provincial Governments. It was

44. Ibid., pp. 59-60.
45. Ibid., p. 61.
46. The Committee for the reorganisation of India Office.
a natural corollary, therefore, that there should be a Minister for the purpose of supervising the work of various Provincial Governments which had been reformed.

The modifications urged by the different Liberal delegates were substantially on the same line with one or two minor differences in detail. And as a result of all these efforts, the Bill, as recommended to be amended and expanded by the Joint Committee, proved to be an improvement on the original Bill.

The Bill as it emerged from the Select Committee, laid great stress on the necessity of clearly demarcating and fixing the responsibility of each half of the Executive for its own sphere. The committee regarded it as of the highest importance that the Governor should foster the habit of free consultation between both halves and that he should insist upon it in all important matters of common interest. The Committee recommended that the whole of Education (subject to reservation about Universities) and the Development of Industries should be Transferred subjects. The salaries of the Ministers was to be the same as that of the members of the Executive Council and that in future not less than three members of the

48. Ibid.
49. Ibid., pp. 155-69, 231-43.
51. Ibid., p. 11.
52. Ibid., p. 5.
Governor-General's Executive Council should be Indians. A Minister would have the option of resigning if his advice was not accepted by the Governor and the Governor would have the right of dismissing a Minister whose policy he believed seriously wrong or out of accord with the views of Legislature. If the Governor resorted to dissolution to find new Ministers, the committee hoped that the Governor would be able to accept the views of the new Ministers, and also said that if the Ministers decided not to adopt his advice, the Governor should ordinarily allow Ministers to have their way. All proposals for Provincial taxation should be considered and agreed upon by both halves of the Government before submission to the Legislative Council and the Governor's powers for reserved legislation was to be exercised only after opportunity for full discussion in the Legislature. The standing committee of Parliament should be specially consulted on acts of this kind by the Secretary of State. As regards the Statutory Commission, the Joint Committee suggested that it should also consider whether any advance could be made in the Government of India. This was also a new and distinct improvement.

The Liberal deputation's approach to the situation made on the whole a favourable impression not only on the Joint Committee, as one of the Committee's member admitted, but on

53. Ibid., p. 9.
54. Ibid., pp. 5-6.
55. Ibid., p. 8.
56. Ibid., p. 11.
such non-Liberals, as the Home Ruler Jamnadas Dwarkadas.

Even the Nationalist press voted the recommendations of J.S.C. to be a vast improvement upon the reactionary proposal of the Government of India and an 'auspicious first step towards Indian Swarajya'.

Evidence was led before the Joint Select Committee to such an effect that Montagu was able to persuade his colleagues to accept amendments which improved the position considerably. The Bill received Royal assent on 23 December 1919 and was accompanied by an amnesty for political prisoners.

The Beginning of Non-cooperation Movement and the Liberal Attitude Towards It -

at long last the Liberals had their constitutional Reforms but there was to be no triumph for it. Instead of the jubilation they had expected, they found an atmosphere surcharged with anger and mistrust. It was indeed an irony of fate that in India reform and repression seemed to have contracted an unholy alliance. Evidence of this came in abundance in the year 1919. In accordance with the recommendations of what was

57. Surendranath Banerjea, op. cit., p. 301. Also Leader, 13 September 1919.

known as the Rowlatt Committee, two Bills were introduced in the Legislative Council in February 1919. It recommended the Government to arm itself with permanent legislation to enable it, whenever it felt the need, to take extraordinary power to deal summarily with seditious offenders. Introduction of this Bill let loose a spate of abuse and calumny. Eventually, in the light of official and non-official opinion received, the Government decided to drop the second Bill. The first was passed into law as the Rowlatt Act on 28 March 1919.

The passing of the Rowlatt Bill brought Gandhi to the scene. With a faith in Satyagraha brought over from South Africa, Gandhi had rehearsed this art on a smaller scale in connection with the local grievances in Champaran in Bihar and Kaira in Gujrat. The success he achieved there led him to

59. A committee appointed in December 1917 under the chairmanship of Justice S.A.T. Rowlatt "(1) to investigate and report on the nature and extent of the criminal conspiracies connected with the revolutionary movement in India, (2) to examine and consider the difficulties that have arisen in dealing with such conspiracies and to advise as to the legislation, if any, necessary to enable Government to deal effectively with them." Resolution of the Government of India, Home Dept., 10 December 1917.

60. Criminal Law (Emergency Powers) Bill and Indian Criminal Law (Amendment) Bill.


64. Confidential Papers connected with the passing of the Rowlatt Act, 0 of I, Home Pol., April 1920, pt. A, nos. 373-388.

think of the same method on other occasions, and he embarked upon a campaign of Satyagraha against the Rowlatt Act. The All India Congress Committee called for hartal in protest against the Act, and, as a result, there was rioting in a number of North Indian cities in the first and second weeks of April of 1919. At Amritsar in the Punjab five Europeans were murdered by a mob on the 10th and the city was placed under military rule. On the 13th a prohibited meeting, held in a walled square, the Jallianwala Bagh was fired on without warning by British troops, and there were heavy casualties. Two days later Martial Law was proclaimed in Amritsar and neighbouring cities, under which flogging and other humiliations were imposed upon Indians as reprisals for the loss of British lives.

The violence resulting from his avowedly non-violent campaign shocked Gandhi deeply, and, with a courage all his own, he made a public confession that he had made a 'Himalayan blunder'. He was now convinced that without greater self-discipline Indians could not challenge the British and he urged the Congress at Amritsar to accept the Montagu-Chelmsford Constitution and to give the Reforms a fair trial. On 31 December of the same year he wrote in his own organ, Young India, "the Reforms act coupled with the royal proclamation is 66. D.G. Tendulkar, Mahatma (The Publication Division, Govt. of India, 1960), vol. 1, p. 247.
an earnest of the intention of the British people to do justice to India. And it ought to remove suspicion on that score...

Our duty therefore is not to subject them (Reforms) to carping criticism but to settle down quietly to work so as to make them a thorough success. But, strangely enough, only six months afterwards Gandhi was spurning the Reforms, preaching Non-cooperation and calling for a mass movement against a Government he termed 'satanic'. What caused this change of attitude? The answer was easily found in what the Mahatma maintained were the broken pledges and insincerity of the British Government manifested in the 'white washing' of the culprits of Amritsar, and in grievances of Indian Muslims on the Khilafat issue.

The special session of the Congress, held at Calcutta in September 1920 under the Presidentship of Lala Lajpat Rai, accepted Gandhi's Non-cooperation programme and in Nagpur, in December 1920, at the regular annual session of the Congress, the resolution of the special Congress was reaffirmed. Non-

68. Young India, 31 December 1919.
70. Progs., of the special session of the I.N.C., September 1920, Bengalas, 9-10 September 1920, also Leader, 10 September 1920.
cooperation became the settled policy of the Congress.

In the Non-cooperation resolution the Khilafat question (first) and the Punjab grievances (next) were given as the two grounds for discarding the Reform scheme and demanding Swarajya or immediate Home Rule for the prevention of similar wrongs in the future. For the attainment of such Swarajya or immediate Home Rule a policy of what was called non-violent Non-cooperation was advocated, and as a beginning the people were advised to take certain steps which were therein referred to. Gandhi demanded that support for the institutions of British Indian Government-offices, courts, councils, colleges and schools should be withdrawn and that Congress men should devote themselves to the construction of national institutions instead.

Though sympathetic with the case of the Khilafatists in India and fierce in their denunciation of the Rowlatt Bills and the tragedy of Amritsar, the Liberals declared at once that they disapproved of people offering Non-cooperation on these accounts.

As regards the Khilafat question Gandhi's view was criticised by them. Sir C. Sankaran Nair argued that Gandhi in this respect interpreted the Muslim attitude in his own way, without looking back at the antecedents of the Muslim community in general and of the Ali brothers, the two most energetic

72. Ibid., Appendix F, The Resolution on Non-cooperation.
protagonist of the Khilafat movement in India, in particular, so far as pan Islamism was concerned. The Ali brothers "were active members of the Muslim League advocating Muhammadan interest in opposition to the Hindus in the old days of the Bengal partition agitation. In their public speeches they emphasised the identity of the interest of Indian Muhammedans elsewhere in Tripoli and Algeria in preference to those of the Hindus though living under the same Government with them." They openly said that they were Muslim first and Indian afterwards, and he quoted the speech of one of them to show that they even asserted that "if the Afghans invaded India to wage a holy war, the Indian Muhammedans are not only bound to join them but also to fight the Hindus if they refuse to co-operate with them." In supporting the Khilafatists claim Gandhi greatly encouraged their pan-Islamism, based on extra territorial allegiance of the Indian Muslims, which was always opposed to other religions and cultures of India. The Ali brothers always claimed that the Muhammedans were to be judged only by the law of Koran. They expressed this opinion while they were being tried for their seditious speeches. The acceptance of


74. Ibid., p. 36. Also see Speech of Mr. Muhammad Ali as the President of the All India Conference on 8 July 1921, G of I, Home Pol., secret no. 155/1922.

75. C. Sankaran Nair, op. cit., p. 51.

76. Speech in the court of the Judicial Commissioner of Sind, session case no. 331, 1921; G of I, Home Pol., secret no. 155/1922.
this claim, Nair held, was not only a deathblow to the British Empire or the Indo-British Commonwealth upon which the Liberals had pinned all their faith, it implied specifically a denial of Swaraj for India, as it involved Muhammadan rule and Hindu subjection or vice versa. The Muhammadans in India put forth claims which the Turks themselves recognised as outside practical politics. While the Turks in their deputation of January - February 1919 (after the armistice) only wanted to be left alone with economic and political independence in their 'own ethnological area', the deputation of Indian Muhammadans to the Viceroy towards the end of that year and the subsequent deputation to the Prime Minister, advanced a claim for the restoration of Turkey to its pre-war status. In short, what the Ali brothers really had in mind was the independence of India - no doubt as a preliminary step towards a subsequent Muhammadan domination in India - as well as the restoration of pre-war Khilafat domination. But they were clever enough to keep the cat in the bag as long as the time for its emergence was not ripe. Gandhi, Sir Sankaran Nair pointed out, without making any enquiry as to the real nature or reasonableness of their demand, supported the Khilafat Party in India,

77. C. Sankaran Nair, op. cit., p. 36.

78. The Indian Khilafat Delegation to the Prime Minister Lloyd George, 19 March 1920, Times, 22 March 1920.

79. C. Sankaran Nair, op. cit., p. 34.
although "with a light heart they maintain that the question was not Turkish but Muhammedan and therefore Turkish opinion alone cannot decide the question." In his eagerness to effect an Hindu Muslim unity and to secure Muslim support for the Non-cooperation movement Gandhi seemed to have underestimated all these factors.

While the other Liberals agreed with Gandhi in condemning the violation of Mr. Lloyd George's promise to Turkey that she would not be dismembered, they saw in this no ground for withdrawing their co-operation from the Government of India which stood 'clear and without blemish in this affair'. As Sastri wrote, "I cannot, I confess, see the obligation resting on me to withdraw co-operation from a Government which had done right in order to influence another Government which has done wrong, merely because the former is politically subordinate to the latter. The whole argument is fantastic to a degree."

The Liberals thought that the Government of India had done its best to place the case for the Khilafat before the His Majesty's Government and before the allied powers and to press the Muslim point of view. "The question of peace with Turkey", wrote the Bengalee, "forms part of international politics to which the Government of India stands as much in the position of outsiders as the people of this country. Being an inter-

80. Ibid., p. 32.
81. P. Kodanda Rao, op. cit., p. 84.
81a. Sastri to Gandhi, 1 February 1920, Gandhi Papers, Gandhi Smarak Samgrahalaya, New Delhi.
national question, it could only be decided by the allied powers in conference. It seems ... that to adopt non-cooperation in order to paralyse the administrative machinery controlled by the Government in this country is rather wide of the mark."

The attitude of the Government towards the people of Punjab and the Punjab officials was stated in Congress resolution to be the only other reason for the Non-cooperation movement. The Liberals were not behind any other party in the country in condemning the atrocities in the Punjab and in pressing for immediate redress of Punjab grievances. In fact, as Chintamani said, although the primary object of the deputation to England was to get constitutional reforms, he and Pundit H.N. Kunzru were particularly instructed with other members of the delegation by the United Provinces Liberal Association to make the Punjab situation the principal subject to which they should devote attention in England. Sir F.S. Sivaswami Aiyar as the President of the All India Moderate Conference in 1919, Chintamani in the columns of the Leader and Sir Tej Bahadur Sapru on the floor of Imperial Legislative Council condemned

82. Bengalee. 23 June 1920.
83. Leader, 18 December 1919.
85. Leader, 18-25 April, 5 December 1919.
the atrocities of General Dyer in no uncertain terms. Sir C. Sankaran Nair even resigned his seat in the Governor-General's Executive Council in protest. But with all their severe indictment of Government policy and action, they could not see any justification for withdrawing their co-operation with the Government on this account. Sir C. Sankaran Nair stated the position clearly when he said that before the Reforms the atrocities in the Punjab could be committed almost without impunity under a Lieutenant Governor, a single individual. But under the reformed constitution the Government of Punjab would no longer be an one man show in the person of the Governor. He would be assisted by an Indian who was a non-official before appointment to his seat in the Council. The popular element would consist in two Indian Ministers who would also be consulted in all important matters. Though a repetition of the old incident might be possible, under the changed circumstances it was unlikely. Secondly, the Government of India which had included only one Indian would include three Indian members under the reformed constitution and there would be a Legislative Assembly with a powerful elected majority. The position for the future at any rate would be very different from what it was in the past. Under such circumstances, the natural course for the Congress men to pursue would have been to demand further guarantee that might be necessary against a repetition of such

87. C. Sankaran Nair, op. cit., pp. 54-55.
88. Ibid., p. 55.
occurrences and the punishment of those who had acted neither under an error of judgement nor in good faith. But the demands made were of a very different kind. They did not seek for a further guarantee, at least none was formulated. Secondly, the officers who were held guilty by the Congress enquiry committee should be punished by the court. But the Congressmen who carried on the agitation to vindicate justice, took no such steps. So, according to Nair, it was not really the redress of the Punjab grievances or prevention of repetition of atrocities that was sought for. These were merely pretexts for starting the Non-cooperation movement.

The Liberals would not be party to a movement which they regarded was anti-Government. "Equally untenable and ingenious is the position", wrote Sastri, "that Non-cooperation is not anti-Government. An organised movement on the part of the subject, to be executed in four stages, each more effective than the preceding, intended to embarrass at first and then utterly paralyse the machinery of Government, until not that Government but a superior Government six thousands miles away is 'compelled' to give redress is, if anything, but an abuse of language to say that such a tremendous upheaval is not anti-Government."

89. Ibid., p. 56.
90. Ibid., p. 57.
91. Ibid., p. 58.
92. P. Kodanda Rao, op. cit., p. 84.
The Liberals opposed the Non-cooperation movement from their conviction of its futility and the harm it would do to their cause and to the country. They were convinced that the talk of immediate swaraj was merely an 'euphemism' for revolution which would not be accomplished by appeals to constituted authorities. But Non-cooperation would not achieve it either. As Mr. Chintamani said as the President of the National Liberal Federation in 1920: "I have a constitutional aversion for prophesying which Mr. Balfour has described as the most superfluous form of error, while, according to Mr. Charles Dilke, political prophecy is the most futile of all prophesies. But not even Macaulay's school boy runs any risk in venturing the prediction that Non-cooperation will not bring about the wished-for revolution." The negative creed of Non-cooperation, he added, was opposed to the nature of things; no raging tearing propaganda, no whirl wind campaign, no shock tactics, not even social tyranny would bring it any success. On the other hand, it would stir up feeling and undermine respect for law and authority among the masses who had not developed an intelligent understanding and would in the end act as 'clogs in wheel of progress'.

94. Ibid., p. 23.
95. Ibid., pp. 23-24.
The Liberals felt that there was such a tremendous amount of anti-British feeling in the country and so little understand-
ing of the niceties of Gandhi's own programme that he would be
letting loose forces of disorder which he would be unable to
control, and the last stage would be worse than the first. They
failed to realise how on earth was it possible to imagine that
all activities would be non-violent when those who were carry-
ing them said that they must commit Civil Disobedience of a
character that would compel the officials to shoot them, when
one large section of the Non-cooperators, the Muhammedans, fol-
lowed a militant religion which not only sanctioned but required
them to use force to vindicate what they considered to be their
religious law. In fact, as Sir Sankaran Nair pointed out, the
Muslims had never subscribed to Gandhi's creed of non-violence.
In support of his view he referred to one of the speeches of
the President of the All India Khilafat Conference in 1921 in
which he said that Islam was opposed to non-violence and that
they accepted it on the promise of Mr. Gandhi to secure Swaraj
within a year. The Liberals had thus grave doubts if the peo-
ple most affected would respect Gandhi's pacific injunctions
when religious feelings were touched and roused to frenzy. "Mr.
Gandhi may be justified", said Sastri, "in expecting strict
compliance with his pacific commandments from those that have
been in living contact with his personality in his Ashram and
assimilated its discipline. Is he not incurring great risk and
grave responsibilities when he expects the same compliance from

95a. Sastri to Gandhi, 1 February 1920, Gandhi Papers, op. cit.
96. C. Sankaran Nair, op. cit., p. 43.
casual Satyagrahi who submit to his rule for a certain purpose under the stress of an overpowering emotion, who feel that in a way they are not obeying their own religion in submitting to that rule and who will give play to their own impulses the moment they become impatient? Under such circumstances there was no doubt that bloody riots would follow. The Liberals could almost foresee the movement 'fizzling out in withdrawal from a few honorary offices, renunciation of a few titles and resignation of few government posts'. And they warned the Non-cooperators against the possible dangers of a failure of the movement. Firstly, the danger of a clash with the authority with all that would follow, and secondly, the manner in which the failure would be looked upon by the outside world. "The whole world will look upon us", wrote the Bengalee on 25 June, "as devoid of all sense of proportion and responsibility. We shall be accused of having played with fire, of having exploited the religious prejudices of the people not capable of realising the gravity of their conduct and we shall have heaped on us all the taunt and obloquy which is inseparable from a movement deliberately started for paralysing the Government and ending in ignominious failure."

98. Bengalee, 25 June 1920; Leader, published an article on 11 September 1920 entitled 'The Plunge'. 'The Congress has burnt its boats', it wrote, 'the only hope now left is that the number of practising Non-cooperators would be insignificant'.
100. Ibid.
The Liberals were opposed to the Non-cooperation movement in this way. But they attributed the origin and popularity of the movement to the unwise policy of the Government which had also the effect of undermining the Liberal position considerably in the very beginning. Their obtuse method of 'riding rough-shod over the delicate susceptibilities of Indian people created the intense revulsion of feeling out of which the Non-cooperation movement grew', and Chintamani charged the Government with sabotaging the Liberal position. There were indeed some truth in this accusation. When the Liberals rallied to the help of the Government, they lost their position in the country and fell from popular favour. They knew the risks they were taking but they honestly believed that they had a good chance of winning over the people to their side and that they would be able to convince the majority of the countrymen that they had acted wisely. The Liberals succeeded in this task to a great extent. What was declared in the first mood of wild and extravagant opinion as "undiscussable," "unacceptable" and "to be rejected in toto", became in the deliberation and resolution of the Congress later on as worthy of compliment, as indicating the good intentions of Lord Chelmsford and Mr. Montagu, a genuine effort on their part to conciliate.

103. Leader, 20 March 1919.
opinion. By the time the Act itself was on the anvil the Congress and Home Rule League deputations had come to take a more favourable view of the Montagu scheme than it had done in the preceding year. "As regards the Reform Bill", wrote Motilal Nehru to Sivaswami Aiyar, "I feel that it is certainly an improvement on the original Bill and that it gives us substantial powers in certain departments. We should utilise the new Act as much as possible." Mrs. Besant and a number of her followers were progressively assimilating themselves to the Liberal position. Besant began to accuse the Congress of 'riding roughshod over those who differed in their opinion or sought compromises'. Mrs. Besant, C.P. Ramswami Aiyer and the Liberal delegates acted in close association in England. The evidence submitted before the Joint Committee of both the Houses on behalf of the leading political organisations of the country clearly showed that, though Indian opinion was strongly against the provision by which the element of responsibility introduced in the Councils was sought to be hedged round, there was every desire to work the Reforms for what they were worth. Chintamani hailed the fact that (they) had all but come over to the Moderate or Liberal Party organisation.

But at that moment the Liberals were hurled out into wilderness by the tactlessness of the Government. The Rowlatt

105. New India, 7-9 January 1918.
106. Chintamani's (one of the member of the Moderate deputation speech at a meeting of Western India Liberal Association, Leader, 5 December 1919.
107. Leader, 30 March, 1919.
Bills (Criminal Law Amendment Emergency Power Bills) were introduced in the Legislative Council in February 1919 embodying provisions most drastic against the liberty of the subjects. The Liberals were appalled. At a time when the feeling for the proper reception of the Reforms in the country was fast growing, they considered it very unfortunate that a measure like this should have been considered and more unfortunate that it should have been introduced in the Council. They thought that the Government was already armed with the Defence of India Act and the Regulation III of 1818, which was a permanent law of the land, and no such law as the Government was proposing at the time was needed. "It is not in accordance with the practice of other Governments" Sastri warned the Legislative Council on 7 February 1919, "to bring in repressive legislation of this nature long before its necessity has become clear ... The passing of the law therefore long before its necessity might arrive would simply set the country in an uneasy state of excitement." The Liberals warned the Government in the plainest manner possible of the fatal consequences if it insisted on denying the will of the people by forcing this Act upon them just after the conclusion of the War, "We are afraid," wrote the Bengalee in a similar strain that,

108. 'The Act was really an executive order', as Surendranath Banerjea said in the Council, 'masquerading in the garb of legislation, a glorified ordinance with a patch of judicial colouring which may fittingly be called a lawless law'. Bengalee, 20 March 1919.


110. Ibid., p. 537.

111. Ibid., p. 537.
"there will be grave public discontent, followed by agitation the magnitude of which it would be difficult to exaggerate."

As a last attempt Surendranath and Sapru met the Home Member Sir William Vincent, while the Bill was at the Joint Select Committee stage where they once again urged that the Bill should be withdrawn. But the discussion led to no 'compact.'

The Bengalee again sounded a note of warning editorially: 'Is India to be a greater Ireland? ... in their desperation the people are forming the solemn league and covenant to refuse civilly to obey them.' It appealed to the Government to take note of the 'signs of time', to act in response to public opinion even to the extent of dropping the Bills, so much repro­bated by the united and emphatic voice of the community, and not to make a 'fetish of it's prestige'. But the Govern­ment of India reacted characteristically to all these appeals. It ignored the strength of Indian opposition and contemptu­ously treated it as 'a mass hysteria among the Indian politi­cians'. The Liberals in particular were accused for not being able to suggest anything constructive, and of exaggerating the harmful effects of the Bill. The fateful Bill was

112. Bengalee, 4 February 1919.
114. Bengalee, 6 March 1919.
116. Ibid., p. 1188.
finally passed on 18 March 1919, the officials alone voting in its favour and only after the Viceroy-President had suspended the rules of business. The Government did not pay any attention to the repeated warnings of the Liberals; instead, Sir William Vincent, was eulogised for skillfully piloting the Bill through the Joint Select Committee stage.

The Liberals proved to be prophetic of the tragic events that swiftly followed culminating in the massacre of Jallianwala Bagh and the odious O'Dwyer regime in Punjab. Surendranath, as the Secretary of the Indian Association, immediately sent an appeal to the Government of India for the appointment of a mixed commission of officials and non-officials to enquire into the present political situation. The Liberals carried their plea directly to Edwin Montagu in England. Sir Sivakswami Aiyar published a separate treatise, challenging the application of martial law from the legal point of view, and Sir D.E. Wacha brought it to the notice of the Government.

117. Ibid., p. 1229.
120. Bengalee, 3 May, 6 and 25 June, 29-30 July and 9 August 1919.
121. Servant of India, 5 June 1919.
122. Wacha to Sir S.R. Hignell, 7 June 1919, encl. Viceroy to Secretary of State, 30 October 1919, G of I, Home Pol., confidential deposit no. 18, July 1919.
The official opinion, however, characterised it as a 'confused article which failed to distinguish between the acts of Legislature and acts done under the necessity of martial law'.

Partly constrained by these Liberal efforts, nearly six months after the atrocities were perpetrated, the Government appointed the Committee in October 1919 presided over by Lord Hunter, the Solicitor General and the Senator of the College of Justice in Scotland. Besides Sir C.H. Setalvad, the Government of India decided to include Pundit Jagat Narain, another Liberal as an additional member of the Punjab enquiry committee on Montagu's suggestion. The Liberals were satisfied that two of the three Indian members of the Hunter Committee were Liberals.

But as soon as the Committee was appointed the Government of India took steps to pass an Indemnity Bill to protect the guilty officials, which was finally passed in October 1919.

The belated commission of enquiry rendered an equivocal report in March 1920. The minority of three Indian Members, among

123. Ibid.
125. Viceroy to Secretary of State, 3 October 1919, ibid., confidential, October 1919, pt. A, nos. 201-205.
whom there were Sir C.H. Setalvad and Pundit Jagat Narain the two well-known Liberals, viewed the outbreak in Punjab as a 'disturbance' not actually amounting to a 'rebellion',

while the majority in that committee asserted that a state of rebellion existed. The two consequently differed about the necessity and justification of martial law. The minority stated that martial law came into existence when the crisis was past, at a time when the situation afforded no justification for it, and declared that its imposition for punitive purposes was constitutionally unjustifiable and that its continuance was wholly unnecessary. They took a more serious view of the orders and punishments under the martial law and strongly denounced the actions taken as unjustifiable and calculated to humiliate and to foment racial bitterness. Resolutions were also passed at a council meeting of the National Liberal Federation of India under the presidency of Sir Suren-dranath Banerjea expressing disappointment at the wholly inadequate punishment of General Dyer, urging punishment of officers who gravely abused powers, condemning the encomium paid to O'Dwyer and pressing for a stronger mark of disapprobation. But the Government refused to accept their view.

130. Ibid., p. 66.
131. Ibid., pp. 98-110, 118.
Though it was true that both the Government of India and His Majesty's Government in England condemned General Dyer's proceedings, they apparently sought a palliation by attributing to him an honest desire to do his duty. Neither the Government of India nor the Secretary of State were thorough in their disapproval or emphatic in their tone of condemnation of the actions of General Dyer. "We are convinced," wrote the Government of India to the Secretary of State on 3 May 1920, "that General Dyer acted honestly in the belief that he was doing what was right and we think that in the result his action at the time checked the spread of disturbances to an extent which it is difficult now to estimate." Thus the censure was qualified by a reference to the circumstances. The despatch of the Secretary of State which followed was not intended to ease the situation. "The Brigadier General," it ran, "displayed honesty of purpose and the unflinching adherence to his conception of duty cannot for a moment be questioned." The situation was further aggravated by the subsequent debate in both the Houses of Parliament. The House of Commons passed a mild censure. But the House of Lords practically undid what little the Commons had done. It justified all of General

133. Govt. of India to the Secretary of State for India, 3 May 1920, ibid., Progs. no. 162A, June 1920, nos. 126-64 & K-WS.

134. Secretary of State to Govt. of India, 26 May 1920, ibid. Progs. no. 163, June 1920, nos. 126-64 & K-WS.

Dyer's action and passed a resolution exonerating him. At the same time the British press launched a campaign which included sponsoring a fund for the 'aggrieved officer'.

The answer of the Congress to the attitude of the diehards in England and the bureaucracy in India was to go further in the direction of extremism. The Non-cooperation movement gained an extraordinary popularity and the position and authority of the Liberals was totally undermined. In fact, they had become distasteful not only to the Congress but also to the authorities. The official opinion lamented that the Liberals lacked backbone and had failed in the very 'first test'. In 1919, when the Rowlatt Bills were passed, they had then sided with the Nationalists in opposing the measure. While the Government accused them of flirting with the 'agitators' and not being courageous enough to court unpopularity by sincerely supporting the Government, the Nationalists accused them of swallowing the baits of Government hatching a compromise which the country could not accept, and in this way succumbing to the endeavours of bureaucracy to break the solidarity of Indian opposition. The Liberals were not sup-

137. Morning Post supported wholeheartedly of what took place in Punjab. Secretary of State to Viceroy, 11 February 1920; G of I, Home Pol., Deposit no. 11, March 1920.
139. Amrita Bazar Patrika, 3 March 1919.
140. Ibid., 13 February 1919.
141. Ibid., 11 February 1919.
porting them, the Nationalist said, for the fear of losing the 'good graces of Lord Chelmsford'.

Similarly, when they differed in their views from the majority of the Hunter Committee and produced the minority report of their own, the Government refused to accept their report and the House of Lords in England levelled accusation of partisanship against them. Jagat Narain particularly had to defend himself from an attack by Sir Michael O'Dwyer in the Press. The Liberals realised that the ground underneath their feet was being cut by the unwisdom of the Government and when they blamed the Government, the Nationalist condemned them for having participated in that committee at all and ridiculed them 'as behaving like an accused who abuse the jury because the verdict has gone against him, though he did not challenge the impartiality of that body before trial'.

Thus the events of these two years showed that while the popular appeal of the Congress increased at one end, the strength of the bureaucracy increased on the other. The Liberals were forced by circumstances to accept a place where they "found themselves in the unenviable position of a proverbial earthen pot between two brass vessels."

142. At one stage Setalvad really fell out with Lord Hunter and both he and Jagat Narain were later attacked in Parliament for independence of judgment. C.H. Setalvad, op. cit., pp. 310-13.
144. Bengalas, 28 March 22, 26 June, 22 July 1920; also G of H, Home Pol., Deposit no. 4, September 1920, Deposit no. 62, June 1920, Deposit no. 61, October 1920.
In accordance with the mandate of Mahatma Gandhi the Non-cooperators had refused to play and part in the farce of parliamentarianism. But the Liberals would not allow the cause of Reform to go by default. Their main activity during the last quarter of 1920 was electioneering for the new Legislatures which the Montagu-Chelmsford Reforms had set up, one in each major province and an upper and lower chamber at the Centre (Council of State and the Legislative Assembly). While the Bengalee was arguing the Liberal party line at every opportunity, Chintamani launched a series of hard campaigns, including one in the Jhansi district. A new Liberal weekly in Marathi, the Nireeksha, made appearance in Bombay as a 'counterpoise' to Tilak's Kesari. A twelve point election manifesto calling for election of those who would work for the Reforms constructively was published by

1. Progs. of the special session of the Congress, September 1920, Bengalee, October 1920; also Leader, October 1920.
2. Bengalee, 4, 7-8 May 1920, 11, 20-21, 28-31 July 1920, 1, 8, 15 August 1920, 1, 4, 10-12, 21, 23, 28-30 September 1920, 16 October 1920, 4, 6, 16, 19, 22, 27 November 1920.
3. Leader, 12 May 1920.
4. Ibid., 10 June 1920.
the Central Provinces National Liberal Association. A Deccan Liberal Party brought out a thirteen-point political, social, educational and economic programme.

As the time for the exercise of franchise by the new electorate approached, the Non-cooperators strengthened their efforts to secure the ruin of the scheme. They began to put every form of pressure upon candidates and voters alike. It was even reported in one place that religious mendicants were openly declaring that any one, who voted for a particular leader of the Moderate Party would be guilty of the 'incredible enormity of killing one hundred kine'. Meetings were broken up, candidates were threatened and polling booths were picketed. About eighty percent of the voters did not turn up to cast their votes. As a result the All India proportion of voting for the Legislative Assembly was roughly twenty percent and for the Council of State, only forty percent.

The personnel of the new Central Legislature which was elected at the end of 1920 contained a big sprinkling of

5. Ibid., 16 June, 1920.
7. India in 1920 (A Report prepared for presentation to Parliament in accordance with the requirements of the twentysixth section of the Govt. of India Act 5 & 6 Ge. V, Chap. 61) (Calcutta, 1921), p. 65.
8. Ibid., Appendix, Statement showing the composition of the Legislative Assembly and Council of State, pp. 65-66.
lawyers and landholders, a great majority of whom belonged to the Moderate or Liberal Party whose members had forsaken the unnecessary extremism of the Gandhi-led Congress.

As regards the composition of the new Legislature, the Council of State consisted of fifty-nine members of whom thirty-three were elected, and twenty-six nominated. Of the nominated members nineteen were officials. The Legislative Assembly consisted of a hundred and forty-three members of whom a hundred and four were elected and forty nominated. Of the nominated members twenty-five were officials. In both the Chambers thus elected members predominated decisively.

As the Non-cooperators had boycotted the Council, the Liberals had the parliamentary field to themselves alone. The members had been elected on the platform that the Reform scheme was worth a trial, and they set out with earnest zeal to prove to the Non-cooperators outside that they were not behind in patriotic fervour. Their first task was therefore, to bring to the legislative anvil programmes for undoing all the outstanding grievances of the past.

9. Composition of the Legislature on the basis of profession:

<table>
<thead>
<tr>
<th>Council of State</th>
<th>Legislative Assembly</th>
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<tbody>
<tr>
<td>Lawyers</td>
<td>4</td>
</tr>
<tr>
<td>Landholders</td>
<td>17</td>
</tr>
<tr>
<td>Merchants, Traders and Businessmen</td>
<td>9</td>
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There were also six retired Government Officials, one professor, one political pensioner, one confectioner, one grocer and twelve members whose professions were unclassified; ibid., p. 93.

10. Statement showing the composition of the Legislative Assembly and Council of State, ibid., Appendix II C & D.
A matter on which the Indian public opinion felt very strongly was the presence on the Indian statute book of 'repressive' legislation. Some of these statutes were inconsistent with modern ideas; others were clothed in archaic language and were applicable only to circumstances which were unlikely to recur. Many armed the Executive with special powers which were not subject to revision by any judicial tribunal. Their presence on the statute books was regarded as an offence by enlightened public opinion. The subject was debated at the first meeting of the Council of State on 14 February 1921, when Srinivasa Sastri moved a resolution that a committee be appointed to examine the whole question. All that the Government decided to do at the outset was to adopt what might be called a semblance of responsive cooperation. Sastri's resolution was accepted by the Government and a resolution announced the appointment of a committee to examine the repressive laws. It was in the Moderate Conference of 1919 that a resolution on the Press Act had been first adopted. On the basis of that resolution an informal deputa-

13. Ibid., p. 69.
tion, consisting of Surendranath Banerjea, Srinivasa Sastri, K.C. Roy and others, waited upon the Home Member, H. McPherson, in March 1920, when Surendranath Banerjea opened the proceedings by saying that the Press Act should be repealed. Sastri requested Montagu to press upon the Viceroy the necessity of doing the same. And when Sapru became the Law Member, he also brought up the matter in a meeting of the Council, suggesting that a resolution for the repeal of Press Act should be moved in the Council on behalf of the Government. As a result of all these efforts a resolution was moved in the Legislative Assembly for the appointment of a similar committee to report upon the Press Act. In accordance with this resolution in the Legislative Assembly the Government decided to appoint a commission to examine the Press Act.

So far as the Repressive Laws Committee was concerned, Sapru (who was the Chairman) and other Liberals were in

17. Montagu to Reading, 4 May 1921, Montagu Papers, op. cit., vol. 12, pp. 69-70.
19. Ibid., secret, deposit no. 3, (confidential) July 1921 & K.W.
22. P.S. Sivaswami Aiyar, N.M. Samarth, Dr. E.S. Gour were other members of the Committee.
favour of repeal of all the Statutes in question. But as regards the Seditious Meetings Act a general opinion was expressed in the Committee by the Local Governments that it should not be repealed. In the end the Committee reported in favour of repeal of all the statutes with the exception of two, viz. the Indian Criminal Law Amendment Act Part II of 1908 and the Seditious Meetings Act of 1911 which by general agreement it was decided to keep on the statute book, pending a definite improvement in the political situation. Sapru as the Law Member thus secured the passage of the two most important Bills: The Indian Criminal Law Amendment Repealing Act Part I of 1908 and the Special Laws Repeal Act, in the winter session of the Central Legislature in 1922. The Press Laws

23. The Committee was asked to examine the following Regulations and Acts:
1. The Bengal State Offence Regulation, 1804
2. Madras Regulation VII of 1818
3. Bengal State Prisoners Regulation III of 1818
4. Madras Regulation II of 1819
5. Bombay Regulation of 1827
6. The State Prisoners Act, 1850
7. The State Offences Act, 1857
8. The Forfeiture Act, 1857
9. The State Prisoners Act, 1858
10. The Indian Criminal Law (Amendment) Act, 1908
11. The Seditious Meeting Act, 1911
12. The Defence of India (Criminal Law Amendment) Act, 1915

Committee, also presided over by Sir Tej Bahadur Sapru, examined three Acts viz. the Indian Press Act of 1910, the News Papers (Incitements to Offences) Act of 1908 and Press and Registration of Books Act, 1867. The Committee reported in favour of the total repeal of the first two Acts and an amendment, where necessary, for the last one. Thus the Press Act of 1910, which had hung like a sword of Damocles on the news papers of India, was also repealed by Central Legislature in 1922.

As the Council of State was a smaller body of nominated and elected members, more conservative in tone, the brunt of the work fell on the Legislative Assembly. A resolution dealing with the martial law administration of 1919 in Punjab was the subject of the first debate in the Assembly. Jamnadas Dwarkadas one of the Bombay members, a young Liberal and a disciple of Mrs. Besant, moved the resolution on Punjab on 15 February 1921, asking the Governor-General-in-Council 'to declare the firm resolve of the Government of India to maintain the connection of India with British Empire on the principle of perfect racial equality; to express regret that the Martial Law Administration in Punjab departed from this principle and

to mete out deterrent punishment to officers guilty of improper
exercise of their power and to satisfy himself that adequate
compensation was awarded to the families of those killed or
injured at Jallianwala Bagh or elsewhere on the same scale as
that awarded in the case of Europeans who had suffered, or had
been killed in the course of the disturbances'. Sapru had
earlier suggested to the Government that a resolution on Punjab,
when moved in the Assembly, should be dealt with sympathetically
by them as originally the Non-cooperation movement was profes-
sedly started as a protest against the manner in which the Pun-
jab situation was handled. So the resolution was accepted
by Government. Only the third clause was withdrawn by the
mover after the Home Member had expressed regret and after a
statement had been made on behalf of the Government as to the
disciplinary action already taken against the officers whose
conduct had been impugned'.

The Liberals had always criticised the British Military
policy in India and considered it to be 'the test of the tests
for the bonafides of the British Government'. So the next

32. G of I, Home Pol., secret, deposit no. 3 (confidential),
July 1921 & K.W.
34. Ibid., pp. 72-78.
35. Report of the Progs. of the fifth session of the N.L.F.
of India, 1922, p. 22.
debate of the session was in regard to India's military requirements and it arose out of the recommendations of the Esher Committee. The Committee's report had been published in the Autumn of 1920 but the Government of India deferred giving effect to its major recommendations until these were first considered by the new Legislature. Certain ambiguous expressions in the report had given rise to a very strong feeling in India that the Army in India could not be considered 'otherwise than as part of the total armed forces of the empire', that the War Office and the Imperial General Staff would 'exercise considerable influence on the military policy of the Government of India' and that the 'Commander-in-Chief in India was to be subordinated to the British War Office'. On 17 February 1921 the cry against the Esher Committee Report was taken up by Sir Sivaswami Aiyar, who had taken interest in matters of Defence and Army reorganisation from his earlier days. He forwarded a resolution recommending that the proposals contained in parts one and two of the report be not accepted, and that the Army in India be put under the control of the Government of India, free from any domination or interference by the War Office. The resolution was eventually

36. A Committee appointed by the Secretary of State for India to enquire into the administration and organisation of the Army in India under the chairmanship of Viscount Esher.
38. Ibid., p. 4.
39. Ibid., p. 6.
39a. Sivaswami Aiyar to Sastri, 18 September 1918, Sastri Papers, National Archives of India, New Delhi.
accepted though in a modified form. Towards the end of the session Sir Sivaswami Aiyar moved fifteen resolutions arising out of the recommendations of the Committee, appointed to consider the report of the Esher Committee. Of these ten were accepted by the Assembly without amendments and the remainder, with the exception of a proposal to entrust the portfolio of Defence to a civilian member of the Viceroy's Council, were accepted with various alterations. The Government also agreed that, in any scheme of Imperial defence, the obligation resting on India should not be more onerous than those resting on the self-governing dominions and should be undertaken subject to the same conditions. The Government gave formal sanction to the progressive Indianisation of the Commissioned ranks of the Army and for the placing of that Army upon a national basis. The debate closed on the impression made by earlier discussion in the Council of State that the reformed constitution had provided a spacious platform on which the officials and elected

41. Ibid., pp. 182-97.
42. Ibid., vol. I, no. 15, pp. 1683-1762.
43. This committee was appointed (in response to a resolution moved by Chaudhuri Shahabuddin, a Mohammedan non-official member of the Council on 7 March 1921), under the chairmanship of Sir T.B. Sapru and also including Sivaswami Aiyar, T. Gangachariar, J.N. Majumdar, J.N. Mukherjee, Dr. H.S. Gour and others.
45. Ibid., p. 1735.
46. Ibid., pp. 1735-36, 1750-53, 1755.
47. Ibid., pp. 1682-762.
politicians could at least co-operate in harmony.

Meanwhile, in April 1921, Lord Chelmsford bequeathed to Lord Reading the responsibilities of Viceregal office. Reading's great judicial reputation which had preceded him was not without its influence and from the tone of comment in the Press it was possible to observe that Indians noted with satisfaction the selection of a man who would combine to his new task 'all the prestige of the great office of the Lord Chief Justice of England and all the qualities which tenure of it implied'. The Liberals were particularly glad as the new Viceroy belonged to the same Jewish race as Edwin Montagu. Leader was quick to point out that so far from his Jewish origin working as a hinderance, he should be specially well qualified on that account to understand the minds and ways of an Eastern people. 48

Within a few days of his arrival, with the Non-cooperation movement in full swing, Reading perceived that his task in India was primarily one of reconciliation. Sapru, the most influential of his Indian members, seemed to him to be of the opinion that there was just a possibility of Gandhi's wishing to come to some agreement. In May as a result of the good offices of Pundit Madan Mohan Malavya, an influential orthodox Brahmin who had been considerably worried by the Ali brother's reference to

48. Leader, 12 January 1921, 18 March 1921, 2 April 1921.
49. Reading to Montagu, 28 April 1921, Montagu Papers, op. cit., vol. 14, p. 3.
Afghanistan as well as by a rumour current among the Muhamma-
dans that the Amir was ready to move against India in May or
June, a series of interviews were arranged between Viceroy
and Gandhi. Reading gave the assurance to the Mahatma that
he would not interfere with the work of the Congress as long
as there was no resort to violence. The Mahatma in return
promised to see to it that the Ali brothers gave a public
assurance that they would eschew violence in every way and the
promise was duly carried out.

While, outside the Legislature, this led to a considerable
easing of tension, the Government's attitude continued to be
conciliatory for some time also inside the Legislature. On 23
September 1921, Rai Jadunath Majumdar Bahadur, a Liberal mem-
ber from Bengal, moved a resolution recommending '(1) the
transfer, from the beginning of the next term of the Legisla-
tive Councils of all Provincial subjects to the administration
of Governor acting with his Ministers, (2) the transfer, from
the beginning of the next term of the Legislative Assembly from
among the Central subjects of all subjects except Army, Navy,

50. H. Montogomery Hyde, Lord Reading: The Life of Rufus
Isaacs, First Marquess of Reading. (London, 1967),
p. 350-52.

51. Resume of the general political situation in India since
the inception of Non-cooperation movement in 1920 commu-
nicated to the Secretary of State, 8 of I, Home Pol.,
secret, no. 676/1922; also H. Montogomery Hyde, op. cit.,
p. 353; also Second Marquess of Reading, Rufus Isaacs,
First Marquess of Reading, 1914-35, (London, 1950),
Foreign and Political Departments to the administration of the Governor-General acting with his Ministers ... 3) conferment from the beginning of the fourth term of the Legislative Assembly, of full Dominion Self-Government in India'. Sir Devaprasad Sarbadhikari also gave notice of a similar resolution which was, however, disallowed by the Government. Sapru advised the Government that they should not oppose such resolutions and that any determined opposition on the part of Government was likely to have a deleterious effect on the situation, that one great advantage in accepting such resolutions was that it would show to the country that a systematic effort was being made to investigate the causes of unrest and to remove them. As a result there was a full dress debate on Bai Jadunath Majumdar Bahadur's motion for two days in the course of which the Government spokesman, Sir William Vincent, while sympathising with the natural desire of the members for a further advance, pointed out that sufficient time had not elapsed to justify a change, the experience of the Assembly had not been put to test in nine months, the electorates were not sufficiently trained and 'the possibilities of expansion within the act were not yet exhausted'. As regards the demands for ensuring full responsible Government in India by 1930, he

54. Ibid.
said that it was unlikely that India would develop a spirit of citizenship and nationality and the power to defend herself in the near future and, unless these two fundamental conditions were fulfilled, the country could never attain the status of a self-governing Dominion. He added that at the present moment it would be unwise to approach Parliament for a further political advance and warned the Assembly not to encourage the enemies of Indian reforms in England by any precipitate and ill-considered demand. Finally, a formula, summarising the general attitude of the Assembly, was moved as an amendment at Government's suggestion and carried. This recommended that the Governor-General-in-Council should convey to the Secretary of State the Assembly's view that the progress made by India on the path of responsible Government warranted an examination and revision of the present constitution at a date earlier than 1929.

In the same session another resolution was moved by N.M. Samarth, the Liberal member from Bombay, for the removal of distinction between Indian and European members of the Indian Civil Service in regard to criminal jurisdiction over European

56. Ibid., pp. 1250-51.
57. Ibid., pp. 1251-52.
58. Ibid., pp. 1279-86.
59. Ibid., p. 1285.
British subjects and for the removal of distinction between Indian and European in regard to mode of trial, sentence and appeal. The Government readily agreed to appoint a committee to consider what amendments could be made in the provision of the Criminal Procedure Code and to report on the best method of giving effect to its proposal. In accordance with the recommendations of this committee (which was presided over by Sapru), a Bill was passed in the Delhi session of the Legislature in 1923. It sought to put an end to the exclusive claims which Europeans in India had enjoyed for more than a century, to the detriment of the interest of justice. This Act was essentially a piece of compromise legislation, intended to level up the Indians to the special position of Europeans before the eye of the law, while it also reduced or abolished some of the latter's privileges. First class Indian Magistrates were empowered to try Europeans, and vice versa, and district and sessions judges were placed in a position to...

60. Ibid., p. 341.
61. Ibid., p. 279. Also Resolution by the Govt. of India, Home Dept., 27 December 1921, P. P., Commons, 1923, vol. 10 (cmd 1823), p. 3.
64. Statement of object and Reason, ibid., p. 60.
65. A Bill further to amend the Code of Criminal Procedure 1908, etc., ibid., p. 65.
inflict on an European offender capital punishment. In a jury case involving racial considerations, the accused under the new Act would claim a majority of his own country men on the jury. There was provision for appeal to the High Court and the right of Habeus Corpus was extended to all persons including Indians. A satisfactory compromise was thus reached about the racial discrimination in criminal procedure which had given rise to the storm over the Ilbert Bill in the 80s of the previous century. Credit must go to Sapru who was the member of the Committee upon whose recommendation the Bill was based. It marked an important stage in the attainment of equality between two races in India and was a triumph of Liberal opinion in the Assembly.

In response to this conciliatory gesture of the Government, the members gave it steady support. Despite their knowledge of the odium which the imposition of fresh taxation would bring upon them, they rose to the obligations entailed by their new powers. In 1921 while they sharply scrutinised all the demands presented to them and insisted upon full explanation

66. Ibid., p. 66.
67. Report of the Committee to consider Racial Distinction in Indian Criminal Procedure, ibid., p. 52.
68. Ibid., p. 66.
69. Ibid.
of any item of which they stood in doubt, they consented to the grants and endorsed taxation proposals with comparatively few alterations. In 1922 all demands were passed save that which was proposed to meet the expenses of the projected Indian tour of Lord Lytton's Committee dealing with grievances of Indian students in United Kingdom.

In the same way when an adjournment motion was moved in the Assembly to consider the causes of the Moplah outbreak, the members displayed an anxiety to be satisfied that the administration of martial law in the disturbed area was free from those blemishes which had distinguished it in certain parts of Punjab in 1919, but supported all the measures which the Government adopted towards suppressing the outbreak.

On 18 January, 1922 Munshi Iswar Saran, a member from the United Provinces, moved for the abandonment of repressive policy of the Government. Here some of the members were unwilling to support the Government. Those who attacked its policy based their contention on the belief that it was merely

71. Ibid., 1922, vol. 2, pp. 3017-3382.
72. The Moplahs of the Malabar territory of the Madras Presidency were a part of the Moslem population. Fierce and primitive, they were prone to sudden waves of religious fanaticism which inspired them with the simple desire to win the Martyr's crown after killing as many non-Moslems as possible. No fewer than 35 outbreaks have occurred during the period of British Rule, but the one which broke out in August 1921 was by far the most serious in that blood-stained roll.
74. Ibid., 1922, vol. 2, no. 18, p. 1657.
aggravating the critical conditions of India by supplying further fuel to the flame of Non-cooperation. On the other side, its supporters emphasised the difference between the constitutional and unconstitutional agitation, maintaining that if Government had adopted certain measures to combat those outlaws who were at war with it, such measures could not be pilloried as repressive. Though Sapru had earlier pointed out to the Government that present repressive policy was being exploited by the Non-cooperators for their own purposes and that ultimately it would lead nowhere, the situation was far more grave now, and, as Government spokesmen, Sapru and William Vincent were so able to convince the Assembly of the sincerity of the intention of Government that both the original resolution and the various amendments to it were lost. So grim was the determination of the Liberals to break up the Non-cooperation movement and support the Government in its resistance to it that on 9 March 1922 when a resolution for the release of the Ali brothers was moved by a Muhammadan member Mahmood Schammed Shahib Bahadur, it was not even seconded! The resolution was then put to the vote and after the Assembly had listened to the trenchant philippic from the Home Member,

75. Ibid., pp. 1688-51, 1682-65, 1670-73, 1692-97.
76. Ibid., pp. 1688-70, 1720-23.
79. Ibid., pp. 2921-30.
the mover himself retracted his support to it. The resolution was lost without a single vote in its favour. "The opinion of the Assembly", Beading immediately telegraphed to the Secretary of State, "was clearly against the release of Ali brothers."

This spirit of harmonious cooperation, which had characterized the earlier sessions of the Assembly, was however gradually disappearing during the later sessions. The Liberals had entertained high hopes that the Viceroy would bring to his task the spirit and outlook of Montagu. They felt, too, that Beading, having been ambassador to the United States during the war, was aware of the anticolonial sentiments in that country and would be keen to help India to go forward on the road to self rule. But their faith was not justified by the subsequent action of the Viceroy.

Since Lord Beading's arrival in India things had moved with bewildering rapidity. Throughout the summer of 1921 the situation went from bad to worse. It had for some time been plain that the disturbances and outbreaks of the last few months were leading to the growth of a dangerous spirit of anarchy and an increasing disregard of lawful authority. The Ali brothers tried to deny that the apology was offered to the

80. Ibid., p. 2908.
81. Beading to Secretary of State for India, 12 March 1922 (Telegram), G of I, Home Pol., no. 155, pt. IV, 1922 & K.W.
82. Leader, 12 January 1921.
83. Resume of the general political situation in India since the inception of Non-cooperation movement in 1920 communicated to the Secretary of State, G of I, Home Pol., secret, no. 678/1922.
Government. The Akali movements of the Sikhs in Punjab and the Moplah rebellion in the Malabar territory of the Madras Presidency added gravity to the situation. Lord Reading's own position was becoming increasingly difficult, for, already he was being pressed by his Provincial Governors to take what was called a 'firmer attitude', though Reading himself was unwilling to adopt any harsh method.

84. Speech of Muhammad Ali at the Home Rule League Office, Allahabad on 10 August 1921, Speech at Lucknow on 8 August 1921, ibid., no. 194/1921. Also speech at the All India Conference on 8 July, 1921, ibid., secret, no. 156/1922.

85. Lord Willingdon, Governor of Madras, to Lord Reading, 3 April 1921, Reading Collection, MSS Eur E 238, (Nehru Memorial Museum and Library, New Delhi), vol.23, pp. 3-4; also same to same, 27 February 1922, ibid., vol. 24, pp. 134-36; also George Lloyd, Governor of Bombay to Lord Reading, 22 August 1921, ibid., vol. 22, pp. 283-85; also same to same, 31 August 1921, ibid., vol. 23, p. 306. Also same to same, 5 January 1922, ibid., vol. 24, pp. 13-14; also same to same, 7 January 1922, ibid., vol. 24, pp. 22-23; also same to same, 15 January 1922, ibid., vol. 24, pp. 27-28; also same to same, 17 January 1922, ibid., vol. 24, p. 32 d; same to same, 10 February 1922, ibid., vol. 24, p. 88; same to same, 14 February 1922, ibid., vol. 24, p. 108. Also Harcourt Butler, Governor of United Provinces to Lord Reading, 12 January 1922, ibid., vol. 24, p. 122.

86. This was shown by a passage in one of his letters to Montagu, written just after the conclusion of his interviews with Gandhi. "I hope you will agree with the policy I have been pursuing (he wrote), I have no manner of doubt that it is right and that prevention by agreement and expressions of regret etc., in this case Mr. Gandhi's / sic / is better than arrest and prosecutions". Reading to Montagu, 19 May 1921, Montagu Papers, op. cit., vol. 14, p. 12.
But in November 1921 the arrest, trial and conviction of Ali Brothers gave the Non-cooperation campaign a fillip. Sapru had advised the Government against such prosecution at that time. He had also argued at some length against the decision of the majority in the Council. And the movement now assumed a new and dangerous aspect. Setalvad, like Sapru before him, had also warned the Government beforehand that prosecution of Ali brothers would give strength to the Non-cooperation movement which was now on the wane. At the beginning of the month the All India Congress Committee authorised every Province to commit Civil Disobedience. His Royal Highness the Prince of Wales was due to land at Bombay on 17 November and the openly declared hostility of the Congress was a disturbing factor in the situation. This forced both Lord Reading and Mr. Montagu to take careful stock of the situation. Reading was well aware that if the visit proved a failure, he would have to

87. Sapru to William Vincent, 9 October 1921, G of I, Home Pol., secret, no. 303/1921.
91. Montagu to Reading, 17 November 1921, Montagu Papers, op. cit., vol. 13, p. 339; also same to same, 30 November 1921, ibid., vol. 13, p. 380; Reading to Montagu, 14 July 1921, ibid., vol. 14, p. 30; also same to same, 25 August 1921, ibid., vol. 14, pp. 4-5; also same to same, 25 October 1921, ibid., vol. 14, p. 84.
shoulder the blame, since he was better acquainted with the
conditions in India as a whole. But he did not want that
the visit should be postponed solely on this account. "Post-
ponement", he told the Secretary of State, "would have the
disadvantage of attributing power to this (the Non-cooperation)
movement."

But the widespread, simultaneous, organised outbreak in
different parts of the country which greeted the Prince's
arrival in Bombay on 17 November 1921 convinced the Viceroy
that the Non-cooperators had finally overstepped all possible
limits of toleration. Reading's Government now decided to con­
fer certain extraordinary powers upon the Executive. Local
Governments were accordingly informed that for the purpose of
checking the increasing volume of inflammatory speeches the
application of the Seditious Meetings Act of 1911 to any dis-

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93. Reading to Montagu, 15 September 1921, Montagu Papers,
94. Letter to the Local Governments and Administrations, 24
November 1921, G of I, Home Pol., secret, no. 302/1921.
Also ibid., secret 678/1922.
95. Ibid.
voice their anger without appearing to be the spokesmen for the Non-cooperators? The Moderate leaders now displayed an anxiety to arrange a compromise by means of a Round Table Conference. Four members of the Legislative Assembly, including the Liberal Rangachariar, Iswar Saran, K. C. Neogy and J. N. Majumdar, issued a statement regarding the grave political situation and urged the Government to call a Round Table Conference of all shades of political thought in the country.

A deputation of leaders of more moderate views, headed by Pundit Malavya, who had kept himself aloof from the 1921 movement waited on the Viceroy in Calcutta at the end of December 1921 to urge that he should hold a Round Table Conference at which the Government and all sections of political opinion should be represented with the object of finding some way out of the impasse. The Viceroy, who was anxious to avoid hartal and hostile demonstrations and wanted to make the Prince's visit in Calcutta a success, encouraged Malavya to negotiate peace with Gandhi. But at the same time he insisted on the discontinuance of the unlawful activities of the Non-cooperators as a fundamental condition precedent even to the discussion of holding of such a conference. Pundit H.N. Kunzru and Jammadas

96. Ibid., secret, no. 155/1922.
Dwarkadas, two young Liberals who were in close touch with the Viceroy's house at Calcutta, were trying to draw Gandhi into a conference. But Gandhi rejected the offer saying, "I see no change of heart ..." He demanded as a preliminary to any conference the withdrawal of proscription of the volunteer organisation and the release of all persons, including Ali brothers recently convicted for what he described as non-violent activities. He also insisted on the announcement of the date and composition of the proposed Round Table Conference. So the negotiation fell through and the Viceroy's conditions found no favour with the Ahmedabad Congress a few days later, when the Subject Committee rejected the proposal for a conference by an overwhelming majority and Gandhi made it quite clear that any such conference must meet merely to register his decrees.

Inspite of this rebuff, a conference of politicians outside the Congress ranks met at Bombay in January 1922 under the Presidency of Sir C. Sankaran Nair, who had recently resigned his membership of the Secretary of State's Council in order to assume the leadership of the constitutional forces in India. Gandhi attended the conference in the capacity of an adviser, and announced that there could be no favourable atmosphere until the Government retraced its steps. He reserved the right

99. Ibid.
100. Report of the Progs, of thirtyseventh I. M. C., 1921; Bengalee, 27-29 December 1921.
to continue the enrolment of volunteers and preparation for Civil Disobedience during the session of any conference that might be held. As a result Sir Sankaran Nair resigned the Presidency of the conference. Kunzru also announced resignation from the Committee appointed by the conference in view of Gandhi's intransigent attitude. The resolutions passed by this conference were later sent to the Viceroy. The same representatives urged that a Round Table Conference should be held. But as the Leader had rightly anticipated, the Viceroy rejected the idea of a Round Table Conference on the ground that "His Excellency is unable to discover in them the basis for a profitable discussion on the subject of a Round Table Conference. No useful purpose would be served by entering into any detailed examination of their terms."

102. Leader, 18 January 1922
103. Ibid.
104. Ibid.
106. Secretaries to the Representative Conference at Bombay to P.S. to Viceroy, 29 January 1922; Reading Collection, op. cit., vol. 24, p. 49.
107. Leader, 19 January 1922.
The Liberals were now totally disillusioned as to the idea of effecting a compromise between the Government and the Non-cooperators by the breakdown of this project of Round Table Conference. The Leader voiced this sentiment. "We are afraid", it wrote, "the chances of peace are as far off as ever". All these outside events could not fail to have their repercussions inside the Assembly. The Liberal party which was strongly entrenched in the Assembly, while disapproving of the efforts of the Non-cooperators, gradually became uneasy lest the policy of the Government should be carried to a point at which general political activities would be rendered difficult. The enforcement of the Seditious Meetings Act and Part II of the Criminal Law (Amendment) Act and the prosecution and conviction of a large number of persons under them led to a disappointing revulsion of Moderate opinion, for repressive legislation was no more agreeable to them than to their fellow nationalists outside. There was an inclination to represent the new policy as an interference with the rights of freedom of speech and freedom of association for political purposes, and on this ground a disposition was shown to make common cause with the Extremists, and there was a gradual hardening of the Moderate attitude in the Assembly.

Already in 1922 the budget proposals of the Government were subjected to a severe attack and there were vigorous and


110. Ibid.
repeated demands for retrenchment. Many suggestions were put forward for the reduction of military expenditure. The general line taken by the Assembly this time was much more determined than that of the last year. The members demanded the appointment of a retrenchment committee. Meanwhile, they refused to vote more than twenty crores of new taxation. On the demands for grants, reductions were made which totalled something under a crore of rupees. To avoid deficit, the budget of 1922 included certain new taxes, in particular, an increase in salt tax, cotton excise and import duties on cotton goods. In the inflamed stage of current public opinion any new taxation was bound to be not only unpalatable but definitely obnoxious; and the members easily saw in the cotton excise and duties an attempt to favour Lancashire at the expense of India, whilst the salt tax had traditionally been unpopular. The Finance Bill was therefore, amended in such a fashion as to exclude the proposed increase in salt duty, in cotton excise, in duty on machinery and cotton piece goods. The net result of the changes, introduced by the Assembly, had been to leave a total

113. On 3 February 1922, Dr. H.S. Gour, a member from the Nagpur Division of the Central Provinces, moved for the appointment of a Committee to enquire into the cost of the Central Government and report on the possibility of effecting retrenchment therein, ibid., 1922, vol. 2, pp. 2139-51.
114. Ibid., pt. 3, pp. 3017-3882.
uncovered deficit of slightly over nine crores of rupees.

It was in this atmosphere of strained relations between the Executive and the Legislature that the news came of the sudden resignation of Montagu in March 1922. Montagu was replaced at the India Office by Lord Peel, who was a man of a very different character. He was industrious, steadygoing and decisive, but he lacked not only all knowledge of India but also the occasional flash of visionary insights which had made Montagu so inspiring to the Liberals. The Liberals now feared that the forces which had been active so long to bring about his downfall would now fall back upon a policy of reaction or at least of stagnation in Indian affairs. Subsequent events confirmed their worst fears.

On 22 August 1922 the British Prime Minister, Mr. Lloyd George, delivered a speech in the House of Commons on the general situation in India and on the future of the All India...
The Prime Minister's downright statement was successful in its primary purpose of giving some measure of reassurance to the services, but the statement in Parliament had also the effect of creating great consternation in India and enraging a large section of Indian opinion by what it regarded as a menacing and reactionary tone. Liberal opinion had been deeply stirred by the implied suggestion that India would remain for all time under the perpetual rule of a nucleus of British officials. It was taken as a new declaration, an attempt on the part of reactionaries to go back on the policy of 1917. It convinced many in India that the Reforms were nothing more than a trickery. Lord Reading, who was at the centre of the storm, was compelled to take the situation more seriously. "... the Prime Minister's speech has upset things tremendously here (he wrote at the end of August), and it will take some time before they steady down." On 19 August an influential deputation consisting of the members of Central and Provincial Legislatures, wellknown for their loyalty to the Raj, waited on him. They said that "for the Prime Minister to cha-

118. "I can see no period", said the Prime Minister in course of his speech, "when they (Indians) can dispense with the guidance and assistance of a small nucleus of British Civil Servants ... They are the steel frame of the whole structure. I do not care what you build in it. If you take that steel frame out, the fabric will collapse. It is therefore essential that they should be there ...". Parl. Debates, Commons, 1922, vol.47, p.1513.

119. Reading to Peel, 31 August 1922, Reading Collection, op. cit., vol. 5, p. 127.
characterise the British element in our services as the 'steel frame of the whole structure' on which alone you must build and the removal of which, according to him, must result in the collapse of the fabric, and to say that he could see no period when India could dispense with the guidance and assistance of the British Civil Servants, amounts to a denial of the basic principle of responsible Government." They ended by asking the Viceroy to obtain from the Home Government a formal declaration that there was no intention of going back upon the policy of the ultimate grant of full responsible Government and an authoritative reaffirmation of that policy. Reading had already been in touch with Mr. Lloyd George through the Secretary of State and was authorised by him to say that nothing in his statement in the House of Commons was 'intended to conflict with, or to indicate any departure from the declared policy of the Government'. He assured the deputation that the speech did not represent a going back on the pledge made in 1917 but was really a warning to the Swarajists to desist from their professed tactics of gaining control of the Legislatures to wreck them from within. The Liberals saw at once

120. The text of the Address of the Representative Deputation presented to the Viceroy, Leader, 21 August 1922.
121. Ibid.
122. Peel to Reading, 15 August 1922, Reading Collection, op. cit., vol. 16, p. 122.
123. Reading's Reply to the Deputation Leader, Leader, 21 August 1922.
that a new breeze had begun to blow at the Whitehall and that reaction had set in. H. N. Kunzru, Pheroze Sethna, Jamnadas Dwarkadas, N. M. Joshi, N. M. Samarth were furious and the Viceroy's half-hearted attempt to defend Lloyd George gave them no satisfaction. Sapru who was the Law Member and one of the most favourite confidants of Lord Reading, felt so depressed that for some months he began to talk despondently of resignation, though Reading tried to assuage his feelings by assuring that Lloyd George's remarks were more an oratorical flourish than a statement of policy and that he had uttered them to counter Tory dissatisfaction with him. But despite this assurance from the Viceroy, the Legislative Assembly in its Simla session went to the length of formally censuring the Prime Minister's speech.

Symptoms of strained relation between the Executive and the Legislature developed further in connection with a proposal to introduce legislation to prevent the dissemination of disaffection against the Indian States. This was the outcome of an undertaking given to the princes as a corollary to the

124. Ibid., 26 February 1923.
125. Ibid., 13-14, 23-24, 26 August, 8 September 1922.
126. Reading to Peel, 12 August 1922, Reading Collection, op. cit., vol. 16, pp. 181-22.
127. Ibid.
In 1922 the princes were more immediately interested in their relations with British India than in those existing between themselves. They knew well that the progress of political development in British Provinces was bound to raise some difficult problems for themselves. While addressing the Chamber of Princes in November 1921, Lord Reading had drawn their attention to the gravity of their new responsibilities. He had also referred to the specific problem, about which they were thinking very seriously of protecting the princes against attack made upon them by scurrilous writers in British India. Prior to 1922 the position of the princes had been adequately safeguarded by three statutes, chiefly the Press Act of 1910, which put considerable restriction on the freedom of the Indian Press. But under strong political pressure the Government of India had decided to repeal these Acts which was done at

129. Despatch from the Governor-General to the Secretary of State for India, 12 October 1922, Annexure II, Summary of Royal pronouncements regarding the protection of princes and chiefs, P. P., Commons, 1922 (1) session 2, vol. 3, pp. 53-54.


131. Extract from Reading’s speech at the second session of the Chamber of Princes, 7 November 1921, G of I, Home Pol., no. 4, pt. B, 1922.

132. Despatch from the Governor-General-in-Council to His Majesty’s Secretary of State for India, 12 October 1922, P. P. Commons, 1922 (1) session 2, vol. 3, p. 53.

133. Ibid., pp. 53-54.
the beginning of 1922. The Committee, on whose report the acts were repealed, had included a substantial non-official majority. It had not provided for any special protection for the princes. The result was that the publication of the report was followed by a series of attacks on the leading princes even before the formal repeal of the condemned statutes had been effected. In the opinion of both Lord Reading and Mr. Montagu this measure became necessary after the repeal of the Press Laws on account of the treaties existing with the Indian states. They were supported in this view by overwhelming bulk of opinion among Provincial Governments and British residents in the Indian States. Accordingly a draft statute was drawn up, called the Indian States (Protection against Disaffection) Bill, which, whilst safeguarding legitimate criticism by requiring the Governor-General's sanction

136. Despatch from the Governor-General-in-Council to His Majesty's Secretary of State for India, 12 October 1922, P.P., Commons 1922 (1) session 2, vol. 3, pp. 55-57.
137. Montagu to Reading, 21 July 1921, Montagu Papers, op. cit., vol. 14, p. 2; also Secretary of State to Viceroy, 4 August 1921 and Viceroy to Secretary of State, 28 August 1921, G of I, Home Pol., secret, no. 4, pt. I, 1921, also Secretary of State to Viceroy, 5 August 1921, despatch from the Governor-General-in-Council to His Majesty's Secretary of State for India, 12 October 1922, F. F., Commons, 1922 (1) session 2, vol. 3, p. 56.
138. Ibid., pp. 56-57.
for prosecution and by providing for the proper trial of accused persons, provided for severe penalties for wanton and unjustified attacks on individuals.

But when the Bill was presented in the Autumn session of the Legislative Assembly, the members vigorously opposed any special protection to the princes. They considered that it violated the spirit in which the repeal of the Press Act had been undertaken. Munshi Iswar Saran, one of the Liberal members from the United Provinces who had earlier acted as one of the members of the Press Laws Committee appointed in 1921, pointed out that the Committee did not find it necessary to recommend legislation of this particular character. He further pointed out that the Committee also said in its report that the effect of any such provision in the law would be to stifle all legitimate criticisms and deprive the subjects of such states of any opportunity of ventilating their grievances and protesting against maladministration or oppression.

139. Indian States (Protection against Disaffection) Bill, Clause 5, P. P., Commons, 1922 (1) session 2, vol. 3, p. 4.

140. Ibid., pp. 3-4.

141. "We understood", the Committee said in its report, "that before the Press Act became law it was not found so necessary to protect Indian Princes from such an attack. We do not think that we should be justified in recommending on general ground, any enactment, in the penal code or elsewhere for the purpose of affording such protection, in the absence of evidence to prove the practical necessity for such a provision of the law". Report of the Press Laws Committee, 1922, p. 3. Also L.A. Debates, 1922, vol. 3, p. 812.

his instance the Assembly took the unprecedented course of refusing leave for its introduction and the motion was negatived by forty-five votes against forty-one. Sapru had rightly apprehended that the Princes' Protection Bill would create some agitation in the Assembly, that it would be difficult to carry the members with the Government. The Viceroy in the end had to fall back upon his power of certification.

Writing in September 1922 Reading commented on the situation thus: "The leaders of the Assembly were completely taken aback by my at once recommending the Bill and certifying it ... A series of hurried conferences followed with the object of trying to get the Bill sent back to the Legislative Assembly, but I felt very strongly that this course ought not to be taken unless I had a definite undertaking publicly expressed in the Legislative Assembly that the Bill would be passed substantially in the form in which the Government had introduced it. The leaders felt that they were in a difficulty in giving this undertaking".

The Viceroy was determined not to compromise on this point.

143. Ibid., pp. 809-14.
146. Reading to Peel, 28 September 1922, Reading Collection, op. cit., vol. 5, p. 144.
and, as he told Lord Peel, he acted in the matter deliberately and on set purposes. He had to act promptly because he had information that some newspapers would launch a fierce attack on the princes and he suspected that in most cases the object was to blackmail. It was certainly undignified for the princes to appear for cross examination that would take place if they had recourse to criminal law and yet, in the absence of such protection as was provided for by the new Bill, they would have no possible redress by any other means.

His action was strongly supported by the Home Government. Both he and Lord Peel agreed that it was all to the good that this particular controversy should have been the occasion for the first exercise of the Viceroy's special powers. Writing to Lord Reading on 3 October 1922 Lord Peel said in reference to the certifying of the Bill, "I think it satisfactory that the exercise of your powers is in a case where the question is one between Indian and Indian".

147. Same to same, ibid., pp. 144-145.

148. Despatch from the Governor-General-in-Council to His Majesty's Secretary of State for India, 12 October 1922, P.P., Commons, 1922 (1) session 2, vol. 3, pp. 56-57.

149. Secretary of State to Governor-General-in-Council, 14 November 1922 (Telegram), ibid., p. 63.

150. Peel to Reading, 3 October 1922, Reading Collection, op. cit., vol. 5, p. 88.
A great outcry followed in the Indian Press and the Legislature. The situation deteriorated further when the
Pioneer published that it was the Liberals who had sought interviews and conferences with the Viceroy and had been refused.
T. Rangachariar immediately wrote to the Viceroy protesting against the false version given in the Pioneer of the meeting
between the Viceroy and representatives of the Assembly.
Though the Home Member (Bailey) gave out that he was fully responsible for proposing the idea of an interview to which
both the Viceroy and leaders of the Assembly - D.P. Sarbadhikari and T. Rangachariar - agreed, the Liberals in the end
came very badly out of the affair.
They were appalled at this open slap on their face. The members, who had expected a further conference with the Viceroy
and some additional concessions, were certainly outmanoeuvred by him. This was their first moral defeat in the Assembly as
it demonstrated to them that the Viceroy's special powers were no mere 'academic device' but were to be exercised in case of need.

151. Amrita Bazar Patrika, 23 and 27 September 1922, Bengalee.
23, 26-27 September 1922, Hindu.
26 September 1922.
152. A Motion for adjournment was moved by T. Rangachariar on
153. Pioneer, 4 October 1922.
154. T. Rangachariar's letter to the Viceroy, 6 October 1922,
G of I, Home Pol., no. 4 (25-40), 1922.
155. Ibid.
The climax of the process came in 1923. When the Assembly met in January two great successive blows followed from Whitehall. The first was the announcement made on 25 January 1923 that a Royal Commission had been appointed to examine the whole question of the position, prospects and grievances of the Indian Civil Service, leaving aside the question of further Indianisation. This opened up anew the wounds of Mr. Lloyd George's 'steel frame' speech. It was generally feared that India would be called upon to meet a Bill for the improved pay and prospects of her European Officers. The second was the Secretary of State's despatch on the Reforms, published early in January 1923, which, in reply to the opinion of the Assembly resolution of September 1921, announced that no immediate political advance seemed expedient or possible. No greater set back to Indian responsibility could have been administered. Sir D.P. Sarbadhikari, along with T. Rangachariar, H.S. Gour and Munshi Iswar Saran, were loud in their denunciation of the Secretary of State's despatch. D.P. Sarbadhikari further pointed out that the British themselves were responsible

156. Royal Commission on the superior services under Viscount Lee of Farham.
158. Ibid., pp. 1581-1600.
for the lack of a suitably educated electorate in India.

Even more formidable from the point of view of the Liberal Party was the dispute which arose between the Legislature and Executive over the enhancement of the salt tax. When the assembly met in January 1903, financial affairs loomed very large.  

The members hoped that Lord Inchcape's Committee would be able to wield the axe of retrenchment that further taxation would be unnecessary. But the steps taken to balance the budget, although including drastic proposals for reduction of expenditure, also took the shape of additional taxation in the form of a doubled salt duty. The majority of the assembly had resolutely set their face against the imposition of the enhanced salt duty; and in 1922 their wishes had prevailed.

At that time Lord Peel, who had already agreed to an uncovered deficit of not more than five crores, when heard of the assembly's action, ordered Reading that he expected certification by the Viceroy of such parts of the Finance Bill as were necessary to meet his views 'concerning the permissible high level of deficit'. But, in spite of such pressure from the Secretary

161. Ibid., pp. 2724, 2731-36.

162. A Committee appointed in 1922 to report on the possibility of retrenchment in all branches in response to the insistent demand made by the non-official members for economy in Central expenditure under the chairmanship of Lord Inchcape.


164. Ibid., pp. 3428-29.

165. Peel to Reading, 30 March 1922, Reading Collection, op. cit., vol. 5, p. 2.
of State to restore the refused taxation, Reading himself had stood firmly against it, considering the general political situation in the country. "There is a serious constitutional question involved", he wrote at that time to Lord Peel, "for it seems to me difficult to understand how a Viceroy can be directed to certify when the conditions precedent to the exercise of his powers must depend upon his views of condition in India ... If you assume that the Secretary of State could direct the Viceroy as to exercise of the discretion vested in him, it would mean that unless the Viceroy is conscientiously of the same opinion as the Secretary of State, he would then and there have to resign". Peel in the end accepted Reading's representation that as a matter of policy certification of the budget would be highly inexpedient. The circumstances of 1923 were very much different from those existing a year before. In March 1923 the possibilities of retrenchment had been fully taken into consideration; the balancing of India's budget was not a measure which could be further delayed without damage to her credit. The most careful and anxious considerations were given to the possibility of finding an alternative to attain the equilibrium. But no alternative

166. Reading to Peel, 20 April 1922, ibid., vol. 5, p. 5.
presented itself to the Government. To the Government the economic arguments advanced by the members of the Assembly against the enhancement of the duty on salt appeared 'to stand on shadowy foundations'. The circumstances of the year were such that the Government thought that the enhanced duty would press very lightly on the poor on account of the decline in the price of food stuffs relative to wages. Reading further pointed out that between October 1921 and December 1922 the price of food grains had fallen by twenty per cent. He, therefore, concluded that increase in the salt tax must have 'an infinitesimal effect'. In the Assembly strong speeches were made by D.P. Sarbadhikari and Jamnadas Dwarkadas and this brought a vigorous counterattack on them from Bailey and Blackett. This time, therefore, when the House refused by fiftynine votes against fortyfour to accept the double salt duty, Reading restored the demand by process of certification. The Finance Bill as recommended by the Governor-General then came up before the Council of State on 23 March and

169. Ibid., pp. 2943-44, 2711. Also Despatch from the Governor-General to Secretary of State, 4 April 1923, P. P., Commons, 1923, vol. 18(74), p. 491.
170. Ibid.
171. Ibid., p. 492.
172. The Viceroy's Communique issued on 29 March, 1923, ibid., p. 483.
174. Ibid., pp. 3734-76.
was passed by a majority of twenty-eight votes against ten. By this decision the Council of State reversed the vote of the Legislative Assembly in respect of the salt duty and fixed it at Rs.2-8-0 as originally proposed by the Government. On 26 March the Assembly once again met to consider the Finance Bill in the form in which it had emerged from the Council of State. The Liberals again reminded the Government that financial and political aspect could not be separated and asked the House to benefit by the past experience and not to pass the tax to which India to a man stood opposed. Indeed the opposition to the enhancement did not proceed from the Indians alone, but was emphatically voiced by certain representatives of the European community, notably Sir Montagu Webb and Mr. D. E. Sassoon who said that the imposition of the salt tax, in the manner in which it was being done in the face of the opposition of the Assembly, was fraught with danger to the successful development of the Reforms. After two hours of heated debate, the motion was put and the assembly again rejected it by fifty-eight votes against forty-seven, with Dwarkadas and Sarbadhikari again 'squaring off against Hailey'. The Viceroy
then certified the salt tax until 31 March 1924 when the matter was again to come up before the Legislature.

In the eye of the Assembly the salt tax, the incidence of which extended to the poorest of the poor was per se distasteful. Besides, as the time for dissolution of the Assembly was near the majority of the members had naturally to consider the question of their own approaching election and they felt that if they consented to it, their position in eyes of their constituents would be ruined for ever. They urged that the imposition of the enhanced duty would place a premium upon the Non-cooperation movement.

Reading's step was, therefore, received with utmost dismay by the majority of the Liberal Party. They found that their solid opposition to the salt tax had been outweighed by purely administrative considerations. In the Legislative Assembly debates in July on the question of amending section 67-B of the Government of India Act to restrict the scope of Viceroy's power of Certification, Sarbadhikari, Sivaswami Aiyar, and N.M. Samarth, and N.M. Joshi voted with the majority in favour of the amendment. As in the debate on the Finance Bill, Hailey and Blackett alienated the Liberals by their

181. Leader, 18 May, 7 June 1923.
182. Bengalee, 3, 7 and 17 April 1923.
unsympathetic speeches. When the Assembly was dissolved at the end of July 1923, the Liberals left the Council with the bitter experience that the 'old autocratic system' still persisted.

That the first Assembly under the Reform Act should have terminated in a rapture of harmony between the Government and the Liberals may fairly be regarded as not unnatural concomitant of the transitional polity, wherein the Central Legislature had voting power but no final responsibility. That the Reforms worked well upto a certain point was the result of the fact that Montagu, as one of the authors of the Reforms, had intended that a generous and Liberal spirit should be infused into the actual working of the Act, though theoretically the Act of 1919 did not propose any important change so far as the Central Government was concerned.

It was Montagu who had emphasised the fact that the changes made by the Act were necessarily and avowedly adapted to a period of transition, that the Act was not intended to set up a final constitution for India and that its successful working would depend in a very large measure upon clear and sympathetic recognition of the fact. "You must govern India", he wrote to Chelmsford, "in all its aspect as a country on its way to self-government and not as a dependency unless all the

184. Ibid., pp. 4494-4500.
185. Leader, 1 June 1923.
work you and I are doing is to be a sham".

He also advised Lord Reading that he should try to bring the Executive and Legislature in some kind of harmony. Montagu understood the difficulties of the Liberals in the Assembly. "A close relationship should be established between the Executive and the Legislature (where the moderates are in a majority)", he wrote. "He is cut off from the Government like an opposition backbencher from the Government in England. A way must be found out by which we can turn them from opposition backbencher to Government backbencher by quiet and informal talk by anything which tends to breakdown an impossible barrier between Executive and Legislature. This barrier is one of the biggest problem at the head quarters of Indian Constitution. In Central Government methods should be explored of associating Legislature with Executive."

Montagu thus wanted that the Government should act in a spirit of accommodation. "I think", Montagu told Reading further, "that the right solution is to force you to get the assent of the legislatures to anything you want to do and then to give you free hand ... We cannot enforce our statutory positions in these days." He was a constant restraining

188. Montagu to Reading, 21 July 1921, Reading Collection, op. cit., vol. 3, p. 144.
influence upon the Government of India all the time he was in power, and the Reforms ran smoothly for sometime. But after Montagu's resignation, since March 1922, the administration of India began to take an increasingly reactionary turn, now supported by the Secretary of State who did not exactly share the spirit and outlook of Montagu. Under such circumstances it was not unnatural that the Viceroy would always fall back upon his special powers to bypass any dispute between the Executive and the Legislature on the successful.