CHAPTER II

THE TRIPLE BOYCOTTS
The non-Co-operation Campaign had two aspects: constructive and destructive. In the pursuance of the former, it was decided to raise a fund of one crore of rupees in the name of Tilak to finance the non-co-operation activities; to enrol a volunteer corps of one crore members, and to distribute twenty lakh spinning-wheels to provide work for the unemployed or underemployed.

In regard to the latter, the Congress mainly suggested the programme of triple boycotts which included the following items:

1. gradual withdrawal of children from schools and colleges owned, aided or controlled by Government, and, in places of such schools and colleges, the establishment of national schools and colleges;

2. withdrawal by candidates of their candidature for election to the Reformed Councils, and refusal on the part of voters to vote for any candidate who may, despite the Congress advice, offer himself for election;

3. gradual boycott of British courts by lawyers and litigants, and the establishment of private arbitration courts (National Panchayats) by their aid for the settlement of private disputes.¹

¹ *Indian National Congress 1920-23*, pp. 7-8.
1. THE BOYCOTT OF GOVERNMENT AND AIDED EDUCATIONAL INSTITUTIONS:

The freedom movement required thousands of enthusiastic young workers; there was no better field for their recruitment than Colleges and Schools. It was the young men who could really understand the movement and work it to success with the fire and zeal of youth.

The Government kept a strong grip over the Indian population through the educational institutions. The non-co-operator wanted to destroy the existing British pattern of educational system and replace it with one more suitable to national needs. While calling upon the students to boycott the Government Colleges and Schools, Mahatma Gandhi remarked, "I feel that the nation's children suffer degradation in the Government Schools. I feel that these schools and colleges are under the influence of a Government that has deliberately robbed the nation of its honour, and therefore the nation must withdraw its children from such schools."¹ Gandhiji's appeal to the finer instincts of the youth of the country to devote themselves to its service and to shun the institutions which had been created and maintained to kill all manliness in them, was responded to with enthusiasm. The student population was caught up by the wave of national

sentiment and in spite of the admonitions of the officials of the Education Department, they joined in the demonstrations and public meetings.²

The Nagpur session of the Congress gave a tremendous fillup to this programme in Madhya Pradesh. After the Congress was over, Mahatma Gandhi toured the Province and explained to the people the decisions taken by the Congress.³ Gandhi had a tremendous influence over the students. As one official historian observes, "wherever, Mr. Gandhi has made his appearance, there for the moment has the ordinary progress of educational work been seriously interrupted. His hold upon the student mentality is great, for they are a class to whom his idealism and frank appeal to the other - regarding emotions prove naturally attractive".⁴ Under the boycott programme of the Congress "hundreds of students left Schools and Colleges in M.P. and joined the Non-Co-operation Movement"⁵: The educational boycott was quite effective in the beginning.⁶

³ Ibid.
The boycott of schools and colleges had got off to an early start at Jabalpur in November 1920, and students from the Hindi region voted in favour of Non-Co-operation at the 'All India College Students Conference' which met at Nagpur on 25 December 1920, under the presidency of Lala Lajpat Rai. The president, in the course of his address, bitterly criticised the existing system of education. The Conference passed, by an overwhelming majority, a resolution supporting the boycott of educational institutions. The resolution ran as follows:

"In view of the nation's call and in consonance with the policy of non-co-operation with the Government, as expressed in the resolution of the Calcutta Congress, this 'All India College Students Conference' after deliberate consideration, whole-heartedly support the immediate and unconditional boycott of Government and Government-aided Colleges and accordingly advises the College students of India to respond to it."

9. The division of votes was as follows:

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<tr>
<th>Province</th>
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<td>Madras</td>
<td>40</td>
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<td>Bombay</td>
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<td>Bengal</td>
<td>33</td>
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<tr>
<td>Central India</td>
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<td>U.P.</td>
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<td>Bihar and Orissa</td>
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<td>Punjab</td>
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<td>Assam</td>
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<td>Andhra</td>
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During January 1921, however, this enthusiasm languished, and nationalist leaders assisted by the nationalist press, conducted a strong campaign to persuade the students to observe the boycott. ¹¹ However, the first report of the boycott was published in the Hitavada, dated 8 January 1921 as follows, "nearly 64 students of the male Normal School, Nagpur, out of a total number of nearly 133 have left the school yesterday at 11 a.m. in accordance with the Non-Co-operation Movement."¹² The credit of this boycott goes to the lieutenants of Gandhiji, (Pt. Sunderlal, Arjun Lal Sethi, and Bhagwandin) who launched the campaign of Non-Co-operation Movement in Nagpur, and persuaded many students to boycott their schools and colleges.¹³

¹¹ Times of India, 28 Dec. 1920, p. 13; NAI, IP, CPB, No. 6, 1921, p. 53; Karamavir (Jabalpur), 29 Jan. 1921.

¹² The Hitavada, 8 Jan. 1921, p. 5; Following the example of Nagpur, the students of surrounding area also withdrew from their schools, Bombay Chronicle, 10 Jan. 1921, p. 9; CPB, Non-Co-operation, p. 5; NAI, Home Pol. April 1921, 43, Deposit, (Printed), CPB, FR-2/ Feb. 1921, p. 19.

¹³ D.E.U. Baker, "Politics in Bilingual Province: The C.P. and Berar, India, 1919–1939", (unpublished Ph.D. Thesis, Australian National University, Canberra, 1969) pp. 62-63. With the result of Gandhi's visit to Chhindwara on 6 Jan. 1921, many students left their schools, Madhya Pradesh Aux. Gandhi, pp. 2, 16; with the result of these efforts in all 14% students left the high schools in Berar. The highest percentage of students leaving high school occurred in Khangaon where 31.7% of students boycotted the school; the next highest was Amraoti with 21.3%, followed by Akola with 10.5%, and Yektmal with 8.4%. The Muslim High School in Amraoti lost 11% of its students. In addition, the Urdu Normal School in Amraoti lost 11.4% of its students, and the Marathi Normal School in the same town 5.6%. Ref.: NAI, Home Pol., April 1921 F-41 (Deposit), CPB, FR-1/Jan. 1921, p. 13; April 1921, F-42, Deposit, CPB FR-2/Jan. 1921, p. 23; April 1923 F-43 Deposit, CPB FR-2/Feb. 1921, pp. 18-19; June 1921, F-12 Deposit CPB FR-1/Feb. 1921, p.17. CPB, Trials, p.8; CPB, NCO, p.5. P. & M.Dept. Confidential letter No. 383-A/1 (1924). 27 Jan. 1925.
meantime, the nationalist paper Karamavir criticized the British bureaucracy and inspired the students to take an active part in the Non-Co-operation Movement. It says, "Every part of India is therefore witnessing the students leaving their slave manufacturing institutions in sweeping numbers and giving a hearty response to the call of their motherland under the guidance of selfless leaders."

Elsewhere, in the same issue, an open letter was published in the name of the C.P. students, from Pt. Makhanlal Chaturvedi who, while passionately appealing to them to withdraw immediately and unconditionally from Government and aided schools, inter-alia stated, "The present system of education has been a curse to the Indian youth, in as much as it takes away from him all ideas of nationality, independence and self-respect. The existing institutions simply serve the purpose of producing slaves with stony hearts not likely to be moved even by catastrophes as in the Punjab. This state of affairs is however hardly destined to continue and the call of the motherland is sure to awaken the students to a sense of duty ... This being the time of life or death for the country they ought to obey their conscience and bid goodbye to the colleges. It is no longer useful to indulge in the sin of study. Students can wait for their studies but the nation cannot brook any delay in attaining independence."14 Mahatma Gandhi also made an earnest appeal to the entire youth

community of India and said, "you are not called upon to withdraw from educational institutions because the system of education is rotten, rotten though it undoubtedly is. You are called upon to suspend your studies, to withdraw from these institutions, because they are under the aegis of this (satanic) Government which you and I want to destroy, if we cannot mend it."

These appeals had an immediate effect on the entire student community in C.P. On 8 February 1921, the Bombay Chronicle reported that "29 students of Government college Jabalpur have withdrawn themselves unconditionally and more are expected to follow suit." At Nagpur, "the first and third year Arts and Science students of Hislop College unanimously decided to withdraw in a body." In those days there was no college in the whole of the Chhattisgarh region. Nearly 50% of the students boycotted the Government schools and the same number of students left the study of English in Chhattisgarh region. From Bilaspur the following students left the schools: (1) Tribhuvan Lal (2) Bhuwan Lal, (3) Murlidhar

Mishra, (4) Banshi Dhar, (5) Laxman Prasad, (6) Pancham Singh, (7) Kapil Deo, (8) Narmada Prasad, (9) Jamuna Prasad Verma, (10) Vidyacharan Verma, (11) Ram Krishna Lal (12) Harvansh, and from Mungeli, Sheo Shankar Sahay, and Ram Lal Vansh. After listening to the fiery speeches of Tapasvi Sunderlal, in February 1921, at Raipur, 53 trainees of Basic Teaching Institute (Raipur) left their institution and joined the Non-Co-operation Movement. In order to check the movement of the boycott of educational institutions, the Inspector of Schools, Berar Division, sent a Circular letter to all the Head Masters of Anglo-Vernacular Schools (Govt. and aided) in which the Head Masters were asked to submit a weekly report of all the Non-Co-operation Movement activities of their schools. This order was strongly criticized by the members of the Central Provinces Legislative Council. In spite of Government's repressive policy, a large number of students boycotted the Matriculation Examination of 1921. The number of examinees was reduced from 5,930 in 1920 to 4,947 in 1921. The programme of educational


19. Ibid., p. 78, Interview with Mahant Laxminarayan Das, on 25 May 1975; E.Raghavendra Rao also encouraged the students of Chhattisgarh to leave their schools in support of NCUI. B.E. Baker, Changing Political Leadership in C.P. and Berar, p. 126.

boycott was quite satisfactory in C.P. and Berar. As per the Government records of Central Provinces, the number of students in colleges was reduced from 1,252 in 1919-1920 to 1,037 in 1920-21, and in secondary schools from 3,50,685 in 1920-21 to 3,33,303 in 1921-22. A.E. Nelson also admitted in the Legislative Council of the Central Provinces that 3,200 students of Anglo-Vernacular schools and 3,000 students of Normal Schools boycotted their studies in response to Non-Co-operation Movement. The Government too, finally admitted that "In all divisions there was a falling off in school attendance which is attributed to ... the non-co-operation movement." 

**Establishment of National Schools and Colleges:**

Alternative arrangement was to be made for the education of those students who had left the schools at the call of Non-co-operative Movement. "In Hindustani C.P., 'National Schools' were established at Jabalpur, Katni, Saugor, Rehli, Khuraj, Damoh, Seoni, Gadarwara, ...


Kareli, Chhindwara, Raipur, and Rajnandgaon. About 600 students were admitted in these schools. About 30 teachers belonging to Government or government-aided schools resigned from their service in Hindi C.P. At Saugor, the National School was started in November 1920. The following were appointed teachers: Pt. Sadashiv Rao Okhade, Pursottam Lal Rohan, Kazi Azizuddin, Gopal Rao Sarvate, Dr. D.S. Wakhaie, Pt. Haridutt Shukla, Ramkrishna Pandey, Upendra Nath Tailang, and Visvanath Rao Pendarkar. The following persons became the Headmasters of this school in succession: Pt. Sadashiv Rao Okhade, Devendranath Mukherji, D.S. Wakhaie and Narmada Prasad Pathak. The resolution passed by the "All India College Students Conference" at Nagpur (Dec. 1920) resulted in the opening of National Institutions in the Province. In January 1921, the three leaders, Pt. Sunder Lal, Arjunlal Sethi, and Bhagwandin, at the initiative of Jamnalal Bajaj, founded a number of National schools and Ashrams in the Marathi C.P. The most important of these institutions

24. NML, A.I.C.C. Papers, F-No. 6, 1922, Report of the Non-co-operation work in Hindustani C.P. during the year 1921, p. 196.

25. Ibid.


27. The Tribune, 29 Dec. 1920, Resolution No. 4 "To open the national institutions for the benefit of non-co-operative students."

were in the Nagpur Division. In Nagpur itself, Bajaj founded and maintained the Tilak Vidyalaya and Asahayoga Ashram, besides an Ashram near Wardha. These institutions educated their students in the Gandhian ethic, while the Ashram in Nagpur also trained students as agitators and volunteers, and the Ashram near Wardha sought to create a Gandhian community in the countryside.\textsuperscript{29} To manage these institutions, Bajaj appointed Sunderlal headmaster of the Vidyalaya, Bhagwandin supervisor of the Nagpur ashram, and a little known Maharashtrian Brahmin, Vinoba Bhave, to lead the ashram at Wardha. At the ashram in Nagpur, Bhagwandin gathered round him a group of young politicians who later drew many newcomers to the Gandhian Congress. Many of these young men were non-co-operating college students like M.J. Kanetkar, E.S. Patwardhan, N.M. Ghatwai, V.S. Dandekar, P.D. Marathe, R.S. Ruiker, and Manchersa Awari, who contributed a lot to the freedom movement.\textsuperscript{30} In the month of February 1921 an Asahayoga Ashram was opened at Jabalpur for the purpose of training students for propaganda work. Almost all the students who left the Government College, Jabalpur, and several of

\textsuperscript{29} CPS, Non-Co-operation, p. 6, NAI, Home Pol. June 1921, 12 Deposit (Print), CPS FR-1/Feb. 1921, p. 173; Hitavada, 2 April 1921, p. 6; S. Narayan, Vinoba: His Life and Work (Bombay, Popular Prakashan, 1970), pp. 53-54.

the Normal School students joined this Ashram. In Chhatisgarh Division, national schools were established at Bilaspur, Durg, Raipur, Rajnandgaon and Dhamtari. At Raipur, the national school was opened on 5 February 1921, mainly through the donations of rupees 10,000 by Seth Gopikishan, Balkishan, Ramkishan and other citizens of Raipur city. Immediately, 240 students took admission in this school. Ramnarayan Tiwari, an advocate of Dhamtari, left the practice of law, and accepted the headmastership of this school. Mahant Laxminarayan Das and Nand Kumar Dani were the convenors of the school. Sheodas Daga was elected the President of the school. At Bilaspur a national school was established at the residence of Badrinath Saw (at present Calcutta Hotel), and Babu Yadunandan Shrivastava was appointed as teacher. Among native states, Rajnandgaon took the lead in Non-co-operation Movement. A national school was opened here with the help of Thakur Pyarelal Singh, Dr. Baldeoprasad Mishra, Thakur Pannalal Singh and Bansi Lal in 1920.

Afterwards national schools were opened at Katni and


34. The Hitavada (Raipur), 12 March 1921, p. 7, 16 April 1921, p. 5.
Bhandara also: the latter was visited by N.K. Kelkar, the then education minister of C.P. and Berar. Two institutions, 'The Hitkarni High School' at Jabalpur and the 'Anglo-Vernacular Middle School' at Mehkar in Berar, joined the national educational movement by refusing Government grants-in-aid. Seeing the wave of national schools, the public of Wardha also requested the representatives of the Wardha Municipality to nationalise all the schools within its jurisdiction. A movement was also started to revive the national school at Amracti which had been closed down some time ago. Likewise, G.R. Trivedi's article "National Education V/S State Education" published in C.P. Weekly News (Chhindwara) also gave much inspiration to the people of Hindi C.P. to start a movement against the government schools. Seeing the large number of national schools, a 'National Examination Board' was appointed by the Congress to conduct the examinations throughout the province. The All India Congress Committee made an enquiry into the

35. Ibid., 17 Sept. 1921, p. 7.
37. NAI, IP, CPB, 1921, p. 159, Rajasthan Kesari, (Wardha), 10 April, 1921.
39. NAI, IP, CPB, 1921, No. 1, p. 4, "C.P. Weekly News" (Chhindwara).
40. NML, A.I.C.C. Papers, F-6/1922.
activities of Non-co-operation Movement in all the
provinces. It shows that there were 17 national schools
in C.P. Hindustani, 28 national schools in C.P. Marathi,
and 20 national schools in Berar. One National College
was also established in Nagpur. Nearly 2,000 students
took admission in these institutions. Almost all the
national institutions of the province were established by
public support, and contributions, and staffed by teachers
who were men with burning patriotism and self-reliance and
who worked cheerfully in spite of financial difficulties.
Commenting on the boycott movement of educational insti-
tutions, Prof. Rushbrook Williams accepted the fact that
"such an organised attack upon the educational structure
of the country caused a great sensation."42

The boycott of schools and colleges resulted in
adding to the ranks of Congress workers some of the more
ardent young men, whose patriotism and enthusiasm greatly
advanced the cause of the motherland.

41. "Report of the Civil Disobedience Enquiry Committee,
appointed by the A.I.C.C. ", 1922, Appendix IV; 16 Anglo
Vernacular Schools and 13 Vernacular National Schools
were founded in Berar region, Baker, Op. Cit. p.92
Indian Statutory Commission, Vol. XIII, Memorandum of
the C.P. Govt. submitted to the ISC. Vol. III,
Memorandum on the Development of the Education in the
C.P. & Berar (London: HASC, 1930), p. 44; notes that
there were 12 Anglo-Vernacular national schools in the
Nagpur circle with 1860 pupils, and 36 Vernacular
National schools, whose students population was not
known.

42. L.P. Rushbrook Williams, India In 1920. (Calcutta,
1921), p. 58.
2. **BOYCOTT OF LEGISLATURES**

One of the items in the non-co-operation programme was the boycott of the Legislative Assemblies and Legislative Councils in the provinces. To Gandhiji, they (councils) were a "death trap". They were not only incapable of leading the country towards Swaraj but tightened the "British hold on India." To others it appeared that the Councils did not serve the interests of the Indian people.

The presence of Indians in the councils did not bring about any change in the policies of the Government. The debates in the Indian Legislative Council on the "Rowlatt Bills" and the "Indemnity Bills" were enough to show the utter uselessness of Indian members in the council. While criticizing the working of these councils, Lala Lajpat Rai remarked: "I have always been of opinion that the presence of Indian members in the Legislative Councils has done more harm to the country than good. Mr. Gokhale co-operated in passing the Press Act; Pandit Madan Mohan Malviya co-operated in passing the Defence of India Act, the Nationalist members co-operated in sanctioning the gift of 100 millions pounds towards the

expenses of the great war. These and other similar
measures have in my opinion done greater harm to the
country than the combined services of the Indian members
of the Legislative Councils for the last twelve years.3

The elections to the Legislative Councils under the
Reforms of 1919 were held in November 1920. The boycott
of elections as already agreed to at the special session
of the Congress at Calcutta, formed an essential feature
of the N.C.O. programme.

This was the first (programme) item of the non-
co-operation programme under which, the people, for the
first time, gave a direct challenge to the Government.
C. Rajagopalachari, while calling upon the people to
boycott the elections to Legislative Councils, gave the
following reasons in support of this item:
1. The Councils could not stop the repetition of the
   Khilafat and Punjab wrongs;
2. they could not stop the use of Indian troops to keep
   other nations in subjugation;
3. they could not stop the use of Indian money in "aiding
   British Imperialism and foreign wars of aggression";

3. Lajpat Rai's letter to the Editor, "Tribune", The
   Tribune, 3 July 1920.
4. the Councils prevented real and immediate Swaraj. They had not the power to "vote for increase of responsibility for full Swaraj";

5. they prevented the "economic freedom of India";

6. they prevented the moral and material uplift of the country;

7. they took away the Indians' right to be a free people.⁴

In response to the call of the Congress, an important meeting was organised at Narsimhpur in 1920 to decide the further course of action. The meeting was attended by Pt. Ravishankar Shukla, E. Reghavendra Rao, Dr. B.S. Moonje, Daulat Singh, Makanlal Chaturvedi, Vishnudutt Shukul and a few other leaders of the province. These leaders decided to boycott the elections to legislatures which were fixed to be held in November 1920.⁵ Likewise, in Nagpur also, the extremist leaders announced boycott of the elections.⁶

In Madhya Pradesh, many prominent Congress leaders either did not stand for elections or withdrew their candidatures. A few sitting members of the councils

⁴ C. Rajagopalachari, "To Vote or not to Vote", Young India, 10 November 1920.
resigned their seats. Pt. Vishnu Dutt Shukul of Sihora resigned from the membership of the Imperial Legislative Council. The move was well supported by the people of C.P. by publicly asking their candidates to withdraw their names. With the influence of the Ali brothers, the Muslim leaders also boycotted the elections in M.P. Likewise in response to the call of Mahatma Gandhi, many Tilakites also withdraw from the contest during the elections to the reformed legislatures. But G.S. Khaparde and his associates disapproved of the scheme of Gandhiji and stood for election. G.S. Khaparde took the main lead to oppose the Gandhian proposal, he observed the position of those who boycotted the legislatures in the following words: "they don't care for non-cooperation ... every one recognizes that it is foolish and suicidal and yet they do not like to dissent publicly from Gandhi's view and programme because Congress, they say, has adopted it." However the opposition of a few Tilakites could not

7. "Statement of Voters" Appendix - D.
10. The Tilakites who stood for election were G.S. Khaparde for the Council of State; and R.M. Deshmukh, D.K. Kane, and J.B. Sane for the Provincial Legislature. All represented electorates in Berar.
11. NAI, Khaparde, Papers, Diary, 28 Sept. 1920 and 29 Sept. 1920; the item was criticised by the "sub committee" appointed by Nagpur P.C.C. in 1922., NML, A.I.C.C. Papers, 1/1922 Pt. one, p. 195.
prevent the success of this move in Marathi C.P. The overwhelming majority of voters in the region abstained from the polls, and in a large number of constituencies only one candidate, generally a loyalist, stood for elections.\textsuperscript{12} The \textit{Amrit Bazar Patrika} gave the following description of election: "...Very few, we believe, expected that the elections would be such a fiasco in most places as they have been. In some places, there have been no candidates at all. In the Central Provinces, ... there were no candidates from seven non-Mohammedan rural constituencies till the date fixed for the election and the Chief Commissioner has been compelled to call for fresh nominations."\textsuperscript{13}

At many places, fresh nominations were called to fill in the vacant seats. Fresh nominations were also called for several non-muslim seats as there were no candidates for them in the first instance.\textsuperscript{14} Therefore the C.P. Government too accepted that "no candidate was nominated for election in seven constituencies, and out of 52 constituencies, 33 were uncontested. Out of 51,457 voters in contested constituencies, 11,566 voters


\textsuperscript{13} Amrit Bazar Patrika, (Calcutta), 3 Dec. 1920.

\textsuperscript{14} RAI, Home Pol. Deposit, F.33 Jan. 1921, Telegram from the Viceroy to the Secretary of State for India, Dated 5 Dec. 1920.
or 22% attended the polls, the poor percentage being due ... to the non-co-operation campaign ... 15 The polling in C.P. was low. It was reported that one of the polling officers became so exasperated when not a single vote was cast during the day that he made the local "patel" perform sit-ups holding his ears with the tips of his fingers in order to humiliate him. 16 Some of the candidates who got elected, in spite of public opposition, faced utter humiliation from the people. 17 V.J. Patel, General Secretary of the Indian National Congress, while delivering a fiery speech at Nagpur on 28 November, 1920 emphasized the fact that "the newly elected members of the Provincial Council were not the people's representatives, he suggested that the electors in each constituency should hold meetings calling upon the members to resign." 18 Even then many who entered the councils invited the ridicule of the people and became intensely unpopular. While commenting

15. Review of the Administration of the Central Provinces and Berar, 1921-1922. Vol. II Pt. III, p. 49 (Nagpur, 1923, Govt. Press); AI, Home Pol. Deposit, F. No. 33, Jan 1921, CPB, FR-2 Nov. 1920; As per the records of Government of Great Britain "Twenty of the 53 elective seats were filled after contest, 33 being uncontested. Only 11,566 out of a total electorate of 1,44,734 voted for candidates to the provincial legislature; 4699 of 24,496 voted for candidates to the Central Legislative Assembly; and 235 of 919 for the Council of State. Return showing the Results of Elections in India (London: HMSO, 1921) pp. 2-3, 22-24; Appendix - E


17. There were 33 unopposed members.

on their pitiable condition. The Gujrati of Bombay wrote: "Mr. (G.S.) Khaparde, who disapproved of the Non co-operation resolution and resolved to stand for election, has now became one of the most unpopular of men in his province where he used to receive enthusiastic ovations as the 'uncrowned King' of the Berars."  

The C.P. Government was of the view that the members elected to the councils were without political influence because more influential leaders abstained from seeking election. The quality of these members was summed up by the Nation, of London in the following words: "There may be highly respectable persons among them, wealthy men, men enjoying decorations but on the whole they are elderly (sic) and timid men who have little driving power, little initiative and no great popular following."

The working of the councils proved this estimate to be correct. Four years later, Sir Frank Sly, the Governor

of C.P. and Berar commented: "At the first election many of the electors, under the influence of the non-cooperation movement, abstained from voting, and members were returned to the Legislative Council who could not claim to be really representative of public opinion, and some of whom were unfit to exercise the responsibilities of their position." 22

The Legislatures were part and parcel of the Executive Government of the country. Through the reformed Legislatures, Government tried to proclaim to the world that the present system of administration in India was based on the popular will. The non-co-operator, by boycotting the legislatures, laid bare the hollowness of the claim. In the two elections, the first and the third after the reforms, scarcely twenty per cent of the voters went to the polls; this proved that the Government ruled the country against the wishes of the people. Sardul Singh Cawashekar rightly opined: "so far the Government had always declared that it represented the masses and that the Nationalist represented nobody. The boycott of the legislatures clearly showed that even amongst the niggardly narrow circle of voters whom Government had enfranchised it could have no backing." 23


3. BOYCOTT OF LAW COURTS:

Another item in the Non-co-operation Movement, was the boycott of law courts. The one basic function of law courts is to mete out justice to the subjects of the State. It is also obligatory on the State that justice should be impartial, inexpensive and speedy. The law courts as they functioned in India under the British Government fell short of these ideals. To Gandhiji, the working of the courts was based on untruth. The system of touts and the presence of perjured witnesses everywhere ready to make money by selling their souls, seemed immoral to him. But that was only one side of the coin. Gandhiji while writing in October 1920, explained that these evils were not the worst features of the courts.¹ His criticism of the law courts was also political. He wrote:

They (courts) are supposed to dispense justice and are therefore called the palladile (sic) of a Nation’s liberty. But when they support the authority of an unrighteous Government they are no longer palladile (sic), of liberty, they are crushing houses to crush a nation’s spirit.²

He further asked a very pertinent question whether a single Englishman ever suffered extreme legal penalties for murders committed in India. In respect of impartial

². Ibid.
justice in cases involving Indians and Englishmen, the courts of law had not a fair record. There was no justice done to Indians when pitted against the members of the ruling race. Commenting on the same topic, Pt. Motilal Nehru wrote:

"During the last 150 years, every Indian who has met with his death at the hands of a European has either had an enlarged spleen or his death has turned out to be the result of a pure accident. There has not been a single case, so far as I am aware, of murder pure and simple." 3

So, it was an open fact that the British courts were not dispensing impartial justice. Therefore it did not seem sensible or proper for a non-co-operator to call the Government unjust in one breath and to beg for justice in the other.

Before the advent of the non-co-operation movement, the political leadership of the country was mainly in the hands of the lawyers. It seems it was they who first conceived the desire for freedom; but their efforts in the cause of the country's political freedom were seldom whole-hearted; it was only by the way that they interested themselves in politics. Their activities in the political sphere helped the lawyers in their profession; hence, apart from patriotic motives, they generally thought it necessary to be known as politicians of some sort. The

non-cooperator did not like leadership of this kind. He made it plain that all true patriots should shun the courts as something evil. Siding with the people on the platform and with the bureaucracy in the courts could not be allowed. Therefore, under the programme of non-co-operation, the lawyers were urged to boycott the law courts. Motilal Nehru also made an earnest appeal to the lawyers in these words:

"...take your courage in both hands and boycott the courts completely regardless of any loss or inconvenience you may have to suffer. What you now look upon as a loss will undoubtedly be the greatest gain of your life. Gain to yourself and to the motherland." 4

These appeals gradually made an impact upon the lawyer community of the Province.

Response by the Lawyers:

The response to the call for boycott of courts by lawyers was not very widespread in C.P. and Berar; but it was also not quite depressing. Some of the best known lawyers of the province left their lucrative practice to join the non-co-operation movement.

In order to give financial assistance to the boycotting lawyers, Seth Jamnalal Bajaj5 of Wardha donated

5. Jamnalal Bajaj also boycotted all his cases which were
one lakh of rupees to the Tilak Swaraj Fund. Later on, this fund was further raised by public donations.

Chhindwara took the lead in the province by inaugurating this move. For the first time in the Province six prominent lawyers of Chhindwara suspended their practice in the law courts. This was followed by several others in the Province. As per the records available, 111 lawyers of C.P. and Berar suspended their practice of law courts during the non-co-operation movement.

**Government's Reaction to This Movement:**

The suspension of practice by the lawyers caused a great sensation in the judicial department. Government adopted repressive measures to check this boycott movement and served notices to the boycotting lawyers of the Province. The legal practitioners were told that active participation in the Non-Co-operation Movement rendered them liable to be dealt with under section 13(F) of the Legal Practitioners Act and that action might be taken.

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7. The lawyers were: Vishwanath Rao Salpokar, Umakant Balvant Ghate, Brij Mohanlal Verma, Shantaram Manjerkar, Vittahal Rao Dhok, V.S. Sharma.

8. On hearing the speeches of Mahatma Gandhi in C.P., many lawyers decided to boycott the law courts.

9. **Appendix No. E.**
against them for similar conduct in future.¹⁰

Likewise the judicial department also adopted ways to check the non-cooperation movement. Two pleaders of Seoni were served with a notice by the District Magistrate to show cause why they should not be reported to the Judicial Commissioner to have their sanads permanently cancelled on account of their joining the Non-co-operation Movement.¹¹

This action was strongly criticised by the press. While criticising the action of the District Magistrate the Udaya (Amraoti) wrote: "our anticipations in the matter have come to be true that the bureaucracy would threaten these pleaders with such an extreme and mean measure for taking part in the political affairs of the country. We should now like to ask Government whether it has tried to stop in India the source of livelihood of those Anglo-Indians who have contributed to the Dyer-Fund which is acknowledged to be harmful to the interests of the Empire".¹² The Maharastra also commented: "... perhaps the Judicial Commissioner expected an apologetic tone on the part of the pleaders, but now disappointed he must have

¹⁰. CPL. Vol. II 1922, p. 530. In reply to a question of Seth Sheolal, MLC, on 13 Sept. 1922.
¹¹. CPL. J.P. C 1921, p. 213, The Udaya (Amraoti) 17 May 1921.
¹². Ibid.
felt when he received fearless and straight replies from them." The Hitavada (Nagpur) also strongly criticised the action of the Judicial department. This issue was discussed in the proceedings of the Central Provinces Legislative Council, where the Government could not give satisfactory reasons for issuing such circulars by the judicial department. In spite of Government repression some lawyers whole-heartedly participated in the freedom movement.

Establishment of National Panchayats:

The establishment of Panchayats (Arbitration Courts) was the necessary concomitant of the boycott of courts and was taken up in right earnest.

The Panchayat is an ancient Indian institution which Gandhiji attempted to revive. If the lawyers and litigants were to boycott the law courts, how were the disputes among people to be decided? The Panchayats were to provide for the amicable settlement of the disputes outside and without the assistance of law courts, and, thus, dispense justice without cost. But they did not have any far reaching impact because they had no legal

sanction behind them and, therefore, they had to work not only under unfavourable circumstances, but under a great many disadvantages. 16

At the call for non-co-operation, many lawyers suspended their practice. But afterwards they remained idle for some time, because all of them could not at once become the leaders of the masses. Therefore, some lawyers had no work at all. Gandhiji did not like this situation. So he made an appeal to the lawyers for constructive work in these words: "... In my scheme suspension does not mean stagnation. The lawyers are not to suspend practice and enjoy rest. They will be expected to induce their clients to boycott courts. They will improvise arbitration board in order to settle disputes. A nation, that is bent on forcing justice from an unwilling government has little time for engaging in mutual quarrels." 17 On the guidelines given by Mahatma Gandhi, the A.I.C.C. suggested to all the Provincial Congress Committees to establish "National Panchayats" in order to settle disputes. But it was not well responded to by C.P. and Berar. As per the report of the Hindi P.C.C., "Very little attention was paid in the province towards this item of the programme and so no appreciable progress in this direction could be achieved.


Arbitration courts have been established at Jabulpur, Seoni, Damoh, Raipur, Chhindwara and Balaghat; but only the court at Chhindwara is working with some regularity. Afterwards panchayats were established at Katni and Chanda also. As per the figures available, 34 national Panchayats were established in C.P. and Berar. Many of these panchayats worked satisfactorily.

Results:

The result of this movement was that lawyers as a class were obliged to leave politics at once and consequently, forfeit the privileges of leadership. Those who cared more for their country than for their purse came out of the courts and joined the movement; others — and they formed the majority — were left out of the political field.

The non co-operator was however, successful in lowering the prestige of the courts in the eyes of the public. By offering no defence when prosecuted, the non-co-operator claimed to strike a deadly blow to the reputation for even handed justice of the British Raj. Moreover

21. M.P.D.G. Betul, p. 64 Dinanath Patel was elected the first Sarpanch.
all fear of punishment for the so-called political offences was completely driven out of the hearts of Indians. When one does not defend oneself when attacked, often the strength of the attack is automatically weakened. The courts, no doubt, could send people to prison but the terror of the prison was gone; people often went to jail as one goes to the house of the bride.

The effect of the boycott of law courts can easily be judged from the decline in the number of offences before the courts. As per the official report "the number of offences before the courts fell from 40,597 to 36,408 and of cases found to be true from 31,517 to 29,218 ... It is attributed in part to the advice of the non co-operation party to abstain from seeking police assistance ..."24 As a result of the non co-operation movement, the number of law courts in C.P. Berar was reduced to 110,180 in 1921, in comparison to the 117,245 law courts which existed in 1920.25 Some of the lawyers who suspended their practice during the Non-co-operation movement, later on became prominent leaders of the country. By their untiring efforts they paved the way to freedom.

23. Out of these 20 were established in Marathi C.P., 8 in Hindi C.P. and 6 in Berar; as per the "Report of the Civil Disobedience Enquiry Committee" appointed by the A.I.C.C., 1922, Appendix V and other sources mentioned earlier.


25. **Ibid.**, p. 16.