APPENDIX IV
PROVISIONAL SETTLEMENT

The following statement by the Governor-General-in-Council published in the Gazette of India Extraordinary of 5th March, 1931 gives the conditions on which the civil disobedience movement is to be suspended pending final terms of settlement.

1. Consequent on the conversation that have taken place between his I excellency the Viceroy and Mr. Gandhi, it has been arranged that the civil disobedience movement be discontinued, and that, with the approval of His Majesty's Government, certain action be taken by the Government of India and local Government.

2. As regards constitutional questions, the scope of future discussion is stated, with the assent of His Majesty's Government, to be with the object of considering further the scheme for the constitutional Government of India discussed at the Round Table Conference. Of the scheme there outlined, Federation is an essential part; so also are Indian responsibility and reservations or safeguards in the interests of India, for such matters as, for instance, defence; external affairs; the position of minorities; the financial credit of India, and the discharge of obligations.

3. In pursuance of the statement made by the Prime Minister in his announcement of the 19th of January 1931, steps will be taken for the participation of the representatives of the Congress in the further discussions that are to take place on the scheme of constitutional reform.

4. The settlement relates to activities directly connected with the civil disobedience movement.
5. Civil disobedience will be effective discontinuance of the civil disobedience movement. The effective discontinuance of the civil disobedience movement means the effective discontinuance of all activities in furtherance thereof, by whatever methods pursued and, in particular, the following:

(1) The organized defiance of the provisions of any law.

(2) The movement for the non-payment of land revenue and other legal dues.

(3) The publications of news-sheets in support of the civil disobedience movement.

(4) Attempts of influence civil and military servants or village officials against Government or to persuade them to resign their posts.

6. As regards the boycott of foreign goods, there are two issues involved: firstly, the character of the boycott and secondly, the methods employed in giving effect to it. The position of Government is as follows. They approve of the encouragement of Indian industries as part of the economic and industrial movement designed to improve the material condition of India, and they have no desire to discourage methods of propaganda, persuasion or advertisement pursued with this object in views which do not interfere with the freedom of action of individuals, or are not prejudicial to the maintenance of law and order. But the boycott of non-Indian goods (except of cloth which has been applied to all foreign cloth) has been directed during the civil disobedience movement chiefly, if not exclusively, against British goods, and in regard to these it has been admittedly employed in order to exert pressure for political ends.

It is accepted that a boycott of this character, and organized for this purpose, will not be consistent with the participation of representatives of the congress in a frank and friendly discussion of constitutional questions between
representatives of British India, of the Indian States, and of His Majesty's Government and political parties in England, which the settlement is intended to secure. It is, therefore, agreed that the discontinuance of the civil disobedience movement connotes the definite discontinuance of the employment of the boycott of British commodities as a political weapon and that, in consequence, those who have given up, during a time of political excitement, the sale of purchase of British goods must be left free without any form of restraint to change their attitude if they so desire.

7. In regard to the methods employed in furtherance of the replacement of non-Indian by Indian goods, or against the consumption of intoxicating liquor and drugs, resort will not be had to methods coming within the category of picketing, except within the limits permitted by the ordinary law. Such picketing shall be unaggressive and it shall not involve coercion, intimidation, restraint, hostile demonstration, obstruction to the public, or any offence under the ordinary law. If and when any of these methods is employed in any place, the practice of picketing in that place will be suspended.

8. Mr. Gandhi has drawn the attention of Government to specific allegations against the conduct of the police, and represented the desirability of a public enquiry into them. In present circumstances Government see great difficulty in this course and feel that it must inevitably lead to charges and counter-charges, and so militate against the re-establishment of peace. Having regard to these considerations, Mr. Gandhi agreed not to press the matter.

9. The action that Government will take on the discontinuance of the civil disobedience movement is stated in the following paragraphs.
10. Ordinances promulgated in connection with the civil disobedience movement will be withdrawn. Ordinance No. 1 of 1931 relating to the terrorist movement does not come within the scope of the provision.

11. Notifications declaring associations unlawful under the Criminal Law Amendment Act of 1908 will be withdrawn, provided that the notifications were made in connection with the civil disobedience movement.

The notifications recently issued by the Burma Government under the Criminal Law Amendment Act do not come within the scope of this provision.

12 (i) Pending prosecutions will be withdrawn if they have been filed in connection with the civil disobedience movement and relate to offences which do not involve violence other than technical violence, or incitement to such violence.

(ii) The same principles will apply to proceedings under the security provisions of the Criminal Procedure Code.

(iii) Where a local Government has moved any High Court or has initiated proceedings under the Legal Practitioners Act in regard to the conduct of legal practitioners in connection with the civil disobedience movement, it will make application to the Court concerned for permission to withdraw such proceedings, provided that the alleged conduct of the persons concerned does not relate to violence or incitement to violence.

(iv) Prosecutions, if any, against solders and police involving disobedience of orders will not come within the scope of this provision.

13 (i) Those prisoners will be released who are undergoing imprisonment in connection with the civil disobedience movement for offences which did
not involve violence, other than technical violence, or incitement to such violence.

(ii) If any prisoner who comes within the scope of (i) above has been also sentenced for a jail offence, not involving violence, other than technical violence, or incitement to such violence, the latter sentence also will be remitted, or if a prosecution relating to an offence of this character is pending against such a prisoner, it will be withdrawn.

(iii) Solders and police convicted of offences involving disobedience of orders - in the very few cases that have occurred - will not come within the scope of the amnesty.

14. Fines which have not been realized will be remitted. Where an order for the forfeiture of security has been made under the security provisions of the Criminal Procedure Code, and the security has not been realized, it will be similarly remitted.

Fines which have been realized and securities forfeited and realized under any law will not be returned.

15. Additional police imposed in connection with the civil disobedience movement at the expense of the inhabitants of a particular area will be withdrawn at the discretion of local Governments. Local Governments will not refund any money, not in excess of the actual cost, that has been realized, but they will remit any sum that has not been realized.

16 (a) Movable property, which is not an illegal possession and which has been seized in connection with the civil disobedience movement, under the Ordinances or the provisions of the Criminal Law, will be returned, if it is still in the possession of Government.
(b) Movable property, forfeited or attached in connection with the realization of land revenue or other dues, will be returned, unless the Collector of the District has reason to believe that the defaulter will contumaciously refuse to pay the dues recoverable from him within a reasonable period. In deciding what is a reasonable period, special regard will be paid to cases in which the defaulters, while willing to pay, genuinely require time for the purpose, and if necessary, the revenue will be suspended in accordance with the ordinary principles of land revenue administration.

(c) Compensation will not be given for deterioration.

(d) Where movable property has been sold or otherwise finally disposed of by Government, compensation will not be given and the sale proceeds will not be returned, except in so far as they are in excess of the legal dues for which the property may have been sold.

(e) It will be open to any person to seek any legal remedy he may have on the ground that the attachment or seizure of property was not in accordance with the law.

17 (a) Immovable property of which possession has been taken under Ordinance IX of 1930 will be returned in accordance with the provisions of the Ordinance.

(b) Land and other immovable property in the possession of Government, which has been forfeited or attached in connection with the realization of land revenue or other dues, will be returned unless the Collector of the district has reason to believe that the defaulter will contumaciously refuse to pay the dues recoverable from him within a reasonable period. In deciding what is a reasonable period special regard will be paid to cases in
which the defaulter, while willing to pay, genuinely requires time for the purpose, and if necessary the revenues will be suspended in accordance with the ordinary principles of land revenue administration.

(c) Where immovable property has been sold to third parties, the transaction must be regarded as final, so far as Government are concerned.

NOTE: Mr. Gandhi has represented to Government that according to his information and belief some, at least, of these sales have been unlawful and unjust. Government on the information before them cannot accept this contention.

(d) It will be open to any person to seek any legal remedy he may have on the ground that the seizure or attachment of property was not in accordance with the law.

18. Government believe that there have been very few cases in which the realization of dues has not been made in accordance with the provisions of the law. In order to meet such cases, if any, local Governments will issue instructions to District Officers to have prompt enquiry made into any specific complaint of this nature, and to give redress without delay if illegality is established.

19. Where the posts rendered vacant by the resignations have been permanently filled, Government will not be able to reinstate the late incumbents. Other cases of resignation will be considered on their merits by local Governments who will pursue a liberal policy in regard to the reappointment of Government servants and village officials who apply for reinstatement.

20. Government are unable to condone breaches of the existing law relating to the salt administration, nor are they able, in the present financial conditions of the to tae substantial modifications in trhe Salt Acts.
For the sake however to giving relier to certain of the poorer classes, they are prepared to extended their administrative provisions, on lines already prevailing in certain places, in order to permit local residents in villages, immediately adjoining areas where salt can be collected or made, to collect or make salt for domestic consumption or sale within such villages, but not for sale to, or trading with, individuals living outside them.

21. In the event of Congress failing to give full effect to the obligations of this settlement, Government will take such action as may, in consequence, become necessary for the protection of the public and individuals and the due observance of law and order.

H.W. EMERSON
SECRETARY TO THE GOVERNMENT OF INDIA